SHAPING COMMUNITY PROBLEM SOLVING AROUND COMMUNITY KNOWLEDGE

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In this Commentary, Professor Gerald P. López explores the origins, ambitions, and challenges of the Neighborhood Legal Needs & Resources Project (NLN&RP) and the role of the NLN&RP in the formation, mission, and future of the recently launched Center for Community Problem Solving at New York University. Informed by the "rebellious vision" of lawyering, the NLN&RP employs sophisticated survey methods and street-level contacts to collect, analyze, and distribute neglected knowledge about the problems faced by, and the problem solvers available to, residents of six New York City neighborhoods. Without drawing regularly upon such knowledge, problem solvers of every sort fall short of what they might achieve and what these low-income, of color, and immigrant communities deserve. For all its imperfections, the NLN&RP demonstrates one important way in which those working across public, private, and civic realms can team up with client communities to shape problem solving around community knowledge.

INTRODUCTION

For nearly the past four years, in partnership with the Center for Urban Epidemiologic Studies (CUES), I have led a multidisciplinary team in conducting the Neighborhood Legal Needs and Resources Project (NLN&RP), a sweeping study in English, Spanish, Mandarin, and Cantonese of problems and resources in the New York City communities of Harlem, East Harlem, Chinatown, the Lower East Side, Bushwick, and Bedford-Stuyvesant ("Bed-Stuy"). Relying principally on a sophisticated telephone survey of 2000 residents and comprehen-

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sive research and intensive in-person interviews of more than 1000 public and private service providers, we have the following aims:

Phase One—Information Gathering: Using phone interviews of residents and in-person outreach interviews of service providers, collect comprehensive information about the problems residents face, where they go for help, and how they rate the help they get.

Phase Two—Data Analyses: Analyze the mind-bogglingly rich data residents have collaborated with us to generate.

Phase Three—Information Sharing: Team up with those who live and work in these neighborhoods and with a wide assortment of others to share, put to use, and mobilize around what we have learned.

Phase Four—Distribution of Tool-Kit and Guide: Make available what we learn and how we learned it to those in New York City, across the country, and in international circles interested in studies such as the NLN&RP and its critical role in developing effective problem-solving systems.

As conceived in the summer of 1999, the NLN&RP would serve both philosophical and practical ends. Through our effort to mount and complete its various phases, we hoped to demonstrate the importance of community knowledge to effective community problem solving of all sorts, seen from diverse perspectives—nonlegal, legal, and both. By developing and implementing one of many ambitious yet feasible approaches, we hoped to advance the position that such research—periodic inventories, if you will—forms one central element of democratically ambitious and practicably sensible practice. Finally, with the knowledge generously shared by residents and problem solvers, we hoped to launch a new center: The Center for Community Problem Solving at New York University. The Center for Community Problem Solving (or as some staffers call us, CPS) would be dedicated to working with low-income, of color, and immigrant communities and to implementing, evaluating, and sharing widely the promise and limits of an alternative vision of community problem solving (one I call "rebellious") that has gained some prominence in recent years.

To the surprise of many (including some members of our own team) and against sizeable odds, we have made significant progress on all fronts. In June 2003, we completed the telephone survey of 2000 residents. Already we have learned extraordinary amounts from these interviews. Only now, however, are we moving into Phase Two—systematic analyses of the treasure of information residents have collaborated with us to generate. At the same time, we continue our march to complete the outreach side of Phase One. With concentrated and targeted gap-filling, we shall soon finish in East Harlem

and Harlem. With considerably more remaining to do in the Lower East Side, Chinatown, Bushwick, and Bed-Stuy, we push forward to close in on our goals, combining intense background research and a daily slate of outreach interviews.

Meanwhile, through familiar and experimental means, we shall continue to draw on everyone—from residents to hip-hop artists to ad executives—about how best to share and organize around what we have learned. Already, suggestions range from "survival guides" to "website access" to "accountability summits" to all-encompassing "campaigns." Doubtless the number and nature of proposals will expand considerably as we continue hearing from stakeholders and explore what is imaginable and what is feasible. Ultimately, through an assortment of formats and languages, we shall share the information gathered to inform and galvanize the many constituencies implicated in the quality of problem solving in New York City's low-income, of color, and immigrant communities. And, to complete the first full cycle, we shall later make widely available the NLN&RP plan and instruments, delineate its role in developing effective problem-solving systems, and describe its potential for improving everyday and long-term problem solving.

In Fall 2003, with a generous three-year operational grant from the JEHT Foundation,[1] we officially launched The Center for Community Problem Solving at New York University. In many important respects, of course, the incipient Center has functioned for the past couple of years, developing the NLN&RP and preparing those projects and initiatives made compelling by what we have been learning. Still, the formal launch publicly announced our institutional presence and our desire to pitch in and work with others in the rewarding, complex, and fascinating world of problem solving. We have yet to find the right designer and plan to meet our ambitions for a website through which we can regularly communicate with residents and service providers and everyone with whom we work, and those interested in rebellious practice. Even as we continue to hustle website resources, though, we have commenced projects and initiatives and campaigns propelled by what we have learned and by those with whom we already have begun collaborating, especially through the thousands of contacts we have made through the NLN&RP.

This Commentary reports on and analyzes the Neighborhood Legal Needs & Resources Project. A full-blown exploration could

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[1] "JEHT" is an acronym for the foundation's core values: justice, equality, human dignity, and tolerance. *See* JEHT Foundation, *at* http://www.jehtfoundation.org/about.html.

easily fill a sizeable book. For now, however, I shall provide a stream-lined account. I shall situate the NLN&RP by identifying the key role knowledge plays in our vision of effective problem solving and by sketching the vision of rebellious lawyering that gave rise to the Center for Community Problem Solving and the NLN&RP. After summarizing the Center's mission and projects, I shall describe the NLN&RP itself—its innovative design, its telling history, and its potential for helping to alter and to keep forever fresh the problem-solving aspirations, institutions, and practices central to a better future.

You cannot miss, I admit, the shameless exhortation: I want problem solvers of all sorts across the country and in other countries to recognize the importance and the feasibility of periodic inventories of the sort that the NLN&RP represents. And I really do mean problem solvers of all sorts: residents, business leaders, ministers, funders, scholars, organizers, merchants, government officials, bankers, policymakers, lawyers, health providers. You name the problem solver and they are part of the audience I hope to reach.

Yet I am not trying to sell a pig in a poke. If this account comments upon resourceful planning, implementation, and adaptation, it simultaneously recounts challenges we encountered, opportunities we botched, and setbacks we suffered. Expertise and (at least my own) naïveté blend together in our actual experience and in my analysis. Ultimately, however, our progress reflects most of all the glorious generosity of all those who pitched in to help, an unconditional enthu-siasm for learning again and again how better to do what we are doing, and a marvelous willingness to share what we know and what we do not. Warts and all, this is the story of what has happened with the NLN&RP, why it happened, and what we hope it foreshadows.

I
THE ROLE OF KNOWLEDGE

Knowledge enables change. That's true in every walk of life. And disparities in knowledge reinforce market, democratic, and civic inequalities. That's true between and within hemispheres, countries, regions, neighborhoods, and families. Knowledge may well be "the coin of choice," as one wise friend likes to put it. Like most sages, she tends to exaggerate. Still, everyone from influential social scientists to everyday citizens seems to agree with her at some level and in various ways.

Prize-winning economists, for example, have developed realistic theories and protean models of "information economics." Diverging

radically from orthodox thinking, these theories and models empha-
size how differences in information ("asymmetries") between, for
example, workers and employers, borrowers and lenders, and insured
and insurers pervade all of economics (product, capital, labor mar-
kets); they yield valuable insights about unemployment, recessions,
and depressions and sensible prescriptions about what together gov-
ernments and markets and civil society must do.[2]

Over roughly the same period of time, "knowledge is power"
became a mantra of populist activism. Consumer, feminist, and edu-
cational equity movements, to name only some, regularly invoked the
expression.[3] They appreciated its bumper-sticker quality, to be sure.
But they stressed how access to sophisticated and intelligible informa-
tion could improve—even dramatically improve—individual decision
making, available choices, and the overlapping systems that create and
distribute opportunities.

Indeed, some information economists and some movement activ-
ists converge in making an even more full-bodied claim about the rela-

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[2] For exemplary work central to the development of the economics of information, see
JOSEPH E. STIGLITZ, GLOBALIZATION AND ITS DISCONTENTS (2002) (describing informa-
tion gaps between International Monetary Fund and World Bank officials and people
affected by their policies); JOSEPH E. STIGLITZ & CARL E. WALSH, PRINCIPLES OF
MACROECONOMICS (3rd ed. 2002) (adapting economics textbook to information economy);
JOSEPH E. STIGLITZ, WHITER SOCIALISM? (1994) (arguing that false assumptions about
information led to socialism's failure and similarly plague market systems); George A.
Akerlof, *The Market for "Lemons": Qualitative Uncertainty and the Market Mechanism*, 84
Q.J. ECON. 488 (1970) (presenting detailed econometric analysis of utility loss from asym-
metric information); Michael Spence, *Competitive and Optimal Responses to Signals: An
Analysis of Efficiency and Distribution*, 7 J. ECON. THEORY 296 (1974) (developing eco-
nomic model of market signaling between buyers and sellers with unequal information).

[3] For illustrations of how "knowledge is power" continues to be used today in discus-
sions of consumer rights, see, e.g., William J. Kambas, *A Safety Net in the E-Marketplace:
The Safe Harbor Principles Offer Comprehensive Privacy Protection Without Stopping
Data Flow*, 9 ILSA J. INT'L & COMP. L. 149, 169 (2002) (arguing for strong enforcement of
privacy rights regarding consumer data collection because "knowledge is power"); Thomas
A. Fogarty, *Know Which Way Wind is Blowing on Housing Prices*, CHI. SUN-TIMES, Sept.
21, 2003, at S4 ("[I]n home buying, knowledge is power."). For illustrations of the adage's
use in conversations about female power, see, e.g., Sharon S. Harzenski, *Redefining Vio-
lence: Some Thoughts About Justice, Power, Peace, Respect, and the Fabric of Our Social
Experience*, 9 AM. U. J. GENDER SOC. POL'Y & L. 305, 341–42 (2001); Cassandra West, *An
Encouragement of Riches: Suze Orman Tells Women What It Takes to Build Their Own
Fortunes*, CHI. TRIB., Jan. 16, 2002, § 8, at 3 (discussing Orman's aim to share with women
knowledge of financial portfolios). For illustrations of the saying's use in debates on edu-
cation reform, see, e.g., Sheilah Vance, *Should the Academic Support Professional Look to
Counseling Theory and Practice to Help Students Achieve?*, 69 UMKC L. REV. 499, 531
(2001) ("If 'knowledge is power,' an examination of counseling theory and practice can
enhance the academic support professional as a powerful resource for optimum student
academic achievement."); Linda Perlstein, *Montgomery Officials Woo School Group for
Charter*, WASH. POST, Oct. 27, 2003, at B1 (describing growth of KIPP—Knowledge is
Power Program—which runs 32 schools across country).

tionship of information to social life. Contributing to and drawing upon what we collectively know, they maintain, can even transform the very way we govern ourselves.[4] No longer would our democracy honor more often in the breach than in the observance the claim that decisions reflect the input of everyone—including "ordinary folks" of all races, cultures, genders, and income levels.

A. The State of Knowledge in Low-Income, of Color, and Immigrant Communities

Those who live and work in this nation's low-income, of color, and immigrant communities grasp the importance of knowledge. Those in search of insurance (health, auto, renter, or life), for instance, join community-based organizations in generating and disseminating data about the current menu of possibilities, the impact of discrimination, and efforts to change unacceptable and harmful policies. Victims of domestic violence, to offer another example, work with shelter providers and district superintendents to develop education campaigns targeting junior high school and high school students. And first-generation immigrants seek—and sometimes find—others who will help them find where to learn English and how to make their views heard by members of the national community in which they live and to which they contribute.

Still, I believe that low-income, of color, and immigrant communities suffer, sometimes in the extreme, from scant and inaccessible information. If that claim seems improbable in a world where we are all besieged by news, ads, and public service announcements, consider only obvious examples. Those who live in these neighborhoods know too little about how federal, state, and local governments make budget decisions about economic development and how, if at all, everyday folks like themselves can influence the processes and choices. They know too little about existing occupational and environmental laws, about which institutions, if any, enforce these standards, and about how they might pitch in to help the enforcement effort.

Perhaps more surprisingly, I believe that those who live and work in low-income, of color, and immigrant communities also suffer from

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[4] *See* Shahid Yusuf & Joseph E. Stiglitz, *Development Issues: Settled and Open, in* FRONTIERS OF DEVELOPMENT ECONOMICS: THE FUTURE IN PERSPECTIVE 227, 234 (Gerald M. Meier & Joseph E. Stiglitz eds., 2001) (applying "hard-won" understanding developed via "enlightened theorizing, painstaking analysis, an unsparing interrogation of practical experience, and the perspective of a half-century" to contemporary and future international economic development issues); Andrea Cornwall & John Gaventa, *From Users and Choosers to Makers and Shapers: Repositioning Participation in Social Policy* (Inst. of Dev. Studies, Working Paper No. 127, 2001) (discussing how citizen learning via participatory knowledge generation can help create new space for citizens to shape policy).

inadequate information about what they themselves experience day to day and over time. Some will immediately protest how much these folks already know by virtue of living and working where they do. And I emphatically agree. Indeed, for decades, I have been among those who call attention to how much those who live and work in these communities *do* know. I have been among those who, following the lead of the best cultural ethnographers, track down how this knowledge develops and gets passed along. And I have been among those who insist that we could all learn tremendously if only we regularly drew one another out as part of transforming ourselves into full working partners.

It is not in any way contradictory, however, to insist that those who live and work in these communities possess extraordinary knowledge that we should tap and share, and simultaneously to maintain that the very same people still do not know huge amounts that they would find powerfully helpful. I am talking in particular about organized and to-the-point knowledge they could constructively use in coping day to day and in helping themselves formulate (indeed, sometimes in mobilizing themselves around) views about how offices, organizations, and networks serve them and about how markets, politics, and civic groups define their opportunities and respond to their needs and aspirations.

B. *Reactions to the Current State of Knowledge in Low-Income, of Color, and Immigrant Communities*

Reactions to hearing about the current state of knowledge in low-income, of color, and immigrant communities vary. "We know we need this information, and we try, yet we simply can't afford the money and the time to undertake the sort of inventories and monitoring and evaluations necessary to make a difference." "We may need all this knowledge in some far-off time, but we don't need it right now, certainly not as much as we need to spend all our time and energy on the seemingly endless problems our clients face." "We know enough already to make sensible resource allocations and to intuit what works and what doesn't."

Near one end of the spectrum, some convey just how daunting it feels trying to do first-rate work in very demanding circumstances with too few resources. Near the other end, some signal a sharply defended indifference to how together we might improve our individual and collective impact. In one important way, though, these otherwise disparate reactions may converge: They portray gathering and sharing systematic knowledge as beyond, above, or below "what's

feasible, sensible, and necessary." I keep hearing that I am talking "pie-in-the-sky stuff," "an extravagance," anything but "what's real in the streets."

I am among those who remain unconvinced by even the most worthy of the responses we tend to offer to calls for more systematic study and distribution of community knowledge. And I am among those who worry that we all have managed—however unintentionally—to immunize ourselves from both scrutiny and embarrassment. We can each offer whatever individual explanations we would like. But there is no way around the truth: We have long needed sophisticated and manageable methods for accurately assessing and widely sharing knowledge about problems and problem-solving resources in low-income, of color, and immigrant populations. And collectively somehow we must begin to do something about it.

C.   *Pivotal Principle and Difficult in Reality*

Developing and sharing high-quality information—on a regular basis—is far easier said than done, however. For decades, I've tried with others to develop routines and habits about knowledge that express its principled place in effective problem solving. For example, in San Diego, San Francisco, and Los Angeles, I worked with a variety of organizations and people to gather, share, and learn about the problems faced by, and the problem-solving resources available to, our constituent populations. Most often, we did so with communities defined by geography, racial identity, age, and immigration status. And the information proved muscular in helping us all to work through and implement sensible choices.

Still, we undertook these initiatives too infrequently, and we failed to repeat them at regular intervals. That was true, for instance, of collaborations in which I played a part in gathering detailed information about garment workers in Los Angeles and day laborers in the Bay Area. We did not routinely act on the very lesson our efforts embodied. And our best efforts certainly fell far short of making the production, dissemination, and use of such knowledge an "industry standard" in particular problem-solving interventions, overlapping problem-solving networks, and problem-solving systems.

Others in recent years have undertaken ambitious inventories of legal problems, government and foundation-supported legal services, and public interest law offices. Particularly in response to dramatic government-imposed financial cutbacks and barriers to service, coalitions of public and private actors used the information they developed in making necessary adjustments to offices and services. In the State

of Washington, for example, clusters of communities and institutions gathered, analyzed, and employed such information to propose dramatic reforms to the civil indigent legal delivery system.[5]

Such an effort illustrates the power of healthy inventories and candid assessments. Even in these otherwise splendid instances, however, my interactions with those involved and those who learned of these ambitious accomplishments indicate that too many of them regard the initiatives as one-time efforts ("matters of survival") rather than one of an endless number of periodic inventories critical to self-evaluation and improvement.

II
THE REBELLIOUS VISION

The origins of the Neighborhood Legal Needs & Resources Project and the Center for Community Problem Solving can be traced back to a particular vision of problem solving, of institutions, and of democratic life. I call this vision "rebellious."[6] In defiance of the long-reigning theory of public and private problem solving, this vision embraces human nature as we know it, life as we live it and dream to live it, the belief that all (from the most subordinated to the most privileged) can and should shape how we might better cope and thrive, the burden of combating dominant notions of how we best organize ourselves in private and public spheres, and the challenge of collaborating to improve again and again how we deal with what we face (not just

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[5] For studies of Washington's civil indigent legal delivery system and proposed reforms, see LEGAL AID COMM., WASH. STATE BAR ASS'N, FINAL REPORT TO THE WASHINGTON STATE BAR ASSOCIATION BOARD OF GOVERNORS: CIVIL EQUAL JUSTICE FUNDING (1998), and LEGAL AID COMM., WASH. STATE BAR ASS'N, A REPORT ON THE NEED FOR CIVIL LEGAL SERVICES FOR POOR PERSONS IN THE STATE OF WASHINGTON (1988).

[6] For more of my elaborations on the contrast between the rebellious vision and dominant approach to problem solving, see GERALD P. LÓPEZ, REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE (1992). *See also* Gerald P. López, *An Aversion to Clients: Loving Humanity and Hating Human Beings*, 31 HARV. C.R.-C.L. L. REV. 315 (1996); Gerald P. López, *A Declaration of War by Other Means*, 98 HARV. L. REV. 1667 (1985); Gerald P. López, *Economic Development in the "Murder Capital of the Nation,"* 60 TENN. L. REV. 685 (1993); Gerald P. López, *Foreword: Latinos and Latino Lawyers*, 6 CHICANO L. REV. 1 (1983); Gerald P. López, *The Idea of a Constitution in the Chicano Tradition*, 37 J. LEGAL EDUC. 162 (1987); Gerald P. López, *Lay Lawyering*, 32 UCLA L. REV. 1 (1984); Gerald P. López, *Reconceiving Civil Rights Practice: Seven Weeks in the Life of a Rebellious Collaboration*, 77 GEO. L.J. 1603 (1989); Gerald P. López, *Training Future Lawyers to Work with the Politically and Socially Subordinated: Anti-Generic Legal Education*, 91 W. VA. L. REV. 305 (1989); Gerald P. López, *The Work We Know So Little About*, 42 STAN. L. REV. 1 (1989) [hereinafter López, *The Work We Know So Little About*].

transparently inadequate institutions and practices but even the most
extraordinary innovations).

A.   The Cognitive and Cultural Roots of This Vision

For nearly three decades, I have been among those promoting an
idea of progressive law practice that parallels, meshes with, and, at its
best, serves as one shining example of the rebellious vision of problem
solving.[7] Because I practice, teach, and write about law, I have

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[7] *See supra* note 6. For illustrations of exquisite work by Kim Taylor-Thompson on
progressive law practice in the context of public defender work, see COMTY. JUSTICE INST.,
BRENNAN CTR. FOR JUSTICE, TAKING PUBLIC DEFENSE TO THE STREETS (Raising Voices
Series, 2001), *available at* http://www.brennancenter.org/resources/cji/cji.pdf; Kim Taylor-
Thompson, *Effective Assistance: Reconceiving the Role of the Chief Public Defender*, 2 J.
INST. STUD. LEG. ETHICS 199 (1999); Kim Taylor-Thompson, *Empty Votes in Jury Delibera-
tions*, 113 HARV. L. REV. 1261 (2000); Kim Taylor-Thompson, *Individual Actor v. Institu-
tional Player: Alternating Visions of the Public Defender*, 84 GEO. L.J. 2419 (1996); Kim
Taylor-Thompson, *The Politics of Common Ground*, 111 HARV. L. REV. 1306 (1998)
(reviewing RANDALL KENNEDY, RACE, CRIME, AND THE LAW (1997)); Kim Taylor-
Thompson, *States of Mind/States of Development*, 14 STAN. L. & POL'Y REV. 143 (2003);
Kim Taylor-Thompson, *Tuning Up Gideon's Trumpet*, 71 FORDHAM L. REV. 1461 (2003).
For equally exquisite work by Lucie E. White on progressive law practice in the context of
social changes practice, see Lucie E. White, *"Democracy" in Development Practice: Essays
on a Fugitive Theme*, 64 TENN. L. REV. 1073 (1997); Lucie E. White, *Mobilization on the
Margins of the Lawsuit: Making Space for Clients to Speak*, 16 N.Y.U. REV. L. & SOC.
CHANGE 535 (1988); Lucie E. White, *Paradox, Piece-Work, and Patience*, 43 HASTINGS L.J.
853 (1992); Lucie E. White, *The Power Beyond Borders*, 70 MISS. L.J. 865 (2001); Lucie E.
White, *Representing "The Real Deal,"* 45 U. MIAMI L. REV. 271 (1990–91); Lucie E. White,
*Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs.
G.*, 38 BUFF. L. REV. 1 (1990); Lucie E. White, *To Learn and Teach: Lessons from
Driefontein on Lawyering and Power*, 1988 WIS. L. REV. 699 (1988). For an exploration of
certain rebellious themes by the nation's best immigration scholar and lawyer, see BILL
ONG HING, DEFINING AMERICA THROUGH IMMIGRATION POLICY (2003); BILL ONG HING,
MAKING AND REMAKING ASIAN AMERICA THROUGH IMMIGRATION POLICY, 1850–1990
(1993); THE STATE OF ASIAN PACIFIC AMERICA: REFRAMING THE IMMIGRATION DEBATE
(Bill Ong Hing & Ronald Lee eds., 1996); BILL ONG HING, TO BE AN AMERICAN: CUL-
TURAL PLURALISM AND THE RHETORIC OF ASSIMILATION (1997); Bill Ong Hing,
*Answering Challenges of the New Immigrant-Driven Diversity: Considering Integration
Strategies*, 40 BRANDEIS L.J. 861 (2002); Bill Ong Hing, *Beyond the Rhetoric of Assimila-
tion and Cultural Pluralism: Addressing the Tension of Separatism and Conflict in an Immi-
gration-Driven Multiracial Society*, 81 CAL. L. REV. 863 (1993); Bill Ong Hing, *Border
Patrol Abuse: Evaluating Complaint Procedures Available to Victims*, 9 GEO. IMMIGR. L.J.
757 (1995); Bill Ong Hing, *Don't Give Me Your Tired, Your Poor: Conflicted Immigrant
Stories and Welfare Reform*, 33 Harv. C.R.-C.L. L. Rev. 159 (1998); Bill Ong Hing, *Immi-
gration Policies: Messages of Exclusion to African Americans*, 37 HOW. L.J. 237 (1994); Bill
Ong Hing, *In the Interest of Racial Harmony: Revisiting the Lawyer's Duty to Work for the
Common Good*, 47 STAN. L. REV. 901 (1995); Bill Ong Hing, *No Place for Angels: In
Reaction to Kevin Johnson*, 2000 U. ILL. L. REV. 559; Bill Ong Hing, *Nonelectoral Activism
in Asian Pacific American Communities and the Implications for Community Lawyering*, 8
ASIAN PAC. AM. L.J. 246 (2002); Bill Ong Hing, *Raising Personal Identification Issues of
Class, Race, Ethnicity, Gender, Sexual Orientation, Physical Disability, and Age in Law-
yering Courses*, 45 STAN. L. REV. 1807 (1993); Bill Ong Hing, *The Dark Side of Operation
Gatekeeper*, 7 U.C. DAVIS J. INT'L L. & POL'Y 121 (2001); Bill Ong Hing, *The Emma*

focused attention on how lawyers should collaborate—and should be trained to collaborate—with others. But I have made explicit—in some instances, at great length—why this idea of lawyering is only one instance of the vision of problem solving that should matter to everyone (lay and professional, in public and private spheres) interested in solving problems at work and in life.

Instead of focusing principally on the practice of law, I could just as readily, and just as importantly, have concentrated on any institutional order, any specialized practice, or any instance of "ordinary folks" dealing with daily hassles. To be sure, the focus on progressive law practice has served for me and for others as a particularly compelling way of drawing attention to how we work in and with this country's low-income, of color, and immigrant communities and how we work with and in developing nations across the globe. But the rebellious vision prescribes and provokes ever-evolving ways to improve the quality of problem solving within *all* institutions and populations and *across* the critical zones of democratic life (market, politics, civil society). Fastening on our need and capacity to improve—time and again—on what we inevitably together do (poorly or well) is at the heart of the vision I endorse through all my work.

My rebellious vision finds its roots *not* in what specialists do but in what we all do in solving problems. Perceiving that the world we would like varies from the world as it is, we all find ourselves persistently trying to move the world in desired directions. Solving problems can require changing the physical world and overcoming our own limitations. Almost inevitably, though, problem solving entails at some point trying to persuade others to act in ways that will change the world into something closer to what we desire—trying, in other words, to secure cooperation in the midst of unavoidable complexity, difference, and vulnerability. We all carry on in this way when we solve problems—from the most humdrum to the most novel. Lawyers and all other specialists—and the institutions in and through which we all operate (lay and professional, public and private)—do no more.

We can and we should see specialized problem solving as highly stylized (and, yes, at its best, particularly expert). We can and we should see institutions as establishing the arrangements through which

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Lazarus Effect: A Case Study in Philanthropic Revitalization of the Immigrant Rights Community, 15 GEO. IMMIGR. L.J. 47 (2000); Bill Ong Hing, *The Immigrant as Criminal: Punishing Dreamers*, 9 HASTINGS WOMEN'S L.J. 79 (1998); Bill Ong Hing, *Vigilante Racism: The De-Americanization of Immigrant America*, 7 MICH. J. RACE & L. 441 (2002). For an example of wonderfully illuminating work by a new generation of legal scholars exploring central aspects of the rebellious vision, see Ascanio Piomelli, *Appreciating Collaborative Lawyering*, 6 CLINICAL L. REV. 427 (2000).

we collaborate and the conditions in which we collaborate. Through and in these institutionally defined circumstances, we engage in a predictable set of exercises: We provisionally make sense of the world; agree to team up, however tacitly or for limited purposes; deal with our inevitable differences (tiny and huge), without ever entirely vanquishing them; appreciate our inescapable need to engage one another if we're even to cope; and perhaps glimpse the necessity for expanding our collective capacity (drawing on and coordinating an expanding pool of resources) if we're more imaginatively to chart a future where we each and all may thrive. To understand any problem-solving specialty and any set of institutional arrangements, we must grasp what each of us does when trying to help ourselves or others solve a problem. And we must pay particularly close attention to how our utterly human process gets adapted in contrasting environments, and, at times, even disguised in the realms of "experts."[8]

B.   *How We Solve Problems*

Human beings think about social institutions and interactions and see and understand the world through "stocks" of stories, theories, arguments, and the like. We do so out of necessity. Otherwise, we could not possibly process the overwhelmingly vast and vague information in the precious little time we have at any moment to "take the next step" or "make the correct judgment call." Our stocks help us interpret the everyday world: They enable us to choose some mutually intelligible version from among the endless array of possibilities. And, at the same time, our stocks help us make choices: They enable us to identify a menu of possibilities for asserting and responding to our own needs and aspirations and the needs and aspirations of others.

Our stocks of interpretive instruments embody our deepest human, cultural, and political convictions and methods for dealing with the world. Deep as they may reach, these stocks allow us to carry out the routine activities of life without constantly analyzing or questioning our behavior and attitudes. When we face choices in life, stock instruments help us understand and decide, though only provisionally, always with and through others, and never without the risk of distor-

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[8] For a recent contribution on how cognitive notions shape law and law making, co-authored by Jerome Bruner, a founder of the "cognitive" field, and Anthony G. Amsterdam, a founder of the modern clinical legal education movement, see ANTHONY G. AMSTERDAM & JEROME BRUNER, MINDING THE LAW (2000). For a synthesis of the rigorous work Steven L. Winter has produced throughout his career on cognitive and social sciences, see STEVEN L. WINTER, A CLEARING IN THE FOREST: LAW, LIFE, AND MIND (2001).

tion that we cannot discern and may later regret. To solve a problem through the remarkable and inevitable cooperation at the heart of persuasion, we must understand and use our existing and evolving stocks to frame and address what we would like to change.

The same cognitive and cultural processes lie at the heart of every form of specialized problem solving, in every institutional setting, regardless of titles, and across civic, market, and social life. We can perceive these processes through close examination of clients, lawyers, law offices, and the legal system; students, teachers, schools, and school districts; workers, foremen, firms, and CEOs; and congregations, ministers, churches, and church hierarchies. In such close studies, we find specialization, to be sure; these special adaptations themselves deserve careful and continuing research. More remarkably, however, we would find that all diverse specializations stem from and revolve around the basic and yet astounding ways in which all of us deal with and try to solve problems.[9]

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[9] For only a tiny sample of the remarkable interdisciplinary literature that, in the early period of my work on the rebellious vision, helped shape and deepen my theory, see generally GLORIA ANZALDÚA, BORDERLANDS/LA FRONTERA: THE NEW MESTIZA (1987); AUGUSTO BOAL, THEATER OF THE OPPRESSED (Charles A. McBride & Maria-Odilia Leal McBride trans., Theatre Communications Group ed. 1985) (1974); HAROLD CRUSE, THE CRISIS OF THE NEGRO INTELLECTUAL (1967); JOHN DEWEY, LIBERALISM AND SOCIAL ACTION (1935); JOHN DEWEY, THE QUEST FOR CERTAINTY: A STUDY OF THE RELATION OF KNOWLEDGE AND ACTION (1929); MICHEL FOUCAULT, MADNESS & CIVILIZATION: A HISTORY OF INSANITY IN THE AGE OF REASON (Richard Howard trans., Vintage Books ed. 1988) (1961); JOHN GAVENTA, POWER AND POWERLESSNESS: QUIESCENCE AND REBELLION IN AN APPALACHIAN VALLEY (1980); CLIFFORD GEERTZ, *Local Knowledge: Fact and Law in Comparative Perspective, in* LOCAL KNOWLEDGE: FURTHER ESSAYS IN INTERPRETIVE ANTHROPOLOGY 167, 216–17 (1983); THOMAS S. KUHN, THE STRUCTURE OF SCIENTIFIC REVOLUTIONS (1962); KURT LEWIN, A DYNAMIC THEORY OF PERSONALITY (Donald K. Adams & Karl E. Zener trans., 1935); KARL N. LLEWELLYN, THE COMMON LAW TRADITION: DECIDING APPEALS (1960); FRIEDRICH W. NIETZSCHE, THE WILL TO POWER 296–97 (Walter Kaufmann & R.J. Hollingdale trans., Walter Kaufmann ed. 1967) (1901); RICHARD E. NISBETT & LEE ROSS, HUMAN INFERENCE: STRATEGIES AND SHORTCOMINGS OF SOCIAL JUDGMENT (1980); RICHARD RORTY, *Pragmatism, Relativism and Irrationalism, in* CONSEQUENCES OF PRAGMATISM (ESSAYS: 1972–1980) 160 (1982); RENATO ROSALDO, CULTURE AND TRUTH: THE REMAKING OF SOCIAL ANALYSIS (1989); ROGER C. SCHANK & ROBERT P. ABELSON, SCRIPTS, PLANS, GOALS AND UNDERSTANDING (1977); THOMAS C. SCHELLING, THE STRATEGY OF CONFLICT 53–80 (1960); ROBERTO MANGABEIRA UNGER, FALSE NECESSITY: ANTI-NECESSITARIAN SOCIAL THEORY IN THE SERVICE OF RADICAL DEMOCRACY (1987); Richard L. Abel, *A Comparative Theory of Dispute Institutions in Society,* 8 LAW & SOC'Y REV. 217, 225–29 (1973); Gary Bellow, *Turning Solutions into Problems: The Legal Aid Experience,* 34 NLADA BRIEFCASE 106 (1977); William L.F. Felstiner et al., *The Emergence and Transformation of Disputes: Naming, Blaming, Claiming . . .,* 15 LAW & SOC'Y REV. 631, 631–33 (1980–81); Kenneth L. Karst, *Why Equality Matters,* 17 GA. L. REV. 245 (1983); Duncan Kennedy, *Form and Substance in Private Law Adjudication,* 89 HARV. L. REV. 1685 (1976); Marvin Minsky, *A Framework for Representing Knowledge, in* THE PSYCHOLOGY OF COMPUTER VISION 211 (Patrick Henry Winston ed., 1975), *available at* http://web.media.mit.edu/~minsky/papers/Frames/

C. The Reigning Approach and the Rebellious Vision

In modern times, and perhaps over millennia, two visions of how best to approach problem solving compete for our allegiance.

The reigning approach revolves around powerfully familiar models of human and organizational behavior. In these models, experts, who collaborate principally and often exclusively with one another, rule. In framing problems and choices, identifying and implementing worthy strategies, and deciding how much and whose feedback qualifies as necessary for effective monitoring and evaluation, these experts issue top-down directives with which subordinates typically comply in order to be rewarded for doing their job. This approach and those who operate within its sway show too little interest in regularly adapting ends and means to what unfolding events and relationships reveal; too little curiosity about the institutional dynamics through which routines and habits form; and a decided aversion to discovering how well any strategy or the overall approach involves and works for everyone affected by its reign.

The rebellious vision challenges the reigning approach along virtually every dimension. The rebellious vision depends upon networks of co-eminent institutions and individuals. These co-eminent collaborators routinely engage and learn from one another and all other pragmatic practitioners (bottom-up, top-down, and in every which direction at once). They demonstrate a profound commitment to revising time and again provisional goals and methods for achieving them; to endlessly striving and foraging about for how better to realize institutional, network, and individual aspirations; and to vigilantly monitoring and candidly evaluating from diverse perspectives what's working and what's not and what such feedback may reveal about both future possibilities and current practices.

We can detect the rivalry between the reigning approach and the rebellious vision in every realm of life and between and within both institutions and individuals. In recent times, we have begun to talk far more explicitly and somewhat more frequently about these competing ideas. We seem newly aware of the stark contrast such approaches

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frames.html; Hanna Fenichel Pitkin, *The Idea of a Constitution*, 37 J. LEGAL EDUC. 167 (1987); Bernice Johnson Reagon, *Coalition Politics: Turning the Century*, *in* HOME GIRLS: A BLACK FEMINIST ANTHOLOGY 343 (Barbara Smith ed., 1983); Amos Tversky, *Features of Similarity*, 84 PSYCHOL. REV. 327 (1977); Amos Tversky & Daniel Kahneman, *Availability: A Heuristic for Judging Frequency and Probability*, 5 COGNITIVE PSYCHOL. 207 (1973); Duncan Kennedy, Notes of an Oppositionist in Academic Politics (1982) (unpublished manuscript, on file with *New York University Law Review*); Dale Minami, Asian Law Caucus, Experiment in an Alternative (1980) (unpublished manuscript, on file with *New York University Law Review*).

bring to international development, private firms, and public schools—to name only a few examples. Perhaps this consciousness of how the clash plays out signals the ascendance of the rebellious vision, the momentary vulnerability of the reigning approach, or both. In any event, the rivalry is real. Neither the reigning approach nor the rebellious vision is a mere hybrid of the other. And the current conversation about the relative advantages of these two approaches to problem solving likely replays, in contemporary terms, overt debates and veiled struggles as old as human problem solving itself.

From one important perspective, the divide between the rebellious vision and the dominant approach to problem solving can be described as revolving around knowledge: Which institutions and which groups of people do we regard as "expert" sources of valuable knowledge? Which institutions and which groups of people do we believe need to be "in the loop" about information? To what degree and to what ends do our institutional and individual practices actively seek out new and evolving information about what we face and what we do? To what degree and to what ends do our practices—institutional and individual—put to use what we learn? Contrasting answers offered by the rebellious vision and the dominant approach can be discerned in the practices of diverse specialists (including the lawyers and others who serve low-income, of color, and immigrant communities).[10] And they can be detected in the workings of democratic politics, market economies, and civil societies, and in the ideologies

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[10] Many seasoned community-based practices parallel in important respects my own view of the institutional and individual problem solving that operates across democracies, economies, and social life. *See, e.g.,* Asian Pacific American Legal Center of Southern California, *at* http://www.apalc.org (last visited Mar. 1, 2004) (describing law firm that provides Asian and Pacific Islander and other communities with "multi-lingual, culturally sensitive services and legal education"); Equal Justice Initiative of Alabama, *at* http://www.eji.org (last visited Mar. 1, 2004) (listing its projects as providing "legal representation to indigent defendants and prisoners," working "with communities that have been marginalized by poverty and discouraged by unequal treatment," and producing materials for community advocates and policymakers involved in criminal justice reform); Immigrant Legal Resource Center, *at* http://www.ilrc.org/about.html (last visited Nov. 13, 2003) (describing work with immigrants and citizens "to make critical legal assistance and social services accessible to all, regardless of income, and to build a society that values diversity and respects the dignity and rights of all people"); Minami, Lew & Tamaki LLP, *at* http://www.mltsf.com (last visited Mar. 1, 2004) (describing law firm that offers civil and criminal legal services and employs attorneys and staff who are bilingual in Japanese, Cantonese, Mandarin, Russian, and Spanish); New Visions for Public Schools, *at* http://www.newvisions.org/about (last visited Mar. 1, 2004) (detailing New York City education reform organization's collaborations with parents, community leaders, school officials, and others in order to improve quality of public education).

and routines of those who directly shape and comment upon these spheres.[11]

Make no mistake. The rebellious vision is, at once, profoundly down-to-earth and absolutely in pursuit of a world we perhaps can only now prefigure. The problem solving promoted in private and public spheres is ordinary, no-nonsense, practical *and*, simultaneously, novel, enhanced, and seemingly out of reach. Call the vision utopian or mundane. Call it both if you'd like. Labels matter less than an appreciation that rebelliousness originates in and comports with who we are at our mature best and how we might realize a humanity so often stymied by the dominant stock of institutions, ideologies, and routines upon which we all reflexively tend to draw in our everyday lives.

III
LAUNCHING THE CENTER

The new Center reflects—and hopes to exemplify—the rebellious vision of problem solving. What we have learned to date (through my nearly three decades of practice, through years of informal exchanges

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[11] For some examples of recent interdisciplinary scholarship studying these trends, see, for example, FRANK I. MICHELMAN, BRENNAN AND DEMOCRACY (1999) (describing Brennan's judicial activism as model for successful blending of participatory democracy and legal constitutionalism); STEVEN H. SHIFFRIN, DISSENT, INJUSTICE, AND THE MEANINGS OF AMERICA (1999) (contending that dissent, as essential tool for combating injustice and promoting progressive change, must be encouraged by our institutions rather than merely tolerated or even restricted); ROBERTO MANGABEIRA UNGER & CORNEL WEST, THE FUTURE OF AMERICAN PROGRESSIVISM: AN INITIATIVE FOR POLITICAL AND ECONOMIC REFORM (1998) (advocating flexibility in institutional structure as prerequisite to reforms that seek to combat injustice); Susan Helper et al., *Pragmatic Collaborations: Advancing Knowledge While Controlling Opportunism*, 9 INDUS. & CORP. CHANGE 443 (2000) (claiming that collaborative learning explains existence of certain organizational forms that traditional theory of firms would not predict); Frank I. Michelman, *Justification (and Justifiability) of Law in a Contradictory World, in* 28 NOMOS: JUSTIFICATION 71 (J. Roland Pennock & John W. Chapman eds., 1986) (arguing that moral legitimacy of autonomous legal institution is not incompatible with democratic system in which citizens cannot fully separate themselves from public corpus); Cornwall & Gaventa, *supra* note 4 (advocating greater citizen participation in social policy formation); Anne Marie Goetz & John Gaventa, *Bringing Citizen Voice and Client Focus into Service Delivery* (Institute of Development Studies, Working Paper No. 138, 2001) (arguing that citizens must directly influence policy and spending decisions in order to intensify engagement with public service providers); Ricardo Hausmann & Dani Rodrik, *Economic Development as Self-Discovery* (2002) (unpublished manuscript), *at* http://ksghome.harvard.edu/~.drodrik.academic.ksg/selfdisc.pdf (emphasizing key role of self-learning about optimal production activities in development of growing economies); Dani Rodrik et al., *Institutions Rule: The Primacy of Institutions over Geography and Integration in Economic Development* (2002) (unpublished manuscript), *at* http://ksghome.harvard.edu/~.drodrik.academic.ksg/institutionsrule,%205.0.pdf (arguing that quality of institutions is more determinative of income levels than are other factors such as geography and trade).

of information with diverse practitioners all across the country, and through the preparation for and progress made on the NLN&RP) helps shape the projects, initiatives, and campaigns in the Center's initial portfolio of work.

Recognize, please, just how much we regard the Center's initial portfolio as provisional. The information on which we draw obviously remains incomplete. In a fundamental sense, it remains incomplete in that we always expect to be learning how better to solve the problems we work with others to address. The information we rely upon for now remains incomplete, even in a more immediate sense. Remember, we have not yet completed Phase One's outreach interviews of service providers and are only now beginning Phase Two's systematic analyses of quantitative and qualitative data gathered in the telephone survey. And what we shall learn in, say, the next year may well alter current priorities.

Still, what we already have learned through thousands of conversations with those who live and work in New York City is quite extraordinary. Even before initiating the NLN&RP, we had spoken to hundreds of decidedly diverse people and walked the streets and buildings and agency hallways of New York City. And even before entirely completing the information-gathering interviews of service providers and even before "crunching the numbers" for the telephone survey of the NLN&RP, we have been able to examine closely the qualitative information gathered to discern the types of problems that the Center, with others, may address and the manner in which to address them. And through continuing consultations with everyone from residents to government officials to funders, we believe that what we know amply justifies our current agenda.

In years to come, our aim is to have studies like the NLN&RP— periodic inventories—help drive the allocation of resources, the framing of problems, and the implementation of strategies. That day remains, at best, in the future. Already, though, the peculiar importance of the NLN&RP can be discerned in the mission and work portfolio of the new Center. And we stand excited to learn both what we should immediately change and what we can continue to pursue in the ways now imagined. In any event, picture through the following brief description the Center and its work.

A.   The Center's Mission

With vital start-up support from the JEHT Foundation and fellowships from Equal Justice Works and Kirkland & Ellis; remarkable in-kind contributions of national and international specialists, neigh-

borhood folks, university centers and communities, neighborhood residents and service providers; and the wise counsel of trusted friends, we launched in Fall 2003 the Center for Community Problem Solving at New York University. Collaborating with a mind-expanding array of organizations and people, the Center aims to improve the quality of problem solving available through public, private, and civic spheres to low-income, of color, and immigrant communities.

By improving available problem solving (*all* problem solving—nonlegal and legal, in every imaginable combination), the Center aspires with others to enhance the capacity of those who live and work in these communities to satisfy basic needs, shape healthy relationships, and realize lofty aspirations. Together we seek to do so by fundamentally changing—a bit at a time, from the current blend of available resources—the institutional arrangements and practices that define markets, politics, and civic life. Chastened by the humility imposed by decades of experience, we mean nonetheless, through tenacious on-the-ground efforts, to help change both the current conditions and the future possible trajectories of social life.

The Center's very existence responds directly to views and opinions expressed by client populations, service providers, researchers, elected and appointed officials, merchants, business leaders, and policy makers. These constituencies report informally that, across the nation, the most stubborn obstacles to effective problem solving emanate from the all-too-familiar failure of all-too-many public and private problem solvers to embrace client communities as crucial collaborators; to coordinate effectively with one another; to study systematically the effectiveness of a variety of problem-solving approaches and particular interventions; to adapt flexibly to what research reveals about what works and what does not; and to cultivate the willingness to challenge over and over whatever we happen to create, no matter how successful and comfortable the regime.

The Center's various and evolving roles (facilitator, broker, entrepreneur, representative, trainer, researcher, reporter of "best practices," initiator of "demonstration projects") reflect long-term goals around which many of the same constituencies seem to revolve. All involved appear, in my judgment, to crave guidance about how best to tackle peculiarly intransigent, relatively unrecognized, and newly emerging problems; to coordinate diverse stakeholders who are learning regularly to harmonize resources and interests; to devise, administer, and analyze sophisticated quantitative and qualitative research that carefully monitors and honestly assesses the quality of institutional and individual practices; to foster learning constructively

from what works ("best practices") and what does not (misguided or misapplied experiments); to design and manage community-based and globally informed offices, organizations, coalitions, and networks; to provide sophisticated training in locally based and globally informed problem solving; and to shape the market economies, democratic politics, and civil society in ways that accommodate, encourage, and even demand problem solving of the sort envisioned.

B.   The Center's Projects

Propelled by the remarkable willingness of residents and other problem solvers to share experiences and know-how, the following sample of the Center's current projects, initiatives, and campaigns begins to suggest how much the NLN&RP ultimately will reveal and how much communities already have begun to mold the help they most need and to fill the collaborative roles we must play if together we mean to succeed.

1.   The East Harlem Reentry Initiative—Stage One of the Ex-Offender Reentry Project

Drawing on Center staff's and consultants' decades of experience in this field (and on the network of interested parties with whom we have worked), this initiative aims to help ex-offenders and their families deal with a range of economic, health, social, and political problems; to shape reentry policies and practices; and to persuade everyone of the need for better-coordinated reentry services. Teaming up with service providers, research centers, government-funded agencies, and private foundations, we are developing community education programs, cultivating a consortium of reentry service providers and researchers, providing consultation to (and recruiting pro bono advocates to help represent) ex-offenders and their families, and undertaking empirical studies to generate knowledge of effective reentry policies and practices. With future support, we will expand our neighborhood-based efforts and package "replicable models" to inform and improve problem solving available to ex-offenders and their families across New York City and the nation.

2.   The Community Economic Development Project

Through this project, we advance an alternative vision to New York City's current approach to economic development. In stark con-

trast to the reigning method and to recommended improvements,[12] this alternative encompasses the views of low-income, of color, and immigrant populations and entails not just strategies and tactics but institutional arrangements and problem-solving practices central to imaginative and effective solutions. Along with others, the Center is now developing campaigns (community education workshops, guides, public awareness strategies) and networks of problem solvers (interdisciplinary, public, and private) that together, for example, develop policies requiring "community impact reports" for all proposed development projects, target the economic challenges facing ex-offenders and their families, enforce relevant labor and environmental laws in low-wage labor markets, map and improve existing credit and financial services, expand investment in human capital (health, education, job training), and explain the impact and opportunities to shape use of government subsidies.

3. The First Annual Consumer Survey of Legal Problem-Solving Resources

In a world where ambitious consumer reviews are available for seemingly every commercial product, vacation destination, higher educational institution, and big-city restaurant, the Center remains convinced that we should no longer accept—much less facilely justify—not having a Zagat-like guide for problem-solving resources available to low-income, of color, and immigrant communities. Building on the NLN&RP's groundwork and working closely with diverse residents and service providers, the Center is developing, implementing, and disseminating a consumer survey in annually updated, accessible formats (the first-ever of its kind) to allow residents in these communities to share their experiences with and their opinions of those to whom they turn for help. At the same time, we hope to convince all those who help others address legal problems to respond constructively to what such surveys will illuminate about service delivery systems and our own particular practices.

4. The Helping Immigrants Make It in the U.S. Project

The Center has begun focusing on constructively influencing practices and policies about how best to help immigrants and their communities frame and address problems they confront in "making it" in the United States. We aim to investigate whether "civic partici-

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[12] For a recent elaboration of New York City's approach and proposed citywide policy shifts, see JONATHAN BOWLES & JOEL KOTKIN, CTR. FOR AN URBAN FUTURE, ENGINE FAILURE (2003), *available at* http://nycfuture.org/content/reports/report_view.cfm.

pation" and "integration" initiatives can be better conceived, implemented, and studied. And we wonder whether we can perhaps help improve both how immigrants adapt to the United States and how we as a national community adapt to the entrepreneurial energy, citizenship potential, and civic contributions immigrants bring to our common enterprise. On the basis of four years of general background research in New York City (studying available research, attending community forums, speaking with immigrants and service providers), the Center already has initiated working with immigrant families and communities dealing with ex-offender reentry;[13] supporting the fast-growing Mexican population and the neighborhoods where they live and work across the greater metropolitan area; and helping Asian (in particular Chinese) immigrants facing diverse health and economic issues.

5. *The Public Health Project*

This project seeks to help low-income, of color, and immigrant communities better understand health problems, access available care, and shape both service and research across public and private spheres. For the past two years, the Center has collaborated intensely with diverse public health experts (in particular, the Center for Urban Epidemiologic Studies (CUES) and other national specialists) to brainstorm about how best in the future to learn what these communities experience in the healthcare world, to coordinate resources, and to determine the various roles the Center and others might play in changing the current state of affairs. Already we have plans to team up with health experts to conduct strategically targeted, community-based, participant-informed research and to disseminate our findings in accessible formats. Meanwhile, we will work on other initiatives that include responding to the particular healthcare needs of ex-offenders, the fast-growing Mexican population, and Asian (in particular Chinese) immigrants living with HIV/AIDS.

6. *The Problem-Solving Training Institute*

Our Problem-Solving Training Institute focuses attention on and provides training in rebellious practice. Through diverse training caucuses, the Center will expose a variety of public and private problem solvers to crucial dimensions of progressive work: collaboration with client populations and other problem solvers; problem framing; strategies and tactics; personnel and leadership; evaluations of effectiveness and productivity; office, organization and network

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[13] *See supra* Part III.B.1.

design and management; flexible adaptation of institutional arrange-
ments and practices to evidence of what proves effective. Through
these training caucuses, related programs and materials, and quantita-
tive and qualitative research developed by its Training Institute, the
Center hopes to illuminate the challenges faced and the "best prac-
tices" produced by varied practitioners (street service providers,
researchers, policymakers, funders, business organizations, and gov-
ernment agencies) working with low-income, of color, and immigrant
client communities.

C.   The Center's Pragmatic Collaborations with Co-Eminent Practitioners Operating Within Overlapping Networks

In a perpetual search for wise help, the Center draws upon and
coordinates all those who can in any way contribute to dealing with
tough challenges or improving our overall capacity to solve problems.
We reach out to everyone—institutions and individuals that range
across faith-driven and secular motivations, professional and lay
boundaries, management and labor divides—to leverage limited
resources to meet bold programmatic goals. We regard them all as
"co-eminent problem-solving practitioners." And we know these
institutions and individuals all comprise parts of informal and formal
networks of precious information and know-how. We rely upon these
networks for everything from full-blown partnerships to narrowly
targeted troubleshooting.

We do so here in New York City, across our nation, and into
other nations. And we do so out of necessity. We must work with
everyone who might in any way contribute to what low-income, of
color, and immigrant communities need and to what we believe we
should aim to achieve for us all. Through pragmatic collaborations,
information networks, and concrete contributions of every imaginable
sort, the Center leverages otherwise limited resources to define and
meet bold programmatic goals.

Meanwhile, when all goes as it should, others from near and far
regularly turn to us for help. Their requests parallel and reciprocate
our reliance upon them. They turn to us for lessons about our collab-
orations, certainly here in New York City and at times elsewhere. We
make transparent our assumptions and plans, the evolution of closely
monitored and reengineered projects and initiatives and campaigns,
and what rigorous study suggests about the promise and limits of our
various interventions. We provide the equivalent of what others
supply us: access to illuminating knowledge generated by locally
defined and oriented efforts and connected through widespread and

overlapping networks that are dedicated to the advantages of learning from one another. Each of us within these webs enhances our own and one another's problem-solving power.

IV

THE NEIGHBORHOOD LEGAL NEEDS &
RESOURCES PROJECT

As one central element of the rebellious vision, I have insisted that we need sophisticated and manageable methods for assessing both problems faced by and problem-solving resources available to low-income, of color, and immigrant populations. If we are to do our job as well as we should, the diverse public and private organizations, agencies, coalitions, and networks that serve these communities must learn to document and analyze what problems clients face and, simultaneously, what help they may find available to address these problems. And if those who live in these neighborhoods are to be the fully contributing collaborators that the rebellious vision demands, they must learn to participate in such research, study what research reveals, and examine how their own practices should change in light of what works and what does not.

Such collaborative research (designing, implementing, monitoring, analyzing, and adapting to what is learned) is anything but "academic" or "one shot" or a "luxury." These adjectives fill the airwaves whenever people aim to describe these studies as beyond, beneath, or above the problem-solving needs of low-income, of color, and immigrant communities. Together these pejoratives build a wall to defend status quo practices. They keep us at arms distance from learning whether proposals—particularly collaborative explorations with client communities—might well in time redefine for everyone what communities really need and really want.

These adjectives—and the attitudes imprinted on them—reflect and reinforce problem-solving routines and habits we must rid ourselves of if we are to improve fundamentally what we do through our public and private institutions. Research about problems and problem-solving resources—regular inventories, periodic check-ups, full-blown evaluations—must become part of ordinary operating procedure, part of "business as usual," and linked through healthy feedback loops to street delivery of services. This is true no matter the social problem addressed (health, environment, economic development, or criminal justice) and no matter the mix of public and private organizations implicated in overlapping networks of resources.

For years I've encouraged, supported, and participated in collaborative efforts to gather, disseminate, and make wise use of systematic information about client communities and problem-solving resources available to them. Often driven by the energy and resourcefulness of key organizations and people, these efforts yielded significant rewards in improving particular projects and service delivery systems. Meanwhile, I've tracked carefully other such efforts around this country and, to a lesser degree, in other countries. The best of these initiatives—sometimes significant in scope and reasonably well funded—hinted at how we might all conduct such inventories and reinforced for me the importance of making them routine. Still, collectively we have failed to establish as an acknowledged "industry standard" the periodic gathering and updating baseline information about problems faced by and resources available to low-income, of color, and immigrant populations.

Trying to make anything an "industry standard" can be difficult. Aiming to make periodic inventories one such standard among the raucously diverse public and private offices, organizations, coalitions, and networks that work in low-income, of color, and immigrant communities would be at best complex and elusive and at worst perhaps impossible and Pollyanna-ish. Without pretending for a moment to have a worked-out (much less, a demonstrably effective) plan for accomplishing this goal, I drew on experiences, direct and vicarious. And I sought the counsel of those across the country whose capacity to create something out of precious little continues to astound me.

Progressive practices of all sorts (public and private, nonlegal and legal) have responded during the course of our careers to assorted efforts to push rebellious principles and routines (published and unpublished writings, training programs, community rallies and "teach-ins," professional panels and conferences, dissemination of "best practices," and an enhanced inclination to "try things on for size"). These efforts have been both ad hoc and concerted. And responses to these efforts have ranged from the spectacularly successful to the downright disastrous. Still, by any standard, we have made progress, however much it may be partial, fragile, and reversible. And the "method" driving this change, with all its admitted piecemeal and patchy qualities, should not be besmirched, much less ignored.

The drive to establish periodic inventories as an "industry standard" would stand a chance of succeeding, we agreed, only insofar as behavior persuasively signaled the depth and intensity of the conviction. Those of us who believe in inventories would have to continue to speak of inventories as a necessity, to implement them, to share

what worked and what did not, and to contribute regularly to what remains at best a hazily defined marketing campaign. Wherever I happened to be working, I figured I would do my part to contribute to each aspect of the campaign. And as events unfolded, we would evaluate our progress, improve both how we implement and share inventories and how we convince others of their centrality to effective problem solving. We knew no other way.

A.   *New York City Does Need Studies Like the NLN&RP*

Upon arriving at New York University in the beginning of summer 1999, I began rummaging around for any and all studies about New York City, its boroughs, and its neighborhoods. Either I would discover a rich body of information that would teach me and, perhaps, others with whom I would work about my new home and workplace; or I would learn about the relative need for such research as a way of grounding future collaborations in New York City.

With the help of librarians and research assistants, I conducted comprehensive bibliographic searches. We scavenged for published and unpublished manuscripts, qualitative and quantitative mixed studies, polished and rudimentary products. Simultaneously, aided by webs of friends and acquaintances, I communicated with hundreds of residents, street service providers, interdisciplinary researchers, government, nonprofit and for-profit agencies, and philanthropic and government funders. Together, we gathered any and all arguably relevant information, from tidbits to treasure troves. We aimed to learn all that a year might teach, to take stock, and to see what more, if anything, might well be needed to build the inventory of information I regarded as so central.

The year's investigation revealed a great deal to a newcomer. Organizations and individuals responded to my curiosity in notably disparate ways: enthusiastically, warily, indifferently, open-mindedly, jadedly. The leads they passed along—either about organizations and people with whom I should speak or to sources of information they believed answered my questions—turned out to be of uneven quality. Some to whom I had been referred could not fathom why on earth I had been sent their way. Others greeted my questions generously and provided valuable insights. Some recommended sources of information proved valuable as examples of developing relevant data for client and service provider communities. Most purported sources of the information I tracked down turned out not to exist, never to have been completed, or never to have been updated.

Principally, the year's investigation highlighted how little we have captured about how much New Yorkers know about problems and resources in low-income, of color, and immigrant communities. Our knowledge was limited to aging reports, such as a study of the 1988 civil legal needs of the state of New York's indigent population,[14] and a 1994 report on the New York State Bar Association's efforts to address the unmet legal needs of the state's poor.[15] Only very limited and scattered data reported how residents of largely low- and moderate-income New York City neighborhoods perceive their own legal problems, how they use available problem-solving resources, and how they rate the quality of the services they receive. This information was not gathered together, even in unpublished form.[16] And, at least insofar as the year's research revealed, apparently no existing studies described in detail how diverse public and private problem solvers

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[14] COMM. ON L EGAL AID, N.Y. STATE BAR ASS'N, THE NEW YORK LEGAL NEEDS STUDY (1993) [hereinafter N.Y. LEGAL NEEDS STUDY].

[15] PRESIDENT'S COMM. ON ACCESS TO JUSTICE & DEP'T OF PRO BONO AFFAIRS, N.Y. STATE BAR ASS'N, NEW YORK EFFORTS TO ADDRESS THE UNMET LEGAL NEEDS OF THE STATE'S POOR: SEPTEMBER, 1991 TO DECEMBER, 1993 (1994).

[16] Such data have been collected nationally and in several states in a series of related studies. *See, e.g.*, CONSORTIUM ON LEGAL SERVS. AND THE PUB., AM. BAR ASS'N, AGENDA FOR ACCESS: THE AMERICAN PEOPLE AND CIVIL JUSTICE (1996), *available at* http://www.abanet.org/legalservices/publications/home.html [hereinafter AGENDA FOR ACCESS]; CONSORTIUM ON LEGAL SERVS. AND THE PUB., AM. BAR ASS'N, LEGAL NEEDS AND CIVIL JUSTICE: A SURVEY OF AMERICANS (1994) [hereinafter ABA NATIONAL STUDY]; KARL R. LANDIS ET AL., LEGAL NEEDS AMONG LOW-INCOME HOUSEHOLDS IN CONNECTICUT: FINDINGS FROM THE COMPREHENSIVE LEGAL NEEDS STUDY (submitted to Consortium on Legal Servs. and the Public, Am. Bar Ass'n, May 20, 1994) [hereinafter ABA CONNECTICUT STUDY]; KARL R. LANDIS ET AL., LEGAL NEEDS AMONG LOW- AND MODERATE-INCOME HOUSEHOLDS IN FLORIDA: FINDINGS FROM THE COMPREHENSIVE LEGAL NEEDS STUDY (submitted to Consortium on Legal Servs. and the Public, Am. Bar Ass'n, Jan. 9, 1995); KARL R. LANDIS ET AL., LEGAL NEEDS AMONG LOW- AND MODERATE-INCOME HOUSEHOLDS IN GEORGIA (submitted to Consortium on Legal Servs. and the Pub., Am. Bar Ass'n, June 20, 1994) [hereinafter ABA GEORGIA STUDY]; KARL R. LANDIS ET AL., LEGAL NEEDS AMONG LOW-INCOME HOUSEHOLDS IN MASSACHUSETTS: FINDINGS FROM THE COMPREHENSIVE LEGAL NEEDS STUDY (submitted to Consortium on Legal Servs. and the Pub., Am. Bar Ass'n, July 5, 1994) [hereinafter ABA MASSACHUSETTS STUDY]; ROY W. REESE & CAROLYN A. ELDRED, LEGAL NEEDS AMONG LOW-INCOME AND MODERATE-INCOME HOUSEHOLDS: SUMMARY OF FINDINGS FROM THE COMPREHEN-SIVE LEGAL NEEDS STUDY (submitted to Consortium on Legal Servs. and the Pub., Am. Bar Ass'n, Jan. 18, 1994) [hereinafter ABA SUMMARY OF FINDINGS]. Similar data have been elicited about particular problems in particular areas. *See, e.g.*, ROBERT L. BACH, BECOMING AMERICAN, SEEKING JUSTICE: THE IMMIGRANTS' LEGAL NEEDS STUDY (1996) (describing data regarding legal needs of immigrants in major metropolitan areas); SEATTLE WOMEN'S RESOURCE PROJECT, POWERFUL VOICES: KING COUNTY WOMEN TALK ABOUT THEIR NEEDS (1995) (describing data related to women's legal services needs in Seattle); Robert L. Bach, *Building Community Among Diversity: Legal Services for Impoverished Immigrants*, 27 U. MICH. J.L. REFORM 639 (1994) (presenting and interpreting data on legal needs of impoverished immigrants).

perceive how they fit individually and collectively into the networks of service providers available to their targeted client populations.

New York City was not abnormal in failing to study rigorously and distribute widely the problems faced by, and the resources available to, its low-income, of color, and immigrant communities. Nor were the City's many public and private institutions unusual in making resource allocation and service delivery decisions without the help of periodic inventories. Nor were residents in low-income, of color, and immigrant neighborhoods uncommon in not having available to them high-quality and readily accessible information about problems and problem solvers with which to deal with everyday problems and voice views about resources and allocations.

For years, diverse problem solvers from all across the country have casually told me how within their own jurisdictions they routinely operate without baseline information; without the capacity to double-check their assumptions, judgments, and practices; and without fully engaging diverse service providers and residents in formulating policies and practices. Paralleling problem-solving practices in most parts of the country, New York City's public and private institutions and the communities they serve simply continued to operate as if we had not already learned the vital roles high-quality information must play in any effective and honorable delivery system. We were stuck in the community problem-solving equivalent of pre-Copernican days.

A fair number of New Yorkers we contacted in the year's research hungered for the very information we sought. They fully respected the role information can and should play in decisions about systems and in relationships between client communities and diverse specialists. Others seemed indifferent to the absence of such information. Such knowledge was so far removed from their personal and institutional routines and habits that they found our search mildly bemusing and perhaps a waste of time. Still others acknowledged the potential of the particular knowledge I sought for improving effectiveness and even turning various organizations and networks upside-down and inside-out. But they could not even begin to fathom how to gather such information—initially and periodically—without the implausible participation of thousands of people and hundreds of organizations or the equally implausible massive financing.

My own response merged old convictions and fresh necessities. The rebellious vision values equally organic improvisation and synthetic planning. The vision sees the two as intimately related, each informing and improving the other, all in the unending search for how better to solve problems and enhance social life. Indeed, to capture

this synthesis we use such terms as "planned improvisation" in engaging, describing, and critiquing our own work. Developing and updating baseline information would illuminate the mix of planning and improvisation in everyday problem solving.

The failure to cultivate this knowledge undermines our very capacity to plan and to improvise. In the absence of periodic inventories, we often find ourselves deliberating without precisely the knowledge central to framing and evaluating choices we should be considering. And we sometimes find ourselves celebrating "discoveries" that others already have made and even refined—perhaps in the same *barrio*, only two blocks away. Information gaps that could be closed at times turn even our most earnest efforts into caricatures of what we would like them and had supposed them to be.

Gathering, analyzing, and sharing information about the problems and problem-solving resources in New York's low-income, of color, and immigrant communities was for me as much a no-nonsense must as an expression of rebellious principles. How else—at least in the short-run—could I productively collaborate with others in the community, in the classroom, and in writing about progressive work? Compared to so many others, I knew little. That's not because I hadn't studied New York. Even before making New York my home, I had read a great deal of published and unpublished literature about its many histories, institutions, and communities. And over three decades I had developed relationships with a range of people (street activists, researchers, and business leaders) who generously shared with me what they perceived.

But I lacked precisely the hands-on experience with New York's neighborhoods, agencies, organizations, and networks—the sources of the extraordinary local practical knowledge—that I regard as central to community work, teaching, and writing and that had served me so well in past circumstances. And I believed—again from past experiences—that New York City's communities and the problem solvers with whom they work would, at least at their best, together illuminate what they faced and how effectively to address short- and long-term problems.

To help fill the void we had discovered, I committed myself and the then embryonic Center for Community Problem Solving to undertake the Neighborhood Legal Needs and Resources Project (NLN&RP). I did not know how exactly we would shape the research, how precisely we would pay for the endeavor, and how plausibly we could convince thousands of New Yorkers to share their extraordinary and untapped knowledge. But years of training and experience—and, most importantly, a vast network of knowledgeable

practitioners and scholars on whom I could rely for guidance, talented students from my own Community Outreach, Education and Organizing and Community Economic Development Clinics and from all across New York University and other universities on whom I could rely to help staff the effort, and a practically minded, "let's do it" energy radiating from so many I met in New York City's neighborhoods—left me believing we could make a serious go of it. At worst, we would pull together some information valuable to our work and the work of others. At best, we would gather and share both gobs of valuable knowledge and develop and disseminate one "prototype" among many possible prototypes for how we might make such research an ordinary element of our practices.

B. Designing the NLN&RP

1. How We Ended Up in East Harlem, Harlem, the Lower East Side, Chinatown, Bushwick, and Bed-Stuy

New York is the city of neighborhoods. The saying may well reveal an excess of braggadocio and obscure how many other cities in the world credibly could and do say the same thing about themselves. New York does deserve to share the title, though. Physically and emotionally, neighborhoods in New York emanate a vitality perceived by outsiders and locals alike. These neighborhoods reflect vigorous histories and spirited evolution. These communities continually redefine themselves, initially within and then extending beyond the orbits of their past, either through the arrival of new immigrants (from other parts of New York, the United States, and the world) or through the dynamics of the political and cultural economy. What people face in these various neighborhoods endlessly changes even as the categories of problems remain familiar.

During my initial year, I walked in and drove around and read more intensely than ever before about the many low-income, of color, and immigrant neighborhoods spread across New York City's five boroughs. And I talked about these communities with anyone and everyone who would permit me to engage them. Everyone from scholars to fellow subway travelers to local folks I'd corner in a *bodega* offered valuable insights. Not surprisingly, I ended up finding each of these neighborhoods fascinating and believing that all deserved careful study. But, even with my grand notions of what we might well accomplish, I knew we had to limit our focus.

With the help of others, I cycled through various ways of ranking the universe of neighborhoods under consideration. Each ranking system produced different "winners." Ultimately, for somewhat idio-

syncratic and arbitrary reasons, I ended up choosing six New York City neighborhoods: Bushwick and Bed-Stuy in central Brooklyn, the Lower East Side and Chinatown in lower Manhattan, and Harlem and East Harlem in upper Manhattan. According to virtually every on-the-ground problem solver and empirical scholar with whom I spoke and according to my own nosing around, each neighborhood offered an extraordinarily richness of detail. And each of three sets of physically adjacent neighborhoods would permit us to explore potentially intriguing similarities and contrasts.

Clustering six communities into three neighboring pairs reflected less the considered judgment of social scientists with whom I consulted and more the experiential hunch of certain long-time New Yorkers. These veterans wondered out loud whether, if carefully scrutinized, their "sense" that contiguous New York City neighborhoods often don't "connect, much less cooperate" would turn out to be correct. Social scientists responded to the idea with a restrained "sure, why not?"

2. *Why We Broke from the Orthodox Approach to Empirical Research*

In order to be both practically effective and theoretically ambitious, I had already concluded that we should study both problems and problem-solving resources in ways that roughly parallel how residents and problem solvers perceive them, and, if possible, we should map the webs of problem-solving relationships. That was a tall order, I realized. Each of these aims fell outside the boundaries of the "established model" evident in studies I had been consuming for decades. And social and health scientist friends emphasized the gap I was likely to find in a systematic "literature review" of relevant studies between even more "cutting edge" empirical approaches and my own ambitions for the NLN&RP.

It turned out that these friends were right. With the help of national networks of scholars and legal and nonlegal service providers, we managed to get our hands on known studies conducted in various parts of the country over the past several decades. We painstakingly analyzed architecture, goals, and methods. We compared areas covered and questions asked within each area. And we took apart syntactical and word choices. We had absolutely no interest in recreating the wheel. Indeed, we expectantly hoped to learn tons we could directly employ in our own research. We did, however, insist on borrowing from others only where instruments helped us to meet our admittedly unorthodox aspirations.

Our close examination highlighted the disparities between our concept for the NLN&RP and the structure, aspirations, and methods of existing studies. Many studies we reviewed, for example, focus almost exclusively on "legal needs" and tend to define needs as equivalent to those problems lawyers and judges would regard as formal legal claims.[17] This more familiar approach offers the hardly insignificant virtues of well-defined boundaries. But in trying to discover what residents and service providers think, we did not want to narrow artificially the meaning of "problems," much less limit ourselves to gatekeeping characterizations of "legal problems."

Legal definitions of problems fail systematically to reflect what we have come to understand (from fields as diverse as cognitive science, cultural anthropology, applied sociology, behavioral economics, management science, and progressive lawyering) about how we all comprehend reality, frame and address problems, integrate feedback in the course of assessing our initial ways of seeing the world, and find ourselves either "lumping" our problems, pursuing informal means of help, or approaching available and affordable professional problem solvers. Relying on legalisms as a screen for what communities face would not accommodate and in many ways would obscure how those who live and provide services in these neighborhoods commonly experience and informally report what they face.[18] We wanted in the NLN&RP to capture as convincingly as we could what communities felt and thought and did before, during, and after any contact with formal systems like law.[19]

At the same time, decades of experience made it obvious that our proposed study must aim to understand the widest possible universe of problem-solving resources as well as a broad swath of problems. Many studies do not document problem-solving legal resources.

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[17] These studies typically define legal problems, at least tacitly, as those lawyers would identify as formally cognizable causes of action. *See, e.g.*, N.Y. LEGAL NEEDS STUDY, *supra* note 14, at xii (describing intent to study legal services "in judicial and administrative forums").

[18] For a sketch of this experiential process, drawing on then available interdisciplinary research and my own ethnographic observations, see López, *The Work We Know So Little About*, *supra* note 6.

[19] In recent years, a sequence of related "legal needs" studies self-consciously began to embrace in their aims and methods certain advances in cognitive disciplines and provided us inspiration for what we hoped to do with the NLN&RP. Perhaps reflecting particular mandates of funders, these studies characteristically drew bright lines between civil and criminal problems and focused considerably more on professional legal resources than on the assortment of institutions and individuals to whom people regularly turn for help. *See, e.g.*, ABA NATIONAL STUDY, *supra* note 16 (studying civil legal needs only and frequency with which low and moderate-income individuals receive formal legal assistance); ABA SUMMARY OF FINDINGS, *supra* note 16 (same).

When they do, they focus almost exclusively on conventional legal options, sometimes more narrowly on government-funded legal services organizations.[20] Conventional legal options matter hugely. Make no mistake: The unavailability of affordable quality professional legal help can devastate individuals, families, and communities. Think only of the state of Alabama's failure to provide a public defender system.[21]

Still, focusing on professional legal options alone contradicts how neighborhoods actually operate. Those who live and work in these communities turn to a wide universe of private and public institutions and professional and lay problem solvers, even when confronting problems they themselves would describe as "legal." They turn to ministers, community boards, teachers, nurses, *notarios*, social workers, commercial bankers, recreation center staffers, employers, and "big brothers" and "big sisters," to name only some. And they often rely primarily on their own problem-solving expertise. Those who live and work in these communities turn to this obviously diverse and sometimes even exotic universe of problem solvers today and probably have done so for as far back as anyone could discover.[22]

Necessity indisputably drives this reliance on lay and nonspecialized problem solving. After all, the resources available to low-income, of color, and immigrant communities—including, and perhaps particularly, legal institutions and their professional staffs—remain inadequate to meet acknowledged legal needs. And for some populations such as undocumented immigrants, barriers to access can be insurmountable. Yet these choices of problem solving help may reflect, simultaneously, an utterly sensible preference for what is known or comfortable, even if the person to whom or office to which folks turn is not formally trained or professionally licensed. In any event, reliance on lay and nonspecialized institutions and individuals reveals yet another way in which problem-solving resources and problems would seem to define one another.

Our capacity to address problems often pivots most critically on the quality of information both clients and service providers possess about still other problem solvers to whom they might potentially turn. Indeed, a problem solver is often only as good as her knowledge of

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[20] See studies cited *supra* note 19.

[21] For a description of Alabama's system, see Ruth E. Friedman & Bryan A. Stevenson, *Solving Alabama's Capital Defense Problems: It's a Dollars and Sense Thing*, 44 ALA. L. REV. 1, 21–26 (1992).

[22] A small cluster of contemporary studies importantly inquire about and document these more "informal" systems. *See, e.g.*, AGENDA FOR ACCESS, *supra* note 16; ABA NATIONAL STUDY, *supra* note 16; ABA SUMMARY OF FINDINGS, *supra* note 16.

other problem solvers. We all need the names of effective organizations and agencies and, even more particularly, the names of those individuals within these institutions upon whom we can rely for a quality response. A well-connected insider's rolodex often provides the key to getting something done.

Accordingly, unlike authors of most earlier studies, we found ourselves immensely interested in recording a basic fact of human problem solving, one certainly confirmed by anecdotal evidence, though still too frequently ignored in formal empirical work. The study we wanted to implement would attempt to document these "networks"—organic and formal, tiny and huge—and to plot the webs of problem-solving resources available to neighborhood residents and problem solvers alike.[23]

We could not in good faith sidestep the perceived quality of available problem solving—whether asking for considered judgments about the effectiveness of direct services or of referrals. Low-income, of color, and immigrant populations far too infrequently have access to richly detailed information about the nature of the services available to address the diverse problems they encounter. Even less commonly do these communities have access to trustworthy information about the quality of services provided by those diverse institutions and individuals providing help. And less frequently still—and most often never—do these communities have access to a reliable sample of consumer views about the quality of services offered by particular service providers.

These information gaps impose significant costs on both these communities and on the constellation of those who hope to serve them well. In the absence of dependable information about the availability and quality of particular problem-solving resources, those client populations already outsiders to and even victims of our justice system often find themselves needlessly frustrated, badly served, and effectively discouraged from looking for much needed help. Meanwhile, service providers and the organizations, coalitions, networks, and institutions of which they are a part often lack precisely the sort of

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[23] For one branch of promising "network" literature, see H. Brinton Milward & Keith G. Provan, *How Networks Are Governed*, in GOVERNANCE AND PERFORMANCE: NEW PERSPECTIVES 238 (Carolyn J. Heinrich & Laurence E. Lynn, Jr. eds., 2000) (discussing institutional design imperatives for networks of public service organizations); Keith G. Provan & H. Brinton Milward, *Do Networks Really Work?: A Framework for Evaluating Public-Sector Organizational Networks*, 61 PUB. ADMIN. REV. 414 (2001) (analyzing effectiveness of interorganizational networks of public service providers on community, network, and participant levels).

comprehensive data necessary to take stock of their own performance and to make reliable referrals.

All of this is, in some ways, an open secret. Low-income, of color, and immigrant communities make it known to those who will hear their exasperation at simply trying to find effective problem-solving help. And they can express how maddening it can feel to learn just how irrelevant their views about quality are apparently sometimes regarded by the "powers that be." Meanwhile, at least in confidential settings, diverse problem solvers often acknowledge how miserably limited their "rolodex approach" can be to providing good referrals and how utterly inadequate their system of client feedback turns out to be in evaluating their own service delivery.

Word of mouth can of course play a constructive role. Indeed, I have been among those who have spent a career gathering and sorting through what word of mouth does teach and can accomplish. But no one should seriously contend that current word-of-mouth "systems"—even together with the episodically produced directories of problem-solving organizations and service providers—have much changed the problem-solving options for most people in most communities. Word of mouth, at least generally, is too ad hoc in its judgments and too limited in its penetration to transform service delivery. Directories *can* make a significant impact. But they can only predictably improve problem solving if they are thoroughly researched, regularly updated, formatted and structured to provide valuable categories of information, and imaginatively disseminated to reach clients, service providers, and anyone else who might have the occasion to make referrals.

In the study we were imagining, we wanted to take an initial step toward remedying this state of affairs. We aimed to document how residents perceive the quality of problem-solving resources they have engaged.[24] What we hoped to learn would help explain choices residents have made in seeking out help and choices problem solvers have made in making referrals. We did not for a moment imagine that the cluster of questions we would ask about quality in the NLN&RP would serve as the equivalent of the ambitious Zagat-like consumer surveys that we expected in time to design and implement to study

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[24] Certain publicly available studies have gathered some information about client perceptions of the quality of legal services. *See, e.g.,* ABA CONNECTICUT STUDY, *supra* note 16; ABA GEORGIA STUDY, *supra* note 16; ABA MASSACHUSETTS STUDY, *supra* note 16; ABA NATIONAL STUDY, *supra* note 16. And confidential studies capture more extensively how well client populations regard the problem-solving help they have received. *Cf.* ED KISSAM AND IDA JETER, FINAL REPORT: EVALUATION OF THE NORTHERN CALIFORNIA CITIZENSHIP PROJECT 14 & n.11 (1999) (calling for more study of clients' opinions so service providers can "make rational policy decisions").

opinions of a range of problems and problem solvers. But what we could gather and analyze in this baseline study would be valuable on its own terms and illuminate promising ways for developing, implementing, and sharing reliable consumer-based guides to diverse problem-solving resources.

Finally, we wanted our study grounded in the views of those who live and work in low-income, of color, and immigrant communities. Recent years have witnessed a resurgence of interest in social justice. Formal and informal conversations have highlighted important elements: the "big picture" of legal problem-solving delivery systems; the complicated entanglements of cooperating and competing organizations (locally, regionally, and nationally); the role public, private, and philanthropic financing plays in the allocation, delivery, and quality of services provided; the strategies various problem solvers (lawyers and others) pursue and disregard; the various degrees of coordination that exist in the problem-solving efforts of coalitions and networks; the roles (small and large) low-income, of color, and immigrant residents can and might play in making their world better than they now find it; the familiar and unfamiliar methods for reaching out to and educating *all* involved about what problem solving works and what doesn't and how to emulate better rather than worse practices.

But too often minimized in these conversations are the views of those low-income, of color, and immigrant populations whose problems the social justice system is ostensibly designed to address. Even the best of recent research often neglects to appreciate how neighborhoods may constitute a distinctive web of problem-solving relationships worthy of close attention.[25] We hoped our findings about these six New York City neighborhoods would reveal what those who live and work in these communities experience as serving them well and not so well in helping residents to address problems. What we hoped to learn, if all went well, would offer sensible guidance about how to improve the present problem-solving delivery systems in New York City and worthwhile lessons for how to improve the design and implementation of future research.

3.   The Basic Plan and Instruments

The "decisive break" (as one advisor put it) we hoped to make with past research models proved at least as challenging to pull off as it was a promising inventory method. The NLN&RP we envisioned would require novel structural design, depend upon the participation

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[25] *See, e.g.*, studies cited *supra* note 16.

of thousands of those who live and work in New York City, and necessitate substantial resources to implement and complete.

a. Creating, Vetting, Redesigning

With our provisional aims and methods squarely in mind, we painstakingly created instruments for both the telephone survey and the outreach interviews. To some degree, we reoriented for New York City the lessons we perceived in past studies and reports.[26] To an even greater extent, however, we invented new instruments—with categories, question sequences, and possible answers configured to best measure how both residents and problem solvers might experience problems and problem-solving resources. Even within our New York City work team, we vetted and redrafted the instruments some forty times. We reviewed and improved how we framed topics, sequences of questions and answers within topics, and syntax and word options within questions and answers. Each round taught us more about choices we had made and the possible consequences of those choices in trying to give voice to what others felt and thought.

When we concluded we had produced a worthy draft, we sent the instruments and the overall plan to diverse problem solvers all across the country. These reviewers included experienced survey researchers, expert problem solvers (nonlawyers and lawyers) working in every field we covered (housing, health, immigration, criminal justice, to name only some of many), and savvy former clients cutting across races, cultures, genders, and geographic locations. We strongly encouraged any and all feedback. We asked for reactions to everything from overall scheme to the finest facet. And we promised our reviewers and ourselves to remain open to whatever reactions we heard, even if it meant turning upside-down and inside-out all we had already produced.

The amount of feedback we received astounded us—even measured by our admittedly high expectations. All but a small number of those to whom we had sent the NLN&RP provided us their views. And they replied with splendid care, considerable detail, and striking insight. We reviewed each set of comments, we systematically compared remarks, and we often followed up with telephone calls and written communications to clarify what we could not lucidly comprehend. The responses and our deliberations led—through multiple internal review processes—to a significantly different layout and a wholly rewritten draft. We then sent out this revised version of the NLN&RP to the sizeable percentage of original reviewers who indi-

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[26] We drew these lessons from studies cited *supra* note 16.

cated they would review subsequent efforts. Again, we received exceptional feedback. Finally and painstakingly we arrived at a version drafters and reviewers alike regarded as suitable to our goals.

That version and its basic architectural, syntactical, and word choices proved to be the basic model we would ultimately employ. This model would itself undergo considerably more fine-tuning and piloting, and through these processes we would shrink and amend certain particulars. But we now had the elements of the plan, survey, and outreach instruments ready to go and, as our superb collaborators told us, we could implement what we had as soon as we were otherwise ready.

b. The Basics of the NLN&RP

The NLN&RP would unfold in four (probably overlapping) phases.

Phase One. In Phase One of the NLN&RP, we would gather data through two principal methods: a telephone survey of 2000 residents and in-person outreach interviews of more than 1000 problem solvers.

(i) Telephone Survey of 2000 Residents

The primary purpose of the telephone survey would be to assess from the perspective of resident constituents how adequately existing problem-solving resources help those who live in these six New York City neighborhoods. We framed a cross-sectional study of the frequency and circumstances of problems in many social/legal areas (including housing, employment, immigration, public benefits, health, voting, discrimination, utilities, and criminal justice), the actual use of available problem-solving resources, and the respondents' perceptions of the quality of problem-solving services delivered. Four aims motivated the telephone survey:

1. to identify the prevalence of specific problems encountered by residents of low-income, of color, and immigrant neighborhoods in NYC;
2. to assess responses to those problems by identifying the resources used to address those problems;
3. to assess satisfaction with and opinions about the effectiveness of individual problem-solving services; and
4. to assess satisfaction with and opinions about the effectiveness of problem-solving delivery systems.

In order to meet these aims, we would carry out a random digit dial telephone survey of Central Harlem and East Harlem, the Lower East Side and Chinatown, Bushwick and Bed-Stuy. Using a struc-

tured questionnaire (to be administered in English, Spanish, Mandarin, and Cantonese), we would interview respondents selected at random within households. We would not enter respondent identifiers in our database and would insure the anonymity of all questionnaires.

(ii) In-Person Outreach Interviews of Diverse Problem Solvers

The primary purpose of the in-person outreach interviews (and the exhaustive background research that preceded these interviews) would be to learn from diverse problem solvers themselves what services they offer and to whom, to whom they refer their clients who they do not or cannot serve, and how well from their perspective the problem-solving delivery system serves the needs of the targeted population. We would learn, at once, what individual problem solvers perceived and what overlapping networks of public and private institutions and individuals serviced these neighborhoods.

In preparation for outreach research and interviews, we already had probed for all existing problem-solving resources. We snaked our way through every street and climbed many buildings in each of the six neighborhoods, documenting each and every office, organization, coalition, and network we could find. Simultaneously, we gathered and reviewed every directory, guide, and informal list we could lay our hands on. Most proved out-of-date; some industriously catalogued problem solvers of particular sorts (private law firms or public health agencies, for example). We cross-indexed entries, noted discrepancies and gaps, wondered how to explain the differences between what we documented in our street searches and what we could find in print. Finally, we tried at least preliminarily to verify the continued existence of resources listed in various sources and eyeballed during our team neighborhood visits.

In order to elicit productively first-hand information from problem solvers themselves, we designed a mixed closed- and open-ended interview instrument (again administered in English, Spanish, Mandarin, and Cantonese) that would both require service providers to provide important descriptive information and enable them to describe their own impressions of service delivery. Throughout the time that we were to conduct outreach interviews, we planned continuously to update background information to inform our interaction with service providers.

Phase Two. In Phase Two we would analyze the information we had collected. In the shorthand technical lingo of analysts, we would employ descriptive data analytic techniques, multiple logistic regres-

sion modeling, and qualitative interpretive methods to analyze all we had gathered. That's a mouthful. And the jargon may invite too many of us to underrate the extraordinary skill, time, and attention to detail that characterizes the work of first-rate data analysts. Still, to provide a glimpse of what analysts would do with the information we would gather, mull over a highly capsulized "lay version" of our three-step strategy for hypotheses testing of the telephone survey data:

We planned as our first step to test for potential differences between the 2000 Census estimates of gender, age, and racial characteristics and the sample of people we ended up interviewing. Experience with past surveys suggested that differences between our sample and census estimates would likely be very small. But because the NLN&RP would gather information from certain neighborhoods in New York City and not others, we would use techniques to provide reliable estimates of, for example, the presence of particular groups of New Yorkers.

Because a primary aim of the NLN&RP would be to describe the prevalence and nature of problems encountered by residents of the six neighborhoods surveyed, our second step would be to develop statistics to characterize the sample according to different important variables such as age, race and ethnicity, and gender. Analysts then planned to compare these statistics to those produced by other studies, accurately noting and fully analyzing discrepancies that may result from differences in definitions and methods.

Finally, our analysts would formally explore and test for various possible differences between and within our six neighborhoods. They would then search for possible associations between key independent variables (such as race and ethnicity) and dependent variables of interest (such as experience with the legal system). They would run a variety of these tests for all variables and for combinations of these variables. They would hope to discover, for example, revealing interactions between predictor variables (such as race) and potential modifying variables (such as years in the United States). And they would experiment to sift through potentially optimal ways of describing information.

Such analyses would take, at a minimum, several months, even with resourceful analysts putting in significant chunks of each workday. Even this time-consuming first set of analytical runs, however, would only scratch the surface of the information we would gather. The NLN&RP would provide interested analysts fertile data for years to come. Many already imagined and many still inchoate approaches ultimately could be pursued, all helping us to understand better than we do now life in East Harlem, Harlem, Chinatown, the

Lower East Side, Bushwick, and Bed-Stuy, in New York City, and in comparable areas thousands of miles away from where we live and work.

Phase Three. With information gathered and analyzed, we would in Phase Three work with community residents and service providers and interested researchers, philanthropic and corporate funders, and federal, state, and local agencies to improve the quality of available problem solving by immediately (1) conducting workshops and focus groups to determine how best to disseminate and organize around the results of our study, (2) circulating (orally and in writing, in English, Spanish, Mandarin, and Cantonese) findings of our study in order to broaden and deepen knowledge of current and imaginable problem-solving systems, and (3) creating and circulating through assorted formats comprehensive and regularly updated service directories (for example, an *Ex-Offender Reentry Guide* and a *Directory of Services for Immigrants*).

With this information in hand, and working with the Center in related aspects of Phase Three, community residents will be equipped to push for services better tailored to their actual needs, including the more productive coordination of market, government, and civic sectors and of legal and nonlegal service providers. With the very same knowledge, problem solvers serving these residents will be able both to assess candidly the effectiveness of their organizational design and management choices and to verify empirically the extent to which existing services meet current needs. And with such regularly-updated data, researchers and funders may together make well-informed choices about crucially important projects, organizations, coalitions, and networks.

Phase Four. Finally, in Phase Four, we would prepare and distribute toolkits about how to design and administer studies such as the NLN&RP, complete with descriptions of what we did well and poorly, and including explanations about how and why such inventories relate to the design and management of effective problem-solving delivery systems. We understood that in this Phase, as in Phase Three, suggestions for how best to share would continue to pour in, likely changing exactly what we currently imagine ourselves generating as our initial products and certainly altering what we would turn out over time.

4. *How Failed Fundraising Efforts Forced Us to Implement an Almost All-Volunteer and Largely In-Kind Plan*

Experience had taught me the importance of information. Years of trying with others to conduct small-scale research and learning from those who conducted expansive studies helped me to anticipate

accurately certain obstacles to gathering, analyzing, disseminating, and learning from the knowledge. And my years of working in close collaboration with a range of experts in low-income, of color, and immigrant communities provided us networks of extraordinarily skilled and astonishingly generous people on whom we could rely for diverse and pro bono know-how relevant to one or another part of what we would be doing.

Still, I did not gauge with enough precision the magnitude of the NLN&RP. I did not anticipate significant barriers to implementation and follow-through. And I certainly did not foresee the confounding difficulties we had raising funds to support our efforts. For all my decades of activist work, for all the guidance others have regularly provided, and for all the privileges I have been afforded in putting into action, teaching, and writing about the rebellious vision, I simply did not measure up well to all my duties. I did not see well enough what we faced and certainly did not act effectively enough on what I did see. In many ways, my naïveté exceeded my expertise, as the project's evolution, and the following subsections, reveal.

a. Fundraising Failures

Fundraising loomed large in getting the NLN&RP off the ground and completed. Estimates from experienced empiricists ranged from a bare minimum $1.25 million to a "full bells and whistles" $3 million plus to pay for what we aimed to do, from first through final phases. Clinic and volunteer students and my extended networks of pro bono consultants and collaborators, prominently including neighborhood residents and service providers, comprised a tremendous core team. But together we did not seem plausibly capable of meeting the demands the survey and outreach would impose on us. We had to find money to pay for Phase One's researchers, interviewers, software, and hardware; for the high-quality analyst essential to Phase Two; and for the personnel required to pursue Phases Three and Four in the hearty ways we envisioned.

Savvy researchers from other disciplines predicted we would have no trouble. The quality of both the research plan and the assembled team would itself, they speculated, carry the day. Executive directors of diverse community-based organizations displayed a similar confidence. They focused on the cutting-edge nature of the NLN&RP. With dollars increasingly scarce, they said, philanthropic funders seemed to be talking considerably more interestedly than in earlier years of "measures" of demonstrable success and "deliverables." What could be more fundamental to the evaluations seemingly envi-

sioned than creating desperately needed "baseline information" about low-income, of color, and immigrant communities?

But my fundraising efforts failed on every front. Doubtless these failures reveal a huge gap between what I know and what it takes to secure, on a regular basis, ample funding for worthy and often critically needed work. I've got lots to learn—I can't emphasize strongly enough—about how to cultivate long-term relationships with foundations and others who might support our work. I've got to learn how to search for those units within funders (and those individuals working within nominally unlikely units) whose interests coincide with the Center's mission and with particular projects, initiatives, and campaigns in which the Center plays important roles. And I've got lots to learn about how to "close a deal." For all my years of working directly and indirectly with a wide assortment of funders and those who work with them, I had little experience with what it would take to raise the funds necessary to pull off a project like the NLN&RP.

Still, the reactions of funders I approached about the NLN&RP may say almost as much about them as they do about me. Across foundations, the responses can be fairly clustered into several discrete categories. I heard the "why on earth for?" reactions. The "don't we already have a directory?" responses. The "uh, fascinating . . ." reactions. No matter what I wrote or said, I could not discern any conviction on the part of those with whom I met that inventories of problem and resources from the experiences of those who live and work in these neighborhoods mattered. And I certainly did not manage to instill a freshly minted appreciation that effective service delivery and, for that matter, well-targeted funding depend centrally on updated and reliable knowledge of what gaps exist between what people face and what quality help proves available.

Even if you agree that someone else would have done a better job than I did pitching the NLN&RP, the cluster of reactions struck me as odd. Scientists, engineers, public health specialists, and medical colleagues from all over the globe had for years nonchalantly reported the relatively straightforward ways in which their own equivalents of the NLN&RP regularly received funding. To be sure, they most frequently sought and raised dollars from government and not philanthropic sources. But, in their considerable years of experience, both foundation and government sources regarded inventory and follow-up studies as a necessary and normal part of aiming always to improve, for example, the delivery of health services. And both foundations and governments funded regular cycles of such studies in amounts ample to cover the *actual costs* of routinely gathering, analyzing, and

disseminating information.[27] These funders understand how "fancy research" and "on-the-ground" services must be understood as and financed as one integrated system.

Apparently, I had fallen into a cultural chasm of sorts. The same governments and foundations long-ago sold on the relevance of systematic inventory, monitoring, and evaluation studies in science, public health, and environmental engineering saw absolutely no reason to fund parallel studies about community problem solving (nonlegal, legal, or both). At least that was true of many whom I approached. And insofar as these funders reacted at all positively to arguments I made about the need to make such studies an "industry standard" as they are, say, in public health, they made it plain they could only imagine funding a small fraction of actual out-of-pocket costs.

Obviously the sample of funders I approached about the NLN&RP is anything but scientific. But many who seek and many who distribute funds have told me since that the opposition I encountered runs wide and deep in the funding world. If that's true, perhaps what I encountered amounts to a culturally generated feedback loop. The assumptions and attitudes the funders evinced in my encounters may represent only an extension of how the rest of us (perhaps particularly lawyers) have behaved in working with and in low-income, of color, and immigrant communities. That longstanding refusal to embrace fully how much effective collaborations in these communities require a commitment to studying routinely exactly how we're doing and how we might do considerably better may have sent ripples across the funding world.

In any event, certainly something like our own repudiation of the relationship between "academic" research and "nitty-gritty" community work appears to have been at work in the opinions and decisions of the particular funders with whom I met. Whatever the actual combination of subterranean and superficial reasons, we could not miss the bottom line: Despite savvy advisors' predictions, we did not have in hand the dollars we had expected to raise to fund the NLN&RP properly.

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[27] For one example of a continuing project sustained over multiple funding cycles, see DAVID VLAHOV, NATURAL HISTORY OF HIV INFECTION AMONG DRUG USERS, THE ALIVE STUDY (1998), *at* http://www.rand.org/health/chipts/projects/proj064.html (last visited Mar. 1, 2004) (describing project that began in 1987 and that has operated continuously since).

b.   Switching to an Almost-All Volunteer and In-Kind Plan

All those whom I consulted after our fundraising failures—from those who lived and worked in East Harlem, Harlem, Chinatown, the Lower East Side, Bushwick, and Bed-Stuy to consultants all across the country—recognized the prudent course. We should wait until we raised the fistfuls of dollars such studies require. But when those dollars did not materialize, those diverse and growing numbers working with us did not want us to abandon the NLN&RP. That was no bolt from the blue. What did perhaps mildly surprise us is that, to a person, they did not seem at all inclined to have us slow down. They wanted to know what exactly we could do with what we had in hand.

So we took stock, again. We had at our disposal the talents, skills, and energy of my own clinic students, of volunteers from the neighborhoods where we would work and universities in New York City, and of pro bono advisors and collaborators. We had the generous out-of-pocket and in-kind investments New York University makes to my teaching—law students, graduate students from other departments, undergraduate students from all across the university—that helped us determine how to work effectively and imaginatively in low-income, of color, and immigrant communities. And we had our collective will.

No one regarded these resources as anywhere near substantial enough to realize our highest aspirations for the NLN&RP. Yet everyone emphasized how much valuable information we already had pulled together about available resources. And everyone insisted marching forward—with all appropriate modesty about the likelihood of success—could be shaped to yield only positives.

At that point, we still operated almost entirely beneath the radar screen. Particularly in dealing with those who live and work in New York City's communities, we had consciously represented ourselves as learning all we could about New York City and exploring whether we could develop ways of learning more still. If at this point, we continued to guard against encouraging or even allowing expectations beyond what we could deliver, we could proceed, learn whatever we managed to learn, and share in whatever ways we could muster. At least this was the counsel we received and followed.

Perhaps our decision was as much a reaction as a choice. Perhaps we all shared a decided bull-headedness about giving folks a chance to express their views about problems and resources. In any event, we kept moving. Carefully drawn and scrutinized plans defined strictly how we would represent our efforts to those with whom we would work. In all we would say and do, we would make certain not to make any promises we could not keep. With labored honesty, we would

report what we were trying to do, what resources we had available to us and what resources we lacked, and the odds *against* our pulling off even limited aspects of the plan. And with equal candor, we would tell everyone—especially those who live and work in East Harlem, Harlem, Chinatown, the Lower East Side, Bushwick, and Bed-Stuy— that what success we might achieve depended almost entirely on our collaboration.

Residents and problem solvers would have to be willing to take the time to share openly all they know. And we would have to be willing to work steadily, always appreciating that our contributions would be made without any assurance that all we hoped for would unfold. As one neighborhood veteran smilingly remarked after hearing this litany, "So what's new—let's go for it."

Still, we had considerable constitutional morphing to do. In place of the dollars we had hoped to raise to pay for researchers, inter- viewers, data analysts, other diverse personnel, and software and hardware, we now had to expand radically our plans to recruit, train, and supervise volunteers. Much as I had worked with volunteers over the course of my career—volunteers are, after all, essential to lever- aging limited resources available to progressive efforts—the scale of our transformed needs promised to make this experience unusual indeed. In ways we would have liked to avoid, we had become a team that would be comprised overwhelmingly by volunteers and supported overwhelmingly by in-kind contributions—from New York University; from diverse social activists, experts, organizations and agencies; and from volunteers in New York City and across the country.

The standard by which we would measure our own performance, however, remained unchanged. Our individual and team expectations would look no different than if we had found ourselves rolling in cash. Most particularly, volunteers would be expected to measure up to the same high standards as paid employees and superb pro bono consul- tants. That's an unorthodox stance, I realize. But it's one I've lived by since quite nearly the beginning of my career. It's not at all that I don't appreciate those who give of their time. Quite the contrary. The reasons for my stance reflect how much I value volunteer time. And, in particular, I expect that, compensated or not, the time we spend on serious jobs must be spent honoring aspirations the work entails and valuing membership on the team aiming to meet them.

Besides, the last thing communities in New York City need—and the last thing all the other low-income, of color, and immigrant com- munities with which I've worked over three decades need—are still more folks who regard their commitment as no more firm or exacting than the conventional approach to "charity" demands. With us, work

is work. If you promise to show up, you show up promptly, or better yet, early, ready to work, anxious to embrace designated assignments and to pitch in on whatever else needs to get done, giving fully of your talents, skills, and dedication, believing that you and the work deserve to be measured by the highest standard.

Yes, we would screen out volunteers whose references left us feeling negative about past performances. Yes, we would train them as hard as we would any paid member of the team. And, yes, we would be willing to fire volunteers who did not measure up. Even or perhaps because of the literally hundreds of informal volunteer-staffed projects I've run over the years. I knew in advance we might fail in as many ways as we might succeed. That's how difficult I have found the challenge of effectively taking on our standard notion of what it means to volunteer. But we would do our best to behave in ways that reinforced our message to all who heard of and joined our efforts. The communities with which we work deserve no less. And our own operation—aiming to be lean and productive even in the best of circumstances—could tolerate only limited amounts of "volunteerism" without collapsing.

We expanded considerably our recruitment plan. In light of the diverse pools of applicants we would need to administer successfully the telephone survey and conduct outreach interviews in English, Spanish, Cantonese, and Mandarin, we would mount a far-reaching and intensive recruiting campaign across New York University, the city, the state, and across the country. We would use all obvious con-tacts (neighborhood residents, service providers, co-workers, friends, relatives) and methods (e-mailing, posting on listservs, attending career fairs, distributing flyers, making personal phone calls to friendly recruiters, galvanizing the latent powers of word-of-mouth). And with others we would likely create still other contacts and methods as time passed. Screening all applicants—checking refer-ences, in particular—would demand important efficiency measures. So we worked in our telephone, e-mail, and letter scripts to explain succinctly the importance of the process and our appreciation for the efforts that others would make in articulating opinions about applicants.

Meanwhile, we went back to the drawing board, trying to enhance our capacity to train, monitor, and evaluate a much larger volunteer crew than we had originally imagined. Capacity was key, since we did not want to cut back what we had planned to do. Drawing on years of experience, we had developed training programs both conceptually and practically ambitious. Through selected read-

ings,[28] we planned to immerse our volunteers in the vision of problem solving that informed our work on the NLN&RP. And through a specially-created "prep package" (complete with copies of the survey instruments, instructions for and tips on conducting interviews and interacting with respondents, answers to "Frequently Asked Questions," "rap" sheets, descriptions of our databases and filing systems, and model examples of various summaries of outreach interviews),[29] we anticipated interns studying carefully in advance the basics they would need to know in order to make optimal use of the rigorous telephone survey and outreach interview training we had designed. Experienced interns who had worked under my direct supervision would lead these training sessions (the simulations alone occupied no fewer than eight hours) to help us hammer home our protocols and emphasize the standards by which we judged our own and their work. And we would treat our interns' work in the field as the natural extension of their initial trainings, expecting and pushing them to improve constantly as they gained more experience.

All of us understood just how impermanent these plans necessarily were. We feel that way about all of our work, to be sure. But planning to undertake a mainly all-volunteer and in-kind approach for Phase One of the NLN&RP was altogether a different beast. However meticulous our planning had been—initially and in revision—we expected to learn that even the very best of what we envisioned would prove ill-suited to the task, either misconceived or overwhelmed by the sheer size of the undertaking. More than ever we would need and want the help of others to get through.

5. *Enter Rockefeller, Enter CUES*

Quite serendipitously, during the time we replaced our original with our revised plan, we ran into two unexpected sources of support. In different ways, each proved critical to our capacity to launch and sustain our efforts.

a. Rockefeller

Asked to accompany others pitching an entirely different institutional and programmatic package to the Rockefeller Foundation, I went along expecting to chime in only on cue and only about the package. Near the end of the conversation, seemingly out of common

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[28] We pulled together various readings from those I cite *supra* note 6.

[29] CTR. FOR THE PRACTICE & STUDY OF CMTY. PROBLEM SOLVING, TRAINING PACKET FOR THE NEIGHBORHOOD LEGAL NEEDS & RESOURCES PROJECT (2003) [on file with *New York University Law Review*].

courtesy and natural curiosity, the officer asked exactly what I do with my students in my clinics. I uttered a standard rap. When asked for examples of field work assignments I include in the students "work portfolios," I mentioned the NLN&RP. Mention led to questions. Questions led to more detailed explication. And that seemed to be the end of it, at least until we were about to walk out the door. At that point, immediately before shaking hands, the officer said to me, "I might have a little 'seed money' for your project; nothing to take you very far, but perhaps enough to shove you along for a while."

In the next several months, we ironed out details of the "letter proposal" and the "partial budget" and, voilà, we had in our hands $50,000. So much for my view that no foundation valued what we wanted to undertake, although I do believe the check had far more to do with the officer's personal interest than any newly-enhanced capacity on my part to pitch with the best of them. The grant was small compared to the actual costs other pros had helped me "price out" for the NLN&RP. (To give you some idea, public health specialists said the telephone survey alone—gathering, analyzing, and widely disseminating the information on the scale we pictured—would cost roughly $700,000, some $150,000 or so going to the polling firm to whom they would farm out telephone calling and data keeping.) But, if husbanded carefully, it could cover certain essentials we might not be able to otherwise get. Besides, receiving dollars from Rockefeller provide an imprimatur of sorts in the minds of certain others about the worthiness of what we had undertaken.

b. CUES

High on our list of help we badly needed and had not been able to hustle in-kind was a superb data analyst. After much hunting, we heard news through a friend at NYU's law school about an analyst we hoped to meet. Raved about by all as both spectacularly skilled and wonderfully easy to work with, the analyst occasionally offered at a discounted rate her services for progressive projects with very limited budgets. We exchanged e-mails and set up a time to meet. In preparation for the meeting and at the analyst's request, we forwarded the basic plan and the instruments to be used in the NLN&RP.

In the first ten minutes of our meeting, the analyst seemed obviously as easy to work with as all had reported. When I moved to discussion of the NLN&RP, however, she stopped me dead in my tracks. "It's way too big a project for me. In fact, it's huge. I just couldn't possibly do this as a consultant on top of my day job." That's at least how I recall her words. We continued talking at length about what we were doing, how we had gotten to where we were, and where

we hoped to head. I remember thinking, "How likely is it we're going to find anyone near as well-suited to our particular aspirations and needs?" Near the end of our meeting, she said something about how she'd talk to her center about the NLN&RP. I sensed how sincere she was. But experience taught me not to expect anything to come of the comment.

I was wrong. She contacted me. She said the head of the Center for Urban Epidemiologic Studies (CUES), housed in the New York Academy of Medicine in East Harlem, and one of its chief researchers had read our package and together with the analyst would like to meet with me. She asked me to set aside a big chunk of time for all to talk. The meeting at their offices proved both very real and very dreamlike. They asked short questions and wanted to hear long answers: Tell us why you think such research matters to your work in law. Tell us how you got this far with no money to speak of. Tell us your current plans for moving forward.

I mainly talked and they mainly listened. They smiled pleasantly, amiably, and (if it's possible) exuberantly. Several times I asked, "Sure you want to get into this?" They said absolutely. So I continued, riffing about various themes, particular problems, our team's strengths and weaknesses. Somewhere along the way they each took the time to note the convergence between our vision of progressive problem solving and CUES' view of public health.

A short time later, the boss said, "We'd love to help." In succinct terms, they offered to scrutinize the instruments, to review our plan, and to have their analysts crunch the data. When I offered them the roughly $15,000 the Rockefeller Foundation had allocated for analytical help, they merely shook their heads a respectful "no." In return for their services, all they wanted was my permission to use the data for their own work. After so many interactions where what I had to say about the NLN&RP seemed almost literally unintelligible to those listening, I walked out of the New York Academy of Medicine not entirely sure of what had happened.

Over the next weeks, we met and e-mailed regularly. Most of our work focused on final reviews of the telephone survey instrument. They found the ambition to match "organic" processes intriguing. And, by and large, they found the categories and questions compelling. But, they insisted, the survey wouldn't work. Too long, they said, particularly for New Yorkers. They could make this claim with authority, of course, given the extraordinary number of surveys they implement and complete as part of their regular operation. We spent the next several weeks "killing babies"—their term for editing out or down otherwise perfectly good, maybe even outstanding, questions.

Indeed, we cut our survey from more than 100 pages to about 50 pages. When the process was completed, however, the survey was tighter than ever and ready for "piloting."

In the pilot, we "test drove" the survey in all languages with real New Yorkers under life-like circumstances. The pilot went exceedingly well—so well, indeed, that our CUES partners told us that we could confidently cut short our testing period. Meanwhile, we reviewed again our overall plans. In particular, we reviewed how we had recruited and trained crews of telephone callers and outreach interviewers. We planned to use these volunteers to staff nine telephone shifts per week (one each weekday night, and one daytime and one nighttime shift on both Saturdays and Sundays). At the same time, we had scheduled intensive research and outreach interviews during each of the five weekdays. Our volunteers were chomping at the bit, the survey and outreach instruments piloted and ready to use, and we ourselves couldn't wait to put everything into play.

Amidst the praise we heaped on one another for getting this far, the only words I remember came from the wonderfully skilled and endlessly candid CUES epidemiologist with whom we had principally worked. Looking at me soberly, he said simply, "Jerry, I don't believe you can do this through volunteers."

V

YOU *CAN'T* DO THE NLN&RP WITH VOLUNTEERS—AND SOMEHOW STILL WE HAVE

My wise and seasoned research partner was right to issue his warning. You *can't* do what we've been doing on the NLN&RP relying on an almost-all volunteer staff and an in-kind plan. Or at least you shouldn't try unless circumstances compel. And circumstances may well compel, at least until funding sources embrace in our work what they have for so long regarded as elemental in other areas and disciplines. That's exactly why documenting our experience matters. Somehow we have gotten this far. Our progress, believe me, reveals all the flaws and frailties, as well as the near-perfections and extraordinary strengths, of institutions and systems and the people who create and inhabit them. I'm as convinced as I can be that others can do what we have done. Indeed, others everywhere can do what we have done *far better* than we have, especially along certain fronts.

What happened over the very many months that have passed between our formal blast off and where we find ourselves today on the NLN&RP defies facile storylines, tidy categories, and confident finales. The operation stalled out more times than even our astound-

ingly precise computerized records reveal. On the telephone side, servers crashed, software systems failed, and our technical support team scratched their heads in bewilderment. Mysterious snafus—for which there seemed in the short run no available remedies—at times seriously endangered the team spirit we had worked tirelessly to cultivate among our volunteer callers. Only so many times can even dedicated volunteers show up only to find the system down or blinking on and off, undermining their capacity to get work done and the residents' capacity to speak their minds.

On the outreach side, we learned once again just how difficult many find actually going out into the very neighborhoods they so fervently assert they want to connect with in their work and lives. Some claim fear plays a role; others offer related explanations. Experience tells me the "hassle-of-it-all" may well be the leading candidate among an algorithmically complex field of forces driving this aversion. Even with a public transportation system as magnificent as New York City's, many volunteers seemed unable or unwilling to trudge out into the communities where work so urgently needs doing. No matter how hard you shove, you can't get some folks out. At some junctures, we've thought of outlawing the use of the word "community"—particularly when intoned with deliberate political and cultural edge—by anyone who can't get out and about to do anything (except occasionally party) in the very same neighborhoods they regularly invoke when talking the talk.

If breakdowns of one sort or another serve as one major theme of our experience, so too do remarkable adaptation, great imagination, and sheer grit.

A. *Adaptation*

To meet the high standards we had set for dealing with so many volunteers, we had redesigned our initial protocols with as much care and foresight as we could muster. But we fully recognized how open to immediate change we had to remain as we adapted to what feedback and persistent monitoring revealed. As it turns out, most of our protocols have remained largely untouched over the past three years. Others have been subject to modest alterations and updates. Still others have been radically revamped as we discovered, tested out, and implemented better practices than those we previously had in place.

Enforcing our standard of performance proved every bit as difficult as we had imagined. Indeed, at times, we felt overwhelmed. Over the course of the NLN&RP's Phase One, we weekly supervised and managed more than 275 interns over nine five-hour telephone

survey shifts and scores of additional outreach hours. Our careful recruiting, rigorous training, and vigilant monitoring helped tons. Considerable numbers of our volunteers came with the uncanny combination of natural talent, honed skills, and strict discipline that surpassed even our wildest dreams. Still, we have been dealing with real people. And we encountered the inconsistencies, gaps, and failures of any workforce.

We invested huge amounts of time trying imaginatively and persuasively to raise and then maintain the quality of average performance. On the outreach side of the operation, we divided our interns into three teams (Chinatown/Lower East Side, Bushwick/Bed-Stuy, and Harlem/East Harlem) to work under the direct supervision of trained "team leaders." Team leaders—including uncommonly talented, skilled, and reliable interns whose demonstrated performance over months justified the "promotion"—supervised, reviewed, and provided one-on-one feedback on the work of team members.

Team leaders met weekly with one another and with me to discuss our progress, what seemed to be working with particular teams, and the degree to which the same strategies inventively employed by one team might work for others. On the telephone survey side, trained supervisors closely monitored the productivity of each interviewer, fielded on-the-spot questions, and made certain that shifts ran smoothly. And they submitted daily written reports that we would review and respond to regularly.

On both outreach and the telephone survey, we relied heavily on feedback loops we created and worked to keep open in dealing with volunteers, service providers, and residents. We have tried to listen carefully and respond appropriately to the questions and comments we explicitly invited. Sometimes we learned most from insights offered entirely outside the fields of inquiries we framed. In response to these various forms of feedback, we amended protocols, trainings, and scripts. And we encouraged all involved to offer their views about how we could do a better job still on all fronts on which we found ourselves moving.

Even if managing our enormous crew had gone as smoothly as we could ever have hoped, we still would not have been able to declare that we ran anywhere near as snag-free a project as seems entirely feasible. Had we raised adequate funding for the NLN&RP, we might well have avoided many pitfalls. Like most sane operations, we would have "outsourced" certain duties (most obviously the telephone survey) to polling professionals with highly refined systems. Instead, with no dollars to pay outside experts, we had to internalize virtually all aspects of the operation—from technical to managerial to

janitorial. We had to learn how to cope with a range of problems that savvy experts would have been far better equipped to deal with or, more likely, avoid altogether.

Even where we failed, though, we showed as a team a powerful capacity to learn how to do whatever needed to get done. As one crisis after another slapped us upside the head, members of our team would transform themselves into whatever we needed them to be. Nowhere was this more notable than in our efforts to mesh hardware and software necessary to run the highly sophisticated telephone surveys. Team members, including volunteers, taught themselves over time different bundles of skills and sensibilities demanded by varying situations. They learned, for example, to coordinate seemingly endless three- and four-way conversations with CUES staffers, our long-distance tech support team, and the law school's and university's top-level administrators and IT department.

Meanwhile, some of the same team members taught themselves from scratch to become tech-savvy troubleshooters. We set up systems to track precisely and review painstakingly the problems we asked our telephone shift supervisors to report in detail daily. And our largely self-taught "SWAT team"—as one admiring collaborator refers to them—frequently solved problems everyone else could not fathom and certainly could not fix.

B.   Imagination

At some moments—when almost all seemed to be deteriorating—most people involved with the NLN&RP would behave as if not much would be lost if we failed. Certainly they may well have been merely preparing themselves for what appeared to be imminent collapse. Still, they seemed simultaneously to mean something far more directly substantive. In their minds, we were working hard—and the folks I'm talking about were on average working very hard—for something that would be "nice to complete" but not a big loss if we happened to be stopped dead in our tracks, never again to jumpstart our efforts.

For the longest time, I couldn't grasp why so many seemed to feel this way. Obviously what we were trying to do was difficult, trying, even exasperating. But at all times, it mattered that we get as far as we could and, if possible, that we complete what we started. Indeed, what we were doing mattered hugely and failing would entail terrific loss, even if it yielded substantial information gains. What could explain behavior that seemed not to grasp what seemed so obviously true?

Only several months ago, a former student—a wonderful soul, involved in the very earliest stages of the NLN&RP—off-handedly said something that in undoubtedly paraphrased form stuck in my memory: "Way back when, and even more recently, I couldn't even picture anything you all now find yourselves doing. When we were in the early stages of drafting the telephone survey, I couldn't picture the fancy WinCati computerized versions or thousands and thousands of dialings and 2000 folks willing to tell you what they know. When we began our search for all of the potentially relevant problem solvers, I couldn't picture the systematically filed and indexed information your research and interviews would generate. To be honest, I really couldn't picture these New York communities—like the ones I grew up and still live in—generating, consuming, and sorting through information for ways to improve their collective and individual problem solving. That's way beyond what I thought possible. Way beyond what I could even imagine."

The inability of my former student, who is now a stunningly good public interest lawyer, to picture much of what we already now have accomplished certainly must be traced back, at least in part, to my inability to help him imagine. Perhaps like so many of the funders with whom I met, he needed a far better pitch person to engage his considerable talents. We can happen upon—luck into—constructive change. And we should cherish and make the most of each and every time we live through such periods in our lives. Most often, though, to achieve anything like the change we may at some level want, we must at least see in our mind's eye that something—however vague—can be different. And inevitably we need others around us to help visualize what alone we may not be able to see, to dream, to imagine even as dreamable.

Our progress to date on the NLN&RP reflects, I believe, the capacity of a great many people of a great many sorts to imagine as possible what may strike still larger numbers of others as utterly unintelligible. Collectively these dreamers—through their actions perhaps even more than through their words—pitch in on what may well prove immediately infeasible but over time increasingly practicable. These folks seem to understand and teach me, time and again, including on the NLN&RP itself, what is fundamentally at work in all we live and do: We know in many ways what's possible only by "trying on for size" what we have partially experienced in some aspects of our lives. We can only understand what we see vaguely as valuable if we extend our experience to other parts still and, of course, if we adapt and burnish it along the way.

C.   Grit

Even for those who could imagine what we hoped to achieve, there have been times when doubts crept in about our capacity to carry forward this project or to get through even a substantial part of Phase One. Such doubts seem then and now utterly sane and sober. Our capacity has been tested. Indeed, our capacity has often been overwhelmed. And to pretend otherwise would be to dishonor what we have managed to achieve so far and what still lies ahead.

Whenever I recall or now live through times of doubt, I remind myself of those who have fueled all we have done and who continue to fuel all we now shoulder through nothing so much as their sheer grit:

I think of "Elena" on so many weekend telephone shifts, somehow mustering up an infectious enthusiasm so that, viewed through a motion picture camera close-up, she looks surrounded by a packed room of equally energetic team callers busily recording, on one questionnaire after another, what residents were enthusiastically sharing rather than, in fact, sitting by herself, serving as a shift of one, convinced we can and should learn more about what residents experience and persuaded we can and should move forward.

I think of "Mike" traveling from his university in another state by bus, every Tuesday afternoon, immediately following his last formal class to spend the balance of his week working, with plainspoken determination, on everything from outreach interviews to telephone shifts to solving a variety of technical and organizational problems, without ever drawing attention to his contributions, much less any hassles he experienced keeping up this schedule.

I think of the many eighty-something year-old residents, with all the reason in the world to be too tired physically and spiritually to help us out, enthusiastically engaging our callers in English, Cantonese, Mandarin, or Spanish, describing particulars, histories, and impressions, not simply because they had nothing else to do at that time of day (though, certainly, some tell us that's true) but because they wanted to help out on what they themselves described as "a good idea," an "overdue idea," often ending their interviews with an "I wish you all luck" and "make sure later to tell me if you need more help."

CONCLUSION

What together we have thus far accomplished deserves celebration. What together we still face deserves support, out-of-pocket and in-kind. We believe we're onto something right-headed about how we should work with and in low-income, of color, and immigrant commu-

nities. We believe we're onto something right-headed about how we should work together across divides in every sphere of life, and we hope others pursue this work in other communities. We can't know how the story of the NLN&RP will turn out, much less whether our vision will prove as effective as we believe or whether it will be at all attractive to others. We do know, however, that we'll keep experimenting, putting into play with others what we think makes sense, always informed by what we and others have learned and shared, hoping our efforts will prove rewarding, always understanding we will often fall flat on our faces, and certainly never figure "it" all out. That is okay, as it is, as it should be.