

DIGNITY, VOICE, STORY

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I am so grateful to each one of you for joining us here today, to thank the Goldman family for their magnificent generosity to our school and to allow me to reflect a bit on what I have learned and what I hope to learn in my three fields. There is good reason why my daughter, Liz, long ago, identified the law school to be a home for us. Of course, at the time, she spent happy days at the Early Learning Center, with her mom and her uncle in the building and her cousin in her class. We would often go to Room 127 to visit the portrait of her Grandma Ellen, Ellen Ash Peters, there depicted in her role as the 49th chief justice of the Connecticut Supreme Court. We particularly loved the fact that her grandma stood right next to her dear late friend, Alexander Bickel. One night, as we left (the room, she asked, “where is the picture of Grandma Koh?” You would not have envied my trying to survive her withering glare as I remarked that my mom’s and her Grandma Cyvvie’s portraits, er, well, um, had yet to be hung in the Law School. Although Ellen and her husband Phillip Blumberg are out of state and could not join us today, you can understand why I feel so comfortable in this building, where my mother-in-law always has my back.

The Goldman Family's dedication and generosity to the Law School has infinitely deepened this sense of home, and their contributions are tended by our school's warmest and most capable caretakers. The Lillian Goldman Law Library, the true hearth of our community, radiates from the synergy of its world-class collection, and its even more extraordinary staff. In the research-heavy Immigration Legal Services clinic, the YLS librarians have rock star status. Mrs. Goldman's memory has also brought to the school now seventeen years of Goldman Scholars, talented women whose vibrancy enriches every class, every organization, every journal and every clinic here. The Goldmans have been extraordinary friends and supporters to the Deanship and to our last five deans—Guido, Tony, Harold, Kate and Robert, who in turn are supported by a staff whose immense skill is only exceeded by their kindness and virtue. And the benevolence that created this chair and endowed the Sol and Lillian Goldman Family Advocacy for Children and Youth clinic also created a litigation fund to support Law School clinical activities related to Children, Families and the Law, all now administered by our beloved staff at the Jerome N. Frank Legal Services Organization. This fund in its brief life has already hastened the reunification of a number of our asylee clients with their spouses and children. On behalf of so many of us, I thank Jane Goldman and Ben Lewis for these incomparable contributions to making this Law School a home.

The occasion of this lecture has given me a welcome opportunity to reflect on what I have learned and what I still hope to learn in my three fields: representing children, representing refugees, and clinical law teaching. When I entered each field, I stood in awe of visionary and courageous pioneers who had relatively recently gained access to major new fora. These pioneers in each field saw a justice need, staked a claim and broke ground on an essential new building and then wondered—how do we frame the house; what are its essential pillars, foundations, and building blocks? For each field, the fresh question was: now that we were inside the courtroom, the bureaucracy, and the law school – what are the guiding principles for our daily work? How do we develop daily relationships of meaning and service with our clients? How do we integrate our client relationships and our formal and informal advocacy, into a unified whole worthy of our client’s important interests? **What do we choose to teach our students about pursuing justice for and with our clients?**

I have found that seeking daily and concretely to respect the client’s dignity, closely listen to the client’s voice, and understand and communicate our client’s authentic story have been the three guiding stars of the advocacy and teaching I have admired most in my colleagues and students. Let me introduce you to each of these three concepts in the context of one of my fields, noting in particular where these concepts do not align. In reverse order from the posters for this event, I’ll focus in

more depth at first on my primary field, representing children and the concept of story, and then more briefly with asylum advocacy and the concept of voice, and clinical teaching and the concept of dignity. Then I'll reflect a bit about three ongoing related projects I am undertaking which will seek to deepen the daily practices of respecting our clients's dignity, voice and story.

I ended up representing children as a result of my Christian vocation and a seed planted in my last year as a miserable law student. Before my third year, I was much like the Stephen Sondheim character in *Into the Woods*, his musical interweaving six traditional fairy tales with a seventh fable like it; at one chaotic moment, my favorite character cries, "This is ridiculous! What am I doing here! I'm in the wrong story!" An enthusiastic, inspirational professor in her first semester—Martha Minow, also here today —assigned reading packets which merged Supreme Court jurisprudence with excerpts from my favorite children's book, The Phantom Tollbooth, and my soul perked up, as if from a long sleep. Her seminar on Children and the Law, my Los Angeles clerkship, the sermons of William Sloane Coffin, and a devout LA Korean church surfaced a question that I had never been asked at Harvard Law School: not, "**what** kind of law do you want to practice?"(the question I had fumbled at every cocktail party and job interview) but instead "**whom** do you want to practice law for?"

This led me in 1983 to start representing children with the Legal Aid Society-Juvenile Rights Division, where I immediately fell in love with the voices of my clients. One early day, a group of four siblings said to have been brutally and repeatedly hit in their home were due at my office for our first meeting. I dreaded the prospect of interviewing them. In fact, even after they arrived, I dawdled just a bit still not knowing how I would ever broach the difficult issues. Finally, I entered an empty waiting room, looked around concerned and confused until from the bank of adjoining phone booths I heard “Ta da! Ta da! Ta da! Ta da!” as each of the four children emerged, with style. They had apparently improvised a Broadway tap routine during my long lag of coming to get them. Whatever their challenges, these children were not forsaking their childhood, which at that moment looked more like the von Trapp family than whatever I’d been fearing.

My own Legal Aid supervisor, David Waldman, was one of the pioneers, who told me that his first years as a child’s attorney consisted of pounding on the courtroom door to force his way in. David and his colleagues, concurrent with the US Supreme Court’s decision in In re Gault, convinced the courts that the dignity of children’s voices required the assistance of lawyers. But once inside the room the pioneers had a new problem. “What do we do now that we’re here?” Early juvenile delinquency lawyers tried roughly “doing what criminal defense lawyers

do”; so in those cases, we filed motions to suppress and for discovery, demanded Brady material, and took cases to trial.

But, on the civil side, the field of representing children in child protective proceedings had only begun in earnest in 1974 when the Child Abuse and Protection Treatment Act predicated federal funding to a state on its provision of a guardian *ad litem* to every child subject to a neglect proceeding. In these civil cases, the children’s lawyer is a third wheel to the state’s prosecution of parents for unfitness, posing a real question about what the role of a child attorney is. Is the child a party to the cases? Is the lawyer’s job to represent the child’s actual voice or an assessment of her best interests? Could we cross-examine, could we file motions, could we prevent settlement, could we demand trial?

I think we’ve made decent progress answering the questions that haunted the pioneers newly out of breath from getting in the door. These were hard questions prompted by a simple reality: many children’s voices cannot tell enough about their own life to aid the lawyer. In 1996 and three subsequent updates, I published a book called “Representing Children in Child Protective Proceedings” in which I tried to memorialize and build upon how thoughtful child advocates around the country have been representing their clients in the civil settings.

Story is the central focus for my model on representing children. Two stories are critical to each child’s attorney in each case. The first job of the lawyer is to seek to understand, as three-dimensionally and densely

factually as possible, the child's felt, lived story as she experienced it, dubbed "the child-in-context." The lawyer must constantly try to stay true to each child's unique world as the child herself conceives it, as seen through her subjective eyes and to seek each child's perspective, even if the child is an infant, multiply disabled, part of a notorious sibling group or completely uncommunicative. When that child wakes in the morning, whose voice does she listen for? Whom does he crane her neck to see? When the child cannot instruct the lawyer, learning this story requires a lot of investigation and fact-gathering. At the same time, in her advocacy, the child's attorney must craft a second story, one familiar to lawyers: the theory of the case. This narrative is told to decisionmakers, narrating a history which points to your client's preferred legal outcome.

When these stories, the client's lived history and the crafted theory of the case diverge, the lawyer must revolve a bumpy orbit around two distinct gravitational pulls, This can happen when the client's history contains elements unwelcome to the system, for instance, an intense warm connection to an abusing parent, or an income derived from cocaine sales. Nevertheless, when these stories converge, when the child-in-context IS the theory of the case, the child's advocate has the enviable job of arguing from her three-dimensional understanding of this client in support of all big and small decisions in the case. Even on the saddest days of my practice, I have been buoyed when my job was to seek to help each judge,

each social worker, each lawyer, understand THIS child, in all her individuality, complexity, and wonder.

My ideas about the child in context, while accepted by many, are still a subject of important challenges. In fact, when I presented the model in Chicago in 1996 to a group of over 400 lawyers representing children, I began with the simple proposition that a lawyer should meet every one of his child clients—{pause} and was heartily booed. I was later told that the Cook County Public Guardian attorneys at that time had an average caseload of 1000 children each.

Still, to my mind, the two most important challenges originated within these walls and remain a critical part of our teaching in the Sol and Lillian Goldman Family Advocacy for Children and Youth Clinic.

The first came from Joe Goldstein, Soni Goldstein, Al Solnit and Anna Freud whose writings on the best interests of the child still dominate much thinking in my field; I believe that Soni is here today. Believing that the child's biological parents should exclusively play the role of child's legal advocate, until somehow disqualified, they opposed the appointment of lawyers for children **before** the parents had been adjudicated neglected except when the case starts in extreme emergency. For several years in the 90s, Al, Joe and Soni would visit Kathleen Sullivan's and my Advocacy for Parents and Children clinic and roughly every visit would go like this. Al Solnit would immediately appear to nod off while students presented the difficult case of the semester. As we finished, Joe would comment: "This is

exactly why children should rarely have lawyers! You are violating principles of minimum state intervention! You should not be there in this case at all.” Soni would retort, “Joe, these people are not asking us that question. They’re already in the case; they’re in a terrible bind and they’re asking what they should do.” At this point she would elbow Al. Al would pop apparently out of REM sleep, and then say something extraordinarily wise and integrative about our client, the child-in-context and the key values in her life. Soni, as the practicing family lawyer of the group, would close with a dozen constructive ideas, while gently pointing out which of our dilemmas would not exist if lawyers for children only began work after a finding of neglect. So this analysis suggested that the best interests of the child required no representation at all in many parts of many cases, given that even the most thoughtful and careful state intervention is intrusive and may offer the child no good alternative. Leave the child, her family and her story alone.

My late colleague, Kathleen Sullivan, mounted the second challenge. Kathleen argued that for our client’s families, who were often targeted because of race or class, it was an unforgivable intrusion for anyone, even the most well meaning child’s lawyer, to delve into their stories, to ask to collect records, to speak to therapists, to speak to teachers, in order to tell stories that richer, whiter clients would never be forced to tell. She urged us to resist appropriating our clients’ stories, and to consider protecting the privacy of our client’s stories part of our daily work. Declining to tell these

stories, Kathleen often believed, was the lawyer's greater calling. Kathleen's death in 2001 left her rich ruminations on this quandary unfinished, but every day, I wonder if she isn't right. Why should I know, much less disseminate, this level of detail about a family, when this information would never be asked of me or any of the other players in the system?

In deference to these powerful critiques, we in ACY try to ask ourselves daily: "Is the next piece of data something that we need to ask? How are we justified in asking for it? What are the harms of it?" How are we distorting the world by playing the advocacy role before an adjudication of neglect?? Although I have taught the Sol and Lillian Goldman Family Advocacy for Children and Youth Clinic alone since 2001, I often feel that Kathleen, Al, Soni, and Joe remain daily powerful interlocutors for both me and my students. (pause briefly)

Although storytelling is also a critical feature of my second field—representing refugees, I'd like to introduce you briefly to this field, in tandem with the related, but distinct concept of the client's voice. I wandered into this clinic in 1992 to join my kindhearted colleague Carroll Lucht who had been teaching the clinic alone for two years after its founder, our colleague Mary McCarthy, grew ill and later died. We entered the field of asylum representation after the pioneers in the field, who include Deborah Anker and Arthur Helton, fought for an asylum statute generously implementing our international obligations, and then won a

second struggle to have many asylum applications first interviewed by a special corps called Asylum Officers. This long hard fight had begun in 1951 when the United States, a major drafter of the UN Convention on the Status of Refugees, failed to sign it; we became parties at last in 1968 but did not establish asylum by statute until 1980, and passed no regulations implementing the statute until 1990, when the asylum corps was created. So again, we advocates were in the room—but how do we grab and hold the attention and sympathies of an overworked officer with the power to grant our client asylum? And, most importantly, before we get into that room where asylum can be granted, how do we properly prepare to speak for our client? How do we fully comprehend the fears of someone worlds away in experience and culture from our own?

The clear answer to all these questions was to listen carefully to, and then magnify and represent the client's authentic voice. The Yale Immigration Legal Services clinic has been blessed with the resources to do this well: generations of first-rate students, whose talent and diligence is exceeded only by their fervent devotion to their clients welfare; working with native speaking interpreters from dozens of countries (a number of these interpreters recently courtesy of the Goldman Fund) and the world-class resources of the Med School's department of Law and Psychiatry, whose psychiatrists, psychologists and fellows closely collaborate on most of our client work. There's no question that our consistent 95+% asylum grant rate stems directly from our students's deep listening to our client's

voices, as they relate their authentic refugee experience, and then narrating that story in the client's voice through the client's asylum application and affidavits and in a lawyer's voice in briefs and oral arguments.

When our clients recount harrowing maltreatment and a dizzying flight to the United States, we almost always need to engage in interdisciplinary collaboration. We regularly collaborate with Law and Psychiatry's Howard Zonana, Madelon Baranoski, Bandy Lee and their fellows, to understand clearly the effect of trauma on our client's understanding of her life experience. Their close listening regularly helps us place her account of fear and persecution in the larger, more important context of her entire life, her relationships, her family, and her social and religious culture. This collaboration reminds us that what the law offers, refuge, is still ancillary to the larger goal: healing. I remain heartened about the healing potential of asylum representation. Early on, I told my client's psychiatrist that I thought her treatment was key to my client's ability to control her anxiety and testify well. The doctor replied, "well, my client's best cure would be for You to help her get asylum."

One particular refugee voice most consistently and easily wins asylum. This is the voice of Victor Laszlo, the dashing freedom fighting anti-Nazi Czech resistance leader portrayed by Paul Henreid in the 1942 movie, *Casablanca*, which is the first assignment to students in our Immigration Legal Services clinic. (There is no greater thrill for a law professor than to require one's favorite movie as homework.) Victor

Laszlo's charmingly accented, yet grammatically perfect English voices America's paradigmatic refugee narrative: courageous, open speech in his fight against totalitarianism; internment, torture and daring escape in a concentration camp; Nazi torture leaving a visible but still somehow handsome scar on his face; flight with legal papers in the company of his dazzling wife; and no remaining family back home. As my students enter the clinic and meet their new clients, they can quickly assess the challenges to their success roughly by sketching "six degrees of separation" from Victor Laszlo. Our political dissident clients still have far less to prove than our domestic violence clients. Our English speakers fare much easier than those African clients who prefer to speak their tribal languages rather than the Western language that later colonized their country. Indeed, our male clients, whose stories tend like Victor's to trace a clear line moving from a belief, to a statement, to a persecution, and then a flight, tend to be understood more smoothly than our female clients, whose stories circle and spiral with choices and timing constrained by other critical relationships with demands of their own. Our advocacy efforts focus on the divergences from the Laszlo paradigm; where our clients look or sound like Victor, no briefing is necessary.

As our clients' voices ring in the LSO offices and interview rooms, we hear many echoes of Victor Laszlo. "My loved ones' suffering always hurts more than my own." "I'm not finished until my family is out of harm's way." Asylum is not an end but the beginning of another hard yet

often happy journey, as we've watched now hundreds of clients start families, finish schools, become citizens and reunite with their loved ones. Still, we also hear repeatedly that winning asylum is at best a mixed blessing. After my students' & my very first client, an African dissident Christian, prevailed in a late December trial, he walked from our car into his Hartford apartment by the twinkling light of a tiny Christmas tree for one. On this cold dark tired night, we realized that he had "won" the right to be far from the homeland that he loved enough to risk his own safety, exile, and another holiday away from his wife and children. As the clinic continues its third decade, we continue to wonder if our country offers a true second home for people so dedicated to their lost motherlands. We are committed to listening carefully to their voices in the meantime.

(PAUSE)

I entered my third field, clinical teaching, a generation after pioneers including Dan Freed, Steve Wizner, Denny Curtis, and Gary Bellow, had entered the academy. They had broken new ground, and again the question was: how do we lay a foundation; how do we frame the house? Hollywood might dub the problem with clinical teaching "a double fish out of water" problem, which many clinicians experience daily. Almost every week, I walk to the parking lot with my ACY students while one of my colleagues is walking to the office. You look supportive; you smile, even pump a fist, wish us "good luck" or exhort us to "fight the good fight." Perhaps erroneously, I sometimes see on your face another thought: "What

on earth they are going off to do?” Less than 5 minutes later, we arrive at the court in front of the Whalley Avenue jail across from the McDonalds, greeted by friendly marshals and clerks who tease, “Uh-oh, here comes Yale!” On these kind faces are a similar confusion: “What are they doing here, again?” Our clients and their families are even more confused. Who are these Yale law students? Can they possibly help me? Do they really want to? How do I know if I can trust them? A central question of clinical teaching from its inception, was, therefore, how does a profession, largely socially located in one class and, originally, one race and gender, serve clients of different backgrounds, race and life experience?

The core answer to this question has been to work daily with respect for the dignity of our valued clients. How to respect their dignity, and which clients to focus on, are questions that have yielded many answers in clinical teaching, and at Yale. A clinician’s fascination rests not necessarily in the answers we’ve tried, but as Rainer Maria Rilke suggests, in the never-ending richness of the questions we ask continually. We wonder whether a social justice mission was critical to clinical teaching or just ancillary. We wonder if individual or group litigation would make the biggest impact, and then we wonder, “does litigation make sense in a world of settlement, administrative proceedings, and transactions?” We wonder whether supervision should be directive or non-directive. We wonder if we should model good lawyering or, as early as possible, prepare the students to do the work themselves.

Yale's answer has been to try almost everything. Denny, Kathleen, Mary, Carroll, Frank Dineen, Ron Sullivan, Steve Gunn, Jeff Selbin, and I, with our students, chose to focus as a default on exploring these issues through individual client work. Brett Dignam did so too, for prisoners in both state and Complex Federal Litigation. Steve did too, but also taught at some point in the last forty years in all but perhaps two or three of our clinics, over a dozen separate specialties in all. Jay Pottenger has represented individual tenants for thirty years, but also spearheaded our first local Yale area grocery store and low income housing in Branford, and now leads our legislative advocacy efforts, often for children. Jim Silk, this year partnering with Laurel Fletcher, pursues human rights advocacy in partnership with organizations around the world; Dan Esty has explored such partnerships in environmental advocacy as well, and John Simon's students have incorporated many other NGOs. Dan Kahan's Supreme Court Advocacy students take the work to the ultimate appellate level. As another generation, including our own students, joined us, Mike Wishnie's and Muneer Ahmad's community-based media savvy Workers and Immigrants Rights Advocacy Clinic marries individual and group representations in multi-layered strategies in both conventional and unconventional fora. And Bob Solomon— well, he just decided to do it all—over twenty five years representing thousands of individual clients, most recently focusing in the domestic violence realm, while pursuing education adequacy (this semester with James Forman) through ongoing Connecticut litigation, while also, over decades now, envisioning and

implementing extraordinary Community Economic Development work in partnership with the New Haven community. He and his students most recently facilitated the collaboration between Yale, New Haven, the New Haven Board of Education and the Community Foundation of Greater New Haven to create New Haven Promise, a program offering significant financial support to city students who graduate from a New Haven public school and attend college in Connecticut.

I myself remain fascinated with the ways in which lawyers can offer meaningful and trustworthy service to clients who face assaults to their dignity and well-being from all sides. With Sue Bryant of CUNY Law School, this led us in 2000 to articulate five Habits of Cross-Cultural Lawyering, focusing on concrete daily ways in which lawyers can surface assumptions in our practice and lawyer based on facts, not those assumptions. Our most widely used habit, called parallel universe thinking, asks lawyers, multiple times an hour, to pause as they frame facts into a conclusion and instead posit alternative explanations for those same facts beyond their first or second instinct.

I'll give you a classic example in our refugee practice: the mother who left her child behind to flee to the United States. In my early days representing these clients, the thought that somebody on earth would be forced to leave their children left me distracted, horrified, and often, disbelieving. I was almost unable to focus on anything else because of the pain of that single issue, usually not central to her claim. Parallel universe

thinking helped me imagine a world different from my own in which fleeing without one's child might be the best or the least awful choice.

Parallel universe thinking exhibits central dynamics shared by the four other habits. First, nonjudgment is critical to fine lawyering. Nonjudgment calls first, and foremost, for a focus on facts and not conclusion. A term far more regularly used in meditation and yoga than in lawyering, nonjudgment echoes the Sufi mystic poet, Rumi: *Out beyond ideas of rightdoing and wrongdoing, there is a field. I'll meet you there.* What I love most about nonjudgment and parallel universe thinking is the way it reopens us to the client, to our vast lack of knowledge about her world, and to humility and perspective about our relative importance in her life. On a very practical level, it prevents us from lawyering based on a misguided certainty about a reality we do not yet grasp. Without exception, when we have been able to understand of how our client made the decision to leave her children, we have three-dimensionalized our comprehension of our client's choices, voice, and narrative.

A second central dynamic of the Habits, as illustrated by parallel universe thinking, is isomorphic attribution. The cross-cultural lawyer is called to attribute the same meaning to a client's actions or words that the client herself actually intends. I think of leaving my children behind as a mortal blow, but what does my client think? Over the years, some of my clients have determined that fleeing without the kids is their child's safest option; their presence heightens danger to the children, and fleeing

removes it. Some of my clients were not invested parents, or had children who bonded more closely with another relative, perhaps an aunt or grandmother. Some had a single passage to America, which only an adult could travel. Many correctly calculated that fleeing on their own and getting asylum in the US provided the speediest means for the whole family to be safe, permanently. Daily respect for our clients' dignity requires that we seek their meanings and their life values, not our own. Sue's and my hope is that the Habits provide a daily way to improve our ability to do that with each client.

A second fascination led to a book for reflecting on our teaching that I'm just now completing with Mark Weisberg, here with his wife author Susan Olding from Kingston, Ontario. The richness of my teaching and practice, and the constant time and logistical challenges that posed, often led me to barrel through my wonderful life, neither enjoying its richness nor learning its useful lessons. After attending a retreat which Mark led, I joined with Mark to lead two more retreats for University professors seeking to enrich and continually improve their own teaching and learning through a regular reflection practice. We are now finishing "A Teacher's Reflection Book" to put the contents of those retreats and our subsequent thoughts into writing.

Two themes from our reflection are worth noting here. We found again that nonjudgment invited us to experience each teaching moment as a unique one, to marvel anew at the dignity of each new student who

comes before us and each new client seeking our service. In our own reflections, we also concluded that not only crafting, but actually performing messages, is a central job and mode of a teacher. I can lecture my students blue in the face about the professionalism of being organized, but in the end, it is my messy office that shows them what works and what does not. My nonjudgmental, fact-focussed, daily attention to them can support my students's nonjudgmental, fact-focussed, daily attention to their clients. This works both ways, by the way—more times than I will ever be able to count have my students performed for me such a powerful and profound message of respect for their client's dignity that I couldn't help but take my own work to the next level.

Approaching the fourth, and likely final, decade of my career, I do not look back and see a triumphalist story. Yes, the pioneers broke ground, and yes, we have laid a solid foundation and framed a sturdy house. But is it livable for our clients? Where I must answer no, there are three areas of further study that I'd like to undertake: what lies beyond the Habits, more on nonjudgment and more on narrative: let me explore them briefly again lingering longest on the first.

First, Sue and I agree that, looking back on the Habits of Cross-Cultural Lawyering after a decade, two things are clear: the Habits must be expanded and the Habits will never be enough. The Habits must be expanded because lawyers, and clinical teachers, must never cease to challenge themselves to surface assumptions driving our work, to fight our

own bias, and to pull ourselves out of our own perspectives reaching for our client's felt and lived experiences. Since the Habits, we've wondered if we can surface our assumptions by looking at the way we doubt and believe. Recently, we, along with Mark and Muneer, have created practices for the teacher and lawyer to examine her own doubt and belief. Rather than taking one's subjective level of doubting or believing at any given time in a representation as fixed and unchanging, we and our students have learned a great deal from looking at our doubting and believing both as personal trends over time, and as explicit choices we can make throughout a representation. I suggest to my clinic students that, over the course of a representation, at times we must offer our clients the creative support of thoroughgoing belief—entering the narrated world wholeheartedly, without criticism—and at other times offer the critical, refining fire of incisive doubt—simulating the harshest external judges and decisionmakers who may question or deconstruct their claims. Indeed, we must offer this along the entire spectrum from 100% doubt to 100% belief to provide thorough complete advocacy. We can track and balance our own natural defaults towards acceptance or skepticism, and be willing to assume, explicitly and by design, particular postures of expansive belief (for instance, at the beginning of a relationship) or penetrating doubt (for instance, as we prepare our client for cross-examination). When this conscious approach goes against the grain of our own tendencies, it offers another way for lawyers to prevent our own assumptions from dominating our client work.

But no matter how good lawyers can get at countering our own biases and assumptions, the Habits will never be enough. I'm convinced that my clinical teaching must also confront the racism, classism, gender stereotyping and other distortions that persist in all of my fields. Only in recent semesters have I begun to consider with my thoughtful ACY students whether the troubling parallel universe posited by Dorothy Roberts is right: that our child welfare system targets, devalues, disrespects and dismantles the lives of black families in a way eerily continuous with slave jurisprudence, which simply negated the rights of blacks to have families at all. If Roberts is even partially right in even a small number of her claims, no responsible child advocate can practice without taking her analysis seriously, every day.

I do not yet consider enough with my extraordinarily diligent ILS students why Victor Laszlo's voice still reigns supreme, nearly sixty years later. Laszlo's voice has inspired and educated, but as I approach twenty years of asylum representation, I also wonder—has he become a Siren? Are we too often tempted to play ventriloquist? Do we listen clearly enough to our client's full throated voice, or do we only listen for the echoes of Victor's story? In recent years, we have been dogged by a problem Victor never had: our granted asylee clients fighting our own Government over interpretations of which children left behind can be properly brought to the United States. Often my students have to study and interpret foreign adoption laws, while our refugee clients grieve

through months, even years, of the passing childhoods of kids whom they have loved as their own who remain in hiding back home, stranded solely because of the legal form in which their adoption took place.

I worry that Victor Laszlo's voice still irrationally dominates the American understanding of refugees and asylum, and I know that we must look more systemically, again, at race, class and gender stereotyping to identify ongoing problems. Why does Laszlo, a non-Jew, still typify the worthy World War II refugee in an iconic American movie in which the Holocaust is never mentioned? Why must our black women clients still struggle so intensely to get asylum? Is it a coincidence that the newly won "women's asylum claims" related to female genital cutting and domestic violence continue to portray women asylees as victims, in stark contrast to the active strong male Laszlos? And why are the clients being denied the right to bring their adopted children also black, poor, and so often female? Asylum advocacy has erected an admirable house, but is it still livable only to those who look most like an America long past or an America only imagined and never real? Is the house still fronted by what one set of historians termed our "half-open" door, guarded by a real but "calculated kindness"?

And as clinical teachers, and poverty lawyers, we have not yet found enough constructive ways to discuss race and class in our classrooms. I myself don't know enough about how race and class figures in the systems in which I work, so how can I be teaching my students enough about it?

Sue and I are now starting work on a parallel curriculum to the Habits, to educate ourselves and equip our students to convene constructive conversations about race, class and bias. We are starting by considering carefully some of the contributions of Critical Race Theory, beginning with issues that connect closely with the Habits. One is intersectionality, that is, the insight that each person stands at the junction of their many demographics, leaving particularly vulnerable those who, like my black, gay women clients, have been historically discounted and disrespected for multiple reasons. The second is microaggression, subtle daily indignities and slights directed, perhaps intentionally, perhaps unknowingly, at members of historically disrespected groups. Microaggression is insidious: How many times as a student was I, a Boston-born citizen, complimented on “my excellent English”, with its unstated premise, “since you obviously are not from here” {pause} but then how many times as a teacher have I committed precisely the same offense? I remember one recently, but it’s the ones I don’t remember that worry me the most. We hope that we are beginning to understand what stops conversation, and how to convene the more fruitful ones we must have about race and bias, and how to teach our students to do the same.

My second area for further study is to look more closely and think more deeply about nonjudgment. Frankly, I’m astounded at how rich nonjudgment has already been in my work, since I originally encountered the concept in my yoga and meditation practice, designed to be a place

where the stress and pace of my client and teaching work could be left behind. Yet somehow, each day, I discover more and more yoga in my clinical teaching and practice. Practicing nonjudgment increasingly feels like the core of my teaching, supervision and representation. Entering the moment, formerly my mode of taking a break from students and clients, feels now more rightly like my mode of working with them. Witness consciousness, the nonjudging everpresent watcher at the center of each moment, was initially the novel formulation of a central yoga dynamic; its pillars of clear seeing and calm abiding now structure my clinical choices. After re-entering yoga to escape my work life, I now find that yoga, bit by bit, is becoming my work life.

I want to explore the apparent paradoxes of nonjudgment in a judgmental profession, and of calm abiding in a life discontent with injustice and material inequality. Could, for instance, nonjudgment be the answer to a concerning tendency among public interest and public service lawyers: what my friend Alice Dueker calls the attitude of “cooler than thou”? Do we need to spend the time we do in the clinic, in the community, advocating that our route to justice is the best, fastest, most efficient, and therefore coolest and that others are not? In another recent example, I’ve been wondering, what can nonjudgment surface about a longstanding, but surprisingly shallowly explored question every lawyer has faced—“is my client lying to me?” Can nonjudgment help us get beyond the outrage, self-righteous lecturing, and hurt and betrayal to which I have

often defaulted? Can it open up a broad new world of understanding that clients relay inaccurate information for dozens, even hundred of reasons, and almost none of them have anything to do with disrespecting us, deliberately wasting our time, or playing us for fools?

Nonjudgment is often the wise choice. I'll never forget the day I, then a clerk, had to relay to my judge, William P. Gray, news of a stunning, possibly scandalous, revelation hitting close to our chambers. He ruled from the bench with a strong and sure hand, and I expected swift judgment here. "Missy," he said, gravely,--and, yes, he really did call me "Missy"-- "there are so many things that I am called upon in my work to judge; I am happy to let the rest alone." As lawyers and teachers, I often wonder if we should do the same. Must we have an opinion on every issue, or, where our judgment is not sought, can we rest in fact and even ambiguity?

Finally, I yearn to spend time before I retire delving more deeply into story and lessons we can learn from the study of narrative. I think that my child-in-context stories, my theories of the case, my authentic refugee narratives, can be informed by studying story telling. Many thoughtful scholars, including Paul Gewirtz, Peter Brooks, Anthony Amsterdam and Jerome Bruner and most recently, clinician Ann Shalleck of American University, have started to focus on how elements of storytelling can be usefully interwoven with traditional legal skills like interviewing. Next year, Madelon Baranoski and I plan to start an interdisciplinary study of narrative's usefulness in law, psychology and their forensic collaboration.

In our clinical teaching, we can move beyond just getting from our clients a chronology, and use other elements from storytelling—the cast of characters, the steady state before the trouble, the teleology, the multiple settings—to help elicit, understand and then relate our client’s narratives fully. How does storytelling play a part in negotiation, in mediation, in trial work? We can study storytelling in our clients’ home cultures to understand how they structure narrative, and to plan how to move authentically from their preferred narrative form to one effective for an American decisionmaker. We can teach our students to be more critical about stock narratives, with stereotypical characters and happy simplistic endings. I know that I need to resist making unwilling heroes out of my clients, and foisting unwelcome positive judgments and oversimplifications on complicated, constrained choices. I am eager to dive into narrative literature from any and all sources to see what they offer the lawyer striving every day to stay truer and truer to her client’s authentic life experience.

Let me close. For me, the lessons of dignity, voice and story, come down to some clear conclusions. Seek isomorphic attribution, the client’s own meaning. Listen for the true subjective understanding of the other. Seek it interdisciplinarily. Listen, carefully and faithfully. Remember that dignity may require less, not more, story. Wherever possible, tell the story in the client’s voice. Perform your messages. Prefer fact to conclusion. Watch how you doubt and how you believe. Do it daily. Do it with others

you respect and admire. As my kids, Liz and Chris, once pointed out to me, my work is all about home, and means the most to me when I am trying to promote for my clients, my students, and my co-workers the tremendous blessing I have found in this school: a home for my authentic self. To help children at risk of losing their home, to help refugees forced to flee home and find a new one, to offer the law student seeking a vocation in the law a home at this law school at the critical juncture in their young adulthood. For this reason, I lovingly and gratefully dedicate this lecture to my clients and my students, past, present and future, who enliven this home for me every minute of every day.

I remember in particular one immigration client, a Bosnian young woman who in the 90s had been brutally hurt by Serbian military forces. She always appeared at our offices supported by her concerned older brother. On her trial morning, we arrived at the immigration court in Hartford to find that the court ordered interpreter was a Serbian who spoke only Serbo-Croatian, not our client's related, but distinct Bosnian. With heat, the student and I moved to dismiss this interpreter, arguing that our client should not have to testify in the language of her persecutor in order to secure asylum. Our request was granted, our own Bosnian interpreter was used and four grueling hours later, our client was granted asylum. But there's more. As we walked into the local deli across the street for a victory celebration, my client's brother and I saw the dismissed Serbian interpreter sitting alone in a front booth. She told us: "Well, I

came down from Boston. The next train wasn't until late this afternoon and I didn't have any other place to wait." I said something perfunctory and walked by, to the deli counter to order sandwiches for my group. I turned around and saw that the client's brother had brought the Serbian interpreter to join us for lunch. In hushed tones, I hemmed and hawed. "You realize we won't be able to debrief our trial or talk about the case. She actually didn't help us at all. And she's a complete stranger; why do you want to include her now?" He smiled warmly. "The only reason she came to Hartford, far away from her home, was to try and help us," he said. "It wasn't her fault that she spoke the wrong language. She is a part of this day. I don't feel comfortable celebrating without her."

This man, my clients and my students, every day, show me the luminous beauty of the compassionate, welcoming world we are fighting for. These clients and these students help me look to a world where each person's voice, dignity, and story is respected, and a home for each authentic self is assured, and to the extraordinary community which will be created as a result.

From the bottom of my heart, I thank the Goldman Family, Dean Post, this law school, and every one of you for this great privilege to speak about these things that matter so deeply to me.

