

LEGAL EMPOWERMENT IS ABOLITION

JHODY POLK & TYLER WALTON[‡]

INTRODUCTION	282
I. THE STORY OF OUR CONFLUENCE: JHODY ASKS, WHAT COULD LEGAL EMPOWERMENT LOOK LIKE IN THE UNITED STATES?	285
II. INCARCERATION AND ABOLITION	289
A. <i>Tyler Experiences the Intellectual Incarceration of the Law</i>	290
B. <i>Jhody Experiences Liberation Through Learning the Law</i>	291
C. <i>Incarceration</i>	295
D. <i>Interrogating Abolition</i>	299
III. LEGAL EMPOWERMENT IS ABOLITION	303
A. <i>The Story of Our Confluence: Tyler Finally Finds Liberatory Law Practice Through Legal Empowerment</i>	304
B. <i>Legal Empowerment Disrupts the Cycle of Incarceration</i>	306
C. <i>Looking Beyond the United States: The Role of Community Paralegals</i>	309
D. <i>Jailhouse Lawyers as Community Paralegals</i>	311
IV. HURDLES TO OVERCOME.....	313
A. <i>Institutional Relationships</i>	313
B. <i>Unauthorized Practice of Law</i>	314
CONCLUSIONS AND LOOKING FORWARD	317

INTRODUCTION

This Essay is a joint endeavor of two authors equal in dignity, aligned in purpose, and, at one point, radically separated in social position. We hope that it will accomplish many things: locate the work of jailhouse lawyers¹ within abolitionist frameworks, enunciate the role of jailhouse lawyers as community paralegals, and advocate for recognition and valuation of jailhouse lawyers as key members of the American legal ecosystem. However, if all this Essay articulates is a well-communicated theory on the path from our currently deplorable system of incarceration towards justice, we fall short of our ultimate goal.²

[‡] Copyright © 2023 by Jhody Polk & Tyler Walton.

¹ An explanation of the choice of “jailhouse lawyer” is expanded on in the following Section.

² For a critique of scholarly work that fails to consider practical implications, see *Beyond*

The broader assignment of this Essay is to share the transformative nature of legal empowerment. It serves as a bridge to connect people (and institutions) who were once isolated from each other. It connects individuals unprotected by the law to knowledge and use of that law; people within isolated communities to one another through processes of movement building and community cohesion; and marginalized communities to the institutions which hold the power to regulate their lives.

We have chosen to use a mixed format for this Essay, equal parts expository essay and narrative prose, because we think there is value in both ideas and stories. In the narrative sections, we share how Jhody and Tyler’s legal journeys each led to different forms of incarceration and liberation, and we explain how the connection between their different paths led to a shared experience of legal empowerment. The expository parts of this Essay will apply this personal lens of legal empowerment to the wider American legal landscape, especially in regard to the roles of “jailhouse lawyers” in this movement.

Throughout this Essay we have chosen to use the term “jailhouse lawyer” to describe incarcerated people who conduct legal work on behalf of themselves and/or others. Jailhouse lawyers are a rich community of people that have gone by many names over the decades: writ writers, inmate law clerks, counsel substitutes and others. Jailhouse lawyers have had a profound impact on the American legal landscape, and their historical significance has been documented both in their own words, as well as in the writings of outside observers.³

Prisons Podcast, *Dylan Rodríguez, Part I: Abolition Is Our Obligation*, BEYOND PRISONS, at 24:11 (July 30, 2020), <https://www.beyond-prisons.com/home/dylan-rodriguez-part-i-abolition-is-our-obligation> [<https://perma.cc/4RVD-ZAFE>] (“The logic of the academy is to expropriate things and turn them into objects of knowledge rather than to take a position of . . . scholarly humility, and try to figure out what praxis would look like alongside different forms of liberation and radical movements”).

³ See, e.g., MUMIA ABU-JAMAL, *JAILHOUSE LAWYERS* (2009) (chronicling the stories and experiences of many jailhouse lawyers, including the author’s own); Kevin D. Sawyer, *Jailhouse Lawyering from the Beginning*, 68 *UCLA L. REV. DISCOURSE (JAILHOUSE LAWYERING)* 98 (2021) (describing his own experience litigating while incarcerated); Stephen Liebb & Ginna Cassar, *Insurgent Knowledge: Battling CDCR from Inside the System The Story of the Essential Collaboration Between Jailhouse Lawyers and Appointed Counsel & Lessons for Sentencing Today*, 68 *UCLA L. REV. DISCOURSE (JAILHOUSE LAWYERING)* 46 (2021) (detailing the advocacy of jailhouse lawyers in San Quentin State Prison against a de facto “no parole policy” for individuals serving life sentences); Frederick Willie Kearse, *How Grappling with Racism and Capitalism Led Me to Organizing, Advocacy, and Legal Work Inside*, 46 *N.Y.U. REV. L. & SOC. CHANGE HARBINGER* 83 (2021–2022) (describing how learning history motivated the author to pursue legal advocacy while incarcerated); Nate A. Lindell, *Our Fight to Help Courts Understand that Solitary Confinement Causes Brain Damage*, 46 *N.Y.U. REV. L. & SOC. CHANGE HARBINGER* 79 (2021–2022) (explaining the author’s unsuccessful attempt to mount a legal challenge to solitary confinement despite other past litigation successes). There has also been gender discrimination against women practicing as jailhouse lawyers. See, e.g., Robin Bunley, *Making Bricks Without*

Most importantly, perhaps, we have decided to use “jailhouse lawyer” in this Essay because Jhody herself found great freedom and a legal identity through that term. We recognize that there are denigrative associations to the term and that it has been used to diminish the value and intelligence of people who are incarcerated who do legal work.⁴ We now use the term as a refutation of those early understandings of the work of jailhouse lawyers.

One other helpful clarification to make is the difference between law clerks and jailhouse lawyers. A law clerk is an institutional role assigned by Department of Corrections staff to work in a law library. The role of the prison law clerk is to assist their incarcerated peers with their legal needs while incarcerated. This is not just limited to conditions of confinement and human rights violations. In addition to post-conviction relief, a law clerk handles family, civil, and immigration issues as well. Jailhouse lawyers can be law clerks, but oftentimes they are not. In fact, effective jailhouse lawyers are often retaliated against by facilities through removal from law clerk positions in the prison.⁵ Furthermore, sometimes prisons purposefully staff prison law libraries with people who are illiterate so that, even in the law library, the law clerks will not function as jailhouse lawyers.

Once you are sentenced to incarceration, you no longer have a right to free counsel. In a series of cases by the Supreme Court, the Court has held that while those in prison have no right to counsel paid for by the state, they do have a right to access the courts.⁶

Straw: Legal Training for Female Jailhouse Lawyers in the Louisiana Penal System, 68 UCLA L. REV. DISCOURSE (JAILHOUSE LAWYERING) 128 (2021).

⁴ See, for instance, the derisive description of jailhouse lawyers by Supreme Court Justice Byron White, *Johnson v. Avery*, 393 U.S. 483, 499 (1969) (White, J., dissenting) (“The disciplinary problems are severe, the burden on the courts serious, and the disadvantages to prisoner clients of the jailhouse lawyer are unacceptable. . . . Many assert that the aim of the jailhouse lawyer is not the service of truth and justice, but rather self-aggrandizement, profit, and power.”).

⁵ See, e.g., Jessica Schulberg, *How Oregon’s Prison System Retaliated Against Its Most Effective Jailhouse Lawyer*, HUFFPOST (Apr. 25, 2022, 5:45 AM), https://www.huffpost.com/entry/oregon-prison-system-legal-assistant_n_62604225e4b08393e1bfd7f [https://perma.cc/5W3N-ZMJ6] (detailing the Oregon Department of Corrections’ retaliation against Mark Wilson, “a prominent incarcerated legal assistant with a near-perfect disciplinary record who has helped thousands of other prisoners pursue legal claims”).

⁶ See *Bounds v. Smith*, 430 U.S. 817, 821 (1977) (“It is now established beyond doubt that prisoners have a constitutional right of access to the courts.”); *Lewis v. Casey*, 518 U.S. 343, 350 (1996) (“The right that *Bounds* acknowledged was the (already well-established) right of *access to the courts*.”). To protect this right, prisons have traditionally been banned from preventing those incarcerated together from helping one another with their legal cases. See *Johnson*, 393 U.S. at 490, (“[U]nless and until the State provides some reasonable alternative to assist inmates in the preparation of petitions for post-conviction relief, it may not validly enforce a regulation such as that here in issue, barring inmates from furnishing such assistance to other prisoners”). Translating and teaching the law are among two of the biggest roles of law clerks and jailhouse lawyers. *But see* *Wrenn*, 894 F. Supp. at 250 (“Having provided a constitutionally acceptable and judicially mandated reasonable alternative for legal assistance to inmates, the State may affirmatively prohibit and punish inmate-to-inmate legal assistance”).

We think it important to begin with one specific connection: that between Jhody and Tyler. We first met each other on Thursday, September 19, 2019, in an unassuming conference room at New York University School of Law (NYU Law). At that point, Jhody was settling into her life outside of prison, searching for her space in community as a liberated woman, and connecting with institutions that hold power over law and policy. Tyler was establishing his legal career and trying to ascertain how he would reconnect with the people that were being directly impacted by the law and policy that he was influencing for his daily work and paycheck. We were both looking for some middle ground where the power of the law and the power of community could coalesce towards justice. We would find a fertile space working together for the next several years on the Jailhouse Lawyers Initiative (JLI). Our joint work was to invest in, provide support for, and garner recognition of jailhouse lawyers around the country through the process of legal empowerment.⁷

I

THE STORY OF OUR CONFLUENCE: JHODY ASKS, WHAT COULD LEGAL EMPOWERMENT LOOK LIKE IN THE UNITED STATES?⁸

I was introduced to legal empowerment by name in 2018, months after accepting my Soros Justice Fellowship to launch the JLI. This was the first time I ever heard of the methodology of legal empowerment, but as a law clerk and justice-impacted⁹ woman after release, I knew the transformative power that knowing and using the law could have on shaping oneself and the laws that govern day-to-day quality of life.

I first heard the language “isolated communities” when I read the flier for a legal empowerment training in Budapest.¹⁰ This deeply resonated with

⁷ *The Jailhouse Lawyers Initiative*, ROBERT & HELEN BERNSTEIN INST. FOR HUM. RTS. AT N.Y. UNIV. SCH. OF L., https://www.law.nyu.edu/centers/bernstein-institute/legal_empowerment/jailhouse_lawyers [<https://perma.cc/EX2P-QFZR>] (“JLI advocates for the legal empowerment of current and former jailhouse lawyers and law clerks - a process central to ending the cycle of incarceration and enabling communities to obtain freedom from the inside out”).

⁸ Tyler: This Section is written from Jhody’s perspective. Too often, the legal profession centers the voices of attorneys to the detriment of people who are directly impacted by the law. This Section of our Essay narrates a joint experience between Jhody and myself. I think leading with her perspective is both more interesting and truer to the efforts of our collaboration. I have read and completely agree with her assessments, and will add any subsequent personal commentary in the footnotes.

⁹ We define “justice-impacted” as an individual who has had a direct experience of incarceration, including the incarceration of a family member or loved one.

¹⁰ See *Designing Effective Legal Empowerment Programs*, SCH. OF PUB. POL’Y AT CENT. EUR. UNIV. (2018), <https://dpp.ceu.edu/sites/spp.ceu.hu/files/attachment/event/2720/legalempowermentleadershipbrochure-06-28-2018-highres.pdf> [<https://perma.cc/8SGL-SX27>] (summarizing the curriculum of the

me as a social justice advocate. I had been struggling with using language to describe myself and the communities I represent. We never called ourselves poor, oppressed, marginalized, or vulnerable, but we were indeed isolated communities that existed within larger communities. We were unprotected by the law, and—worse—at times it was weaponized against us by the larger community.

Prior to the legal empowerment training, my focus was on opening legal education and certification pathways for incarcerated and formerly incarcerated justice defenders like myself. I wanted people like me to have the resources, knowledge, and opportunities to teach the law and provide legal services to the communities we live in and identify with. My goal after incarceration was to become a lawyer. I never imagined that I would start a nonprofit or become a community organizer. I wanted a legal education so I could give it back to the community for free.

Through JLI, many more incarcerated people would also have this opportunity. JLI operates between three institutions: communities, law schools, and prison facilities. There were very few “acceptable” frameworks that supported justice-impacted people working with and inside prison institutions. It has been my goal to build healthy relationships with institutions because that is where the people are.

There are many people who would not consider me an abolitionist because of the relationship that my organization, the Legal Empowerment and Advocacy Hub (LEAH), and I have with institutions that have been known to cause harm (like prisons). It was not until I found legal empowerment that I saw a solution to this supposed dichotomy.

During my legal empowerment training in Budapest, we explored different methods like organizing and the law, technology and the law, data justice, community paralegals, and shared power between lawyers and communities. Not only did I return to the United States armed with legal empowerment, I returned home with my first institutional partner, the Robert and Helen Bernstein Institute for Human Rights (Bernstein Institute).¹¹

Coming home from prison and joining the justice movement positioned me immediately as a shaper and transformer of the law. I was expected to tell my story, advocate, build the movement, and organize my community. As had happened in the law library all those years ago, I had to learn along the way. Although I came home empowered with a legal identity and

Legal Empowerment Leadership Course in Budapest). Jhody attended the fourth annual Legal Empowerment Leadership Course, convened by Namati, the Robert and Helen Bernstein Institute for Human Rights, the Open Society Justice Initiative, and the Global Policy Academy at the Central European University School of Public Policy. Tyler attended the fifth annual conference shortly after meeting Jhody.

¹¹ The Bernstein Institute is a legal center housed at NYU School of Law that supports and trains community justice advocates and lawyers to use legal empowerment methods so they can actively challenge inequities in the United States and around the world.

knowledge of laws that impact the lives of incarcerated people, I did not know the structure of government and how it worked. I was learning for the first time the role and function of my local elected officials. This was the first time that I ever considered myself a community member and found value in my community. There were lots of opportunities for me to tell my story of incarceration, but few opportunities for me to practice citizenship and pour myself into isolated communities like the one I was from. Telling my story paid my bills, put food on the table and kept a roof over my head. Practicing citizenship, however, is being a regular community member—enjoying the freedoms and power that come with belonging to community and society, not continuing to tell and relive that story to meet unfulfilled needs. I wanted to be like other mothers and professionals without being labeled and treated like a formerly incarcerated person. When engaging in advocacy occurs without knowledge and practice of the law, then justice is something that is achieved because it is your duty—it's not true participation. I needed justice to be more than a job for me. It was my life.

Fortunately, the Bernstein Institute saw my value and the value of jailhouse lawyers. Although I live in Florida, we moved JLI, formerly at the National Lawyers Guild, to NYU Law, which has been my partner and home ever since. I was born and raised in Gainesville, Florida, the home of the Gators and one of the most prestigious universities in the country, the University of Florida (UF). I never noticed UF before my incarceration. Gainesville is a segregated city.¹² Although no one ever said I could not attend UF, no one ever encouraged me to, either. Being a part of my isolated community came with an unexpressed understanding that we did not belong on the side of town where the UF students were. They were the enemy. When I decided I wanted to become a lawyer, it was important to me that I attended the university in my hometown. I knew I deserved to be there, too. I knew that it would be a long shot for me, as a felon, to attend the Levin School of Law at UF, but I was not going to give up. I would visit the school as often as I could and make relationships with staff and professors at the university. This was the first time I began to humanize institutions. UF was an institution, but I saw that people made up the institution, and people are where the power is. This has also been my experience growing JLI and my own personal identity at NYU Law.

I have worked alongside Tyler Walton, Sukti Dhital and NYU Law students to achieve justice through legal empowerment for the past three

¹² See Carissa Allen & Eileen Calub, *'This Is Our Home': Gainesville Multigenerational Residents Recount the Evolution of a Segregated Gainesville*, INDEP. FLA. ALLIGATOR (Feb. 28, 2022, 9:03 AM), <https://www.alligator.org/article/2022/02/gainesville-multigenerational-residents-recount-the-evolution-of-a-segregated-gainesville> [<https://perma.cc/F4G9-GX7T>] (describing personal stories of Black Gainesville residents growing up in segregated neighborhoods).

years. Tyler is now the project manager of JLI. I was once asked why I choose to work with non-justice-impacted people. This question assumes that my incarceration is somehow definitive, but I am more than formerly incarcerated. Building relationships in institutions and working alongside one another removes labels and stereotypes. We do not just work on legal empowerment through our projects; we practice legal empowerment as one team working together. I have never felt less than Tyler during the past three years we've worked together. We obviously have different experiences and are two unique and very different people, but that works in our favor. Together we are able to accomplish more than we could apart.

My relationship with NYU has been so much more than organizational and project support. I love that I can see myself in Tyler (who is a white man). There are times when we introduce ourselves on calls, and I am always shocked when Tyler says that he is a lawyer. To me he is my partner. Although he is not justice-impacted, I trust him with my story, experiences, and community. I used to feel pressure to become a lawyer to help my community, but now I am empowered because of the trusted relationships that I have with lawyers like Tyler. Most people would imagine the role of a lawyer is to litigate and be in court, but I know better. Tyler checks the mail, answers the phone, does research, organizes resources and partnerships for JLI, and supports me personally and professionally. We learn from one another and lean on one another's strengths and experiences. He also holds me accountable.

I was used to telling my story and walking off the stage. Telling my story was more for myself than the audience: Every time I told my story, I was hearing and seeing myself in a way that was undeniable. With Tyler, I was not just telling a story. The first time I heard him represent jailhouse lawyers and the work that we are creating, it brought tears to my eyes. I knew he got it. I knew he understood; I knew that we were in this together. This has been critical for me. When I am not in my role as the founder and director of LEAH, I am just another formerly incarcerated woman of color. Becoming a Soros Fellow and international speaker and advocate for peace and justice has never made me immune from the negative aspects of being justice-impacted. I have continued to struggle with housing, funding, parenting, and mental health. Relationships and partnerships like the one we have built together over the years keep me inspired and remind me that peace and justice are possible. Legal empowerment has afforded me a new lens through which to see justice. I have visited, connected, and partnered with law schools and prisons throughout the United States and abroad since 2018. I am aware of the harm that institutions can cause, but I am also aware of the humanity, opportunity, and power that exist within institutions—especially prisons. Tyler and I represent the power of legal empowerment to be a bridge that connects people within systems, institutions, and communities. This is

abolition—living side by side and addressing injustice from the inside out. Because we practice with one another, we can model it in our communities.

The foundation of our connection is trust, respect, and patience. We both see legal empowerment as a tool to abolish incarceration. I know that whatever Tyler knows, I know. I no longer feel like I must learn everything on my own. Carrying the vision, work, and life of legal empowerment is heavy lifting for all! That includes lawyers, communities, and institutions. Our legal empowerment process is always changing, expanding, and adapting.

I used to feel obligated to become a lawyer. Sixteen years ago, from the view of the law library, becoming a lawyer was the only way I could save myself, my children, and my community. But I have since learned that I can achieve justice *with* lawyers. With Tyler. As legal empowerment practitioners, we humanize one another. This powerful act goes a long way. It has been a comfort to have partners in this phase of my own incarceration cycle. I am not protected from the collateral consequences of being formerly incarcerated. I have experienced many personal challenges and continue to heal from my own trauma of incarceration, but we always move along together. I have also learned that you do not have to be a jailhouse lawyer to advocate for jailhouse lawyers. I am still impressed when I do not have to say anything when organizing with Tyler and our colleagues, who are mostly jailhouse lawyers (incarcerated and formerly incarcerated), movement lawyers, professors, researchers, and students.

I trust Tyler! JLI receives hundreds of handwritten letters from jailhouse lawyers. Tyler was the first person I trusted to turn these letters over to; now, they are received and managed with care at NYU Law. For over a year, I carried those letters as a hope and burden. Sharing the vision and community was impossible for me in the beginning. It caused me a lot of challenges, tough lessons, relationships, and opportunities. I was shaping my advocacy without a lot of knowledge and practice for the new level that the Soros project raised me to. I advocate for legal empowerment because I live it. It is how I seek peace and justice. Legal empowerment created the environment where a lawyer like Tyler and a Jailhouse Lawyer¹³ like me could come together and reimagine, as well as practice what our visions and values look like together.

II

¹³ Singular uses of Jailhouse Lawyer are capitalized to honor and remind the reader of the countless individual people who conduct legal work in the invisibility of prisons.

INCARCERATION AND ABOLITION

A. *Tyler Experiences the Intellectual Incarceration of the Law*

Members of the legal profession find it moving to incorporate the stories of their clients or of plaintiffs from famous cases into their law review articles. The narrative is included as a humanizing ingredient in the story of the law. Oftentimes, authors will then switch to an impersonal third person to talk about the law as it is, as it was, or as it should be. I had a similar impulse and perhaps thought it was more justified because my coauthor, the “directly impacted person,” is equally involved in the creation of this Essay. But I think that original impulse is wrong. If the story of the person who is marginalized by the law is essential to understand the law’s influence and operation in our society, I think there is equal importance in putting a story and face to the person privileged by the law. Because of that, I find it valuable to include a bit of my personal story as well. We can call it the “indirectly impacted narrative.”

Inasmuch as Jhody grew up in an isolated or “marginalized” community, I grew up in a community that was the direct beneficiary of the structures of American society. I was born and raised in a middle-class (white) suburb outside of St. Louis, Missouri.¹⁴ My family was devoutly evangelical Christian, and my childhood beliefs were shaped within the confines of conservative religion and politics.¹⁵ There was no direct animosity towards Black people or other “minorities,” as I conceptualized them at the time, but the othering that created the isolated nature of Jhody’s community was deeply ingrained in my mind.

My conceptions of poverty were developed on church mission trips to poor villages in Mexico and favelas in Brazil, casting the problem of poverty as one far away from my own community. My framework for viewing human suffering was only from the perspective of “savior,” with no interrogation of the way that my position of global privilege was rooted in colonialism and capitalism.¹⁶

My journey to a more humane worldview did not begin until I experienced a radical personal othering by the community in which I had grown up, after coming out as gay and deciding to live openly and without

¹⁴ St. Louis has a deep history of redlining and residential segregation. *See, e.g.*, NANCY A. DENTON & DOUGLASS S. MASSEY, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* 52 (1993).

¹⁵ My family closely followed the teachings and trajectory of evangelical leaders similar to Edward Dobson. *See generally* ED DOBSON, ED HINDSON & JERRY FALWELL, *THE FUNDAMENTALIST PHENOMENON: THE RESURGENCE OF CONSERVATIVE CHRISTIANITY* (1981).

¹⁶ *See generally* Teju Cole, *The White Savior Industrial Complex*, *THE ATLANTIC* (Mar. 21, 2012, 7:15 AM), <https://www.theatlantic.com/international/archive/2012/03/the-white-savior-industrial-complex/254843> [<https://perma.cc/6C8K-DY7L>] (describing and critiquing the white savior complex).

shame. The conservative and sheltered worldview I had grown up with held no space for me to live without self-loathing and daily repentance. That was not a life I could lead, and so I liberated myself. This liberation came at a great personal toll, with a loss of family and community that still follows me. However, I was liberated into a secular society that was built specifically to advance someone like me: a white, educated, middle-class, American man.

I developed a new value system centered around the inherent dignity of all people, the importance of both theoretical and practical agency, and the need for a radical restructuring of society to move towards equality and equity.¹⁷ These issues largely seemed connected to justice and the law, so I became a lawyer to gain the tools necessary to achieve the world that I wanted to live in. The tools that I gained, however, were paternalistic and reinforced hierarchies. The law was a system that only the privileged few were supposed to inhabit and, in the most charitable light, can be a tool that educated and equipped people responsibly wield to implement political and societal desires. My agency and liberation could not lead to the agency and liberation of others. I felt stuck. Although I would not assign the language of incarceration to this experience until years later as I learned more through my relationship with Jhody, the limitations of legal practice truly felt like a prison to me.

B. Jhody Experiences Liberation Through Learning the Law

Before I ever thought about the law, Budapest, or legal empowerment, I was incarcerated from 2007 to 2014 by the Florida Department of Corrections (FLDOC). I was guilty of the crimes that I was charged with, but I'd heard a rumor about a "beggar's plea" motion that I could file within sixty days of sentencing, pleading for mercy to my judge for resentencing. I was amazed when I learned that there was a law library within the general prison library. One Saturday morning, the law clerks were facilitating a workshop about the "beggar's motion," which I learned was a motion under Florida Rules of Criminal Procedure Rule 3.800(c) for new arrivals.¹⁸ This prompted my first request to meet my assigned law clerk. If it was not for the same blue uniform we were wearing, I would not have thought that the law clerks were incarcerated with me. They were on a whole other level. I would later understand that it was their knowledge and use of the law that gave them power, even in prison. I remember having a lot of questions for my law clerk, but I didn't like many of her answers.

My law clerk told me at our first appointment that my case was not a

¹⁷ Equality refers to equal distribution of benefit whereas equity refers to fair distribution of benefit. They are often similar measures, but other times are in tension.

¹⁸ FLA. STAT. ANN. § 3.800(c) (West 2021) ("A court may reduce or modify . . . a legal sentence imposed by it, sua sponte, or upon motion file, within 60 days after the imposition . . .").

good case for resentencing and that the judge did not have the discretion in my case to depart from the sentencing guidelines. It became my mission to understand why.

It is not uncommon to be moved from prison to prison throughout your sentence, often without warning! This is especially true for law clerks.¹⁹ I had been in prison for about a month, and one morning I woke up and was shipped to Gadsden Correctional Facility, a privately run prison, over four hours from home. My children were two years old and five months old at the time. I had been taking care of my mom since I was fourteen years old. As the oldest child, I was the primary caretaker in my family, and now my mom was supposed to take care of herself and my kids. Being snatched up and moved so far away showed me how vulnerable I was—how vulnerable we, incarcerated people, were. If I had not been leading the research of my own case and been the holder of that knowledge, it all would have been lost in the transfer because my law clerk did not go with me.

You do not get a chance to say goodbye to your law clerk or gather important documents that they may have gathered in the law library while working on your case. Yes, you could request the institution to ship it to you, but most likely you would never see your paperwork again. Plus, the paperwork is hard to obtain from the courts. You are only allowed one free copy. I was fortunate to have taken control of my case from the beginning.

When I arrived in Gadsden I made an appointment to visit the library at my new facility. Little did I know that I would soon become a law clerk trainee and then a certified law clerk.

I never imagined that my prison work assignment would be as a law clerk. All of the law clerks were serving life and were twice my age (I was twenty-three at the time). As a trainee all I did was self-study and research the law. The ten-month training included twelve chapters of “legal study” information, chapters like structure of court, research, writing, language of law, and post-conviction. Very basic. I breezed through the test used to determine if I was competent to be a law clerk, but during all that spare time I was reading the law. It was like a world, a Florida, I had never known existed.

Looking back, I understand now that I could see myself in the law because I knew myself. So many of the ladies I was incarcerated with didn't have that advantage. It was important for me to know the law so I could translate it to them. I was not teaching them the law; I was showing them how it was related to them, what the law looked like in their world. As a law

¹⁹ A participatory study of prisons found that jailhouse lawyers are among the groups most often targeted by prison administration for discipline. Mark Hamm, *Shattering the Myth of Humane Imprisonment in the U.S.*, PRISON DISCIPLINE STUDY, http://www.freedomarchives.org/Documents/Finder/DOC510_scans/Prison_Conditions/510.shattering.myth.humane.imprisonment.pdf [<https://perma.cc/RN75-XQZ6>].

clerk, you are still a peer, and this is a superpower of the Jailhouse Lawyer: connecting with your client. We were still mothers and still incarcerated. I never judged someone for the crime that they committed. The institution controls everything. It restricts identity by reducing your resources for self-expression, but who a person was always stood out. In the law library, we built legal identities and witnessed them have a direct impact on how someone acted in “population.” Your Jailhouse Lawyer accompanies you through fear, hope, loss, denial, and the never-ending pursuit of freedom. Every law clerk and Jailhouse Lawyer is different. Just like the prison culture, institution, and training, the treatment of law clerks and Jailhouse Lawyers are all different.

I found peace in the law. My law clerk was correct; my sentence for the crimes I committed was a just sentence. This acknowledgement really freed me to accept my sentence, allowing me to do my time and not let it do me. Very early in my sentence, I realized that you either left prison better, worse, or the same. And to me, “the same” was just as bad as “worse.” I knew instantly that the law was powerful and that the law was me.

In the law library, there is a civilian or institutional correctional officer for security, to make sure “nothing happens.”²⁰ However, law clerks are the ones who really run the law library. There is a clerk that schedules our appointments and checks people in. There are never enough computers to accommodate the prison population. We, the population, are many. Incarcerated people clean the prison, feed the prison, do the landscaping, do the laundry, anything. . . . You name it, we did it. Some prisons also host industries through Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE) programs that allow incarcerated people to work assembling and manufacturing different products that get sold worldwide to consumers.²¹ Incarcerated people can be the unseen creators of eyeglasses, name-brand clothing, and so much more. At my prison, Lowell Correctional Institution (Lowell C.I.), I would hear lifers talk about how they were making our uniforms and the soaps that we used, as well as some of the officers’ security equipment. These jobs are often assigned to people with life sentences, so the likelihood of non-lifers getting these “paying” jobs while you are incarcerated is slim. Some PRIDE programs cap your pay raises at \$0.95 an hour, no matter how many years you have been working. The pay is not in any way to be considered fair and sufficient income. It is better than nothing though! Most jailhouse lawyers, including me, are not paid. I did

²⁰ This is a huge reminder for me that we were seen as inmates! Wow, that hurts my heart. We never saw ourselves that way.

²¹ See PRIDE ENTERS., <https://www.pride-enterprises.org> [<https://perma.cc/QVQ4-NXHQ>] (“[Incarcerated individuals] receive real world skills through over 37 job training programs in 17 state facilities offering hundreds of certifications that prepare them for reentry into communities as productive citizens.”).

earn ten days a month of “gain time” through my work assignment as a law clerk. After I earned eighty-five percent of my sentence in good behavior, my time froze—I was truly earning nothing. I share all this to illustrate how being a law clerk was not our job: It was our lives. The law library is where you brought your life issues. I wish I could communicate with words what I am seeing right now and the tears that are flowing down my face with pride for all the beautiful women who are living their lives in prison. Whole lives. I have lived among some of the most peaceful, creative, loving, and amazing women serving life and death in the Florida Department of Corrections. The law library was the one place that connected all of us. That is another superpower of the law clerk and the Jailhouse Lawyer—that connection of respect, trust, and agreement to accompany each other on the journey of their life.

Being a law clerk meant gaining access into even the most isolated spaces. Youthful offenders are housed at some adult camps according to gender. They are kept segregated, because of age, from the general population. Youthful offender camps have a reputation for being the most violent and disruptive.²² The only contact that they had with adults was with guards and their law clerk. Every person has an assigned law clerk. They are assigned to you based off your name, initials, or Department of Corrections (DC) number. You can request to see your law clerk through the inmate request form, and once the clerk receives the request through inmate mail, they will schedule your appointment. This will show up on the inmate call-out regulated by security. A call-out gives you permission to move around the facility through security checkpoints. Once you get into the law library, it is like a whole other world.

I have had the privilege to serve in three different law libraries. Some are better and bigger than others. I was always fortunate to have good civilian law library supervisors that cared about us as clerks and respected what we were doing for and with our peers. Law libraries are lucky if they have an institution that ensures that they receive the minimum required resources to meet the standard of access to courts. Institutions can operate off age-old recommendations from library associations. I never could understand why legal sufficiency of law library materials hasn’t been defined in the various states by courts or legislatures. As a Jailhouse Lawyer you use whatever you have! A good Jailhouse Lawyer knows how to transform the law. The law was our only communication with the courts. Although petitions and motions are submitted by pro se litigants, there is most likely a brilliant law clerk who

²² See, e.g., Editorial, *Florida Must Reform Its Brutal Juvenile Prisons*, FLA. TIMES-UNION (Feb. 11, 2016, 1:39 PM), <https://www.jacksonville.com/story/opinion/editorials/2016/02/11/florida-must-reform-its-brutal-juvenile-prisons/15699627007> [<https://perma.cc/9ZNJ-4ZBE>] (last visited April 8, 2023) (describing “brutal initiations” and other acts of violence in Florida juvenile prisons).

aided, assisted, and prepared the litigant and the petition. I loved learning the language of the law.

I lived my life for seven years in the FLDOC. I would never deny the violent and inhuman practice of incarceration or the way its history is directly rooted in slavery and profit in the United States, but prison paralleled community life for me. I had experienced violence, abuse, trauma, and pain all my life. I was in college, a licensed bail bondsman, and employed at the time of my arrest. There was this strange sense of relief when I turned myself in. It was only a matter of time before I would become a convicted felon, although I never imagined I would be incarcerated. There was this subtle but affirming feeling that I was where I was supposed to be.

The first time I used policy for my benefit was when I used the good adjustment transfer policy to get transferred back to Lowell C.I., a huge female prison.²³ It was thirty minutes from my hometown. I knew if my mom could get a ride to visit me with my kids, this was the closest to her. I saw my children five times throughout those seven years. At Lowell I continued to learn from and self-study among some of the greatest Jailhouse Lawyers in Florida. I was the law clerk for death row, solitary confinement, the infirmary, and one third of our population at my camp. I lived as a Jailhouse Lawyer and fell in love with the law. I loved to teach the law to others and empower them to defend themselves and protect their families with the law. I knew I would go to law school after my release. I wanted to learn the law and give it away to my local community. I recognized the power of the law in the minds, hearts, and hands (literally) of the people. I got free in prison.

Inside prison is where I and countless others learned for the first time just how much the law impacts our everyday lives before, during, and after incarceration. It was in the law library that I learned how to interpret and translate the law to my peers so that they could understand their rights and see what we could do together to protect their rights. We learned to transform the laws used to prosecute us into laws that liberate us.

C. Incarceration

Jhody's experience of incarceration led to a personal journey of liberation. This should not detract from the depraved nature and roots of the American carceral system. Our system of incarceration, as well as many other affiliated societal structures such as police terror and capital punishment, are direct descendants of the supposedly abolished institution

²³ At the time of publication, Lowell Correctional Institution has the capacity to hold 1,047 women. *Lowell Correctional Institution*, FLA. DEP'T OF CORR., <http://www.dc.state.fl.us/ci/314.html> [<https://perma.cc/3FK2-6G7N>] (last visited April 8, 2023).

of chattel slavery.²⁴ The very Constitution that the United States is founded on was created to advance settler-colonialism, slavery, and racial capitalism.²⁵ Some abolitionists argue that this pedigree alone is a reason to abandon the Constitution as a valid starting point for a truly just system of laws. Notably, although it was abolished in law by the Reconstruction Amendments, the institution of slavery was written into the original Constitution.²⁶

Looking to the past gives us an understanding of the evolution of slavery to incarceration in the United States, but to abolish unjust incarceration we have to understand how it works today. Incarceration has become a systemic tool that claims the life of an individual from the moment of birth. Poor people and vulnerable people are born into incarcerated narratives, environments, and communities. Abolition must go beyond jails, prisons, and police. When we think of the criminal justice system and incarceration, it's easy to imagine arrest, pre- and post-trial proceedings, judges, lawyers, and the like. We imagine the systems, institutions, law, policy, and courts—but what about the people?

Incarceration is most acute when the state locks up a person in prison, but the status of incarceration clings to many people before they enter a prison cell and long after they exit its gates.²⁷ People often talk about the experience of incarceration in comparison to the “free world,” but the boundary between freedom and incarceration is not defined by the walls of the prison. The prison is a community that has the same diverse range of needs as communities on the outside.

At LEAH, we have mapped incarceration as a cycle that begins and ends with community. Many of the people who are vulnerable and born into incarceration belong to isolated communities. We often label these isolated communities as poor, marginalized, oppressed, or disenfranchised. These communities live isolated within larger communities that they only interact

²⁴ See Dorothy E. Roberts, *Constructing a Criminal Justice System Free of Racial Bias: An Abolitionist Framework*, 39 COLUM. HUM. RTS. L. REV. 261, 267 (2008) [hereinafter Roberts, *An Abolitionist Framework*] (“Prisons, state executions, and police brutality have supported white supremacy by effectively reinstating blacks’ slave status and by reinforcing the myth of inherent black criminality.”).

²⁵ See Dorothy E. Roberts, *Foreword: Living Constitutionalism*, 133 HARV. L. REV. 1, 51 (2019) (“The constitutional government of the United States was founded on the colonization of Native tribes and the enslavement of Africans. It enshrined the power and freedom of a white male elite, along with the ability of this elite class to restrict the power and freedom of everyone else.”).

²⁶ This abolition of slavery held a large caveat: the legal use of slavery if those enslaved are convicted of a crime. See 13TH (Forward Movement, Kandoo Films & Netflix 2016) (arguing that mass incarceration is modern-day slavery).

²⁷ See Dylan Rodríguez, *Abolition as Praxis of Human Being: A Foreword*, 132 HARV. L. REV. 1575, 1588 (2019) [hereinafter Rodríguez, *Abolition as Praxis*] (“Incarceration takes the form of narrative, juridical, spatial, and sociopolitical processes through which criminalized or otherwise (ontologically and socioculturally) pathologized populations are rendered collective targets of state-sanctioned social liquidation and political neutralization.”).

with through education, health, and social services. Physical incarceration is initiated through arrest, but incarceration of mind, self, and opportunity can begin as early as preschool for many.²⁸ Growing up, Jhody often felt as if she did not have a choice but to go to prison. It was easier to commit crimes than it was to have access to art, music, dance, writing, and creative learning. Economic, health, and social factors including race, education, environmental violence, and injustice all impact individuals and families²⁹—these limitations can amount to incarceration. Violence against people caused by institutions, systems, and social norms goes unreported and unresolved. Because the violence is often generational, it becomes normalized and unidentified. Incarceration turns people into “offenders” of and “victims” in the criminal justice system.

Data backs up this view of the perpetual cycle of incarceration.³⁰

²⁸ Cf. *The Relationship Between Incarceration and Low Literacy*, LITERACY MID-SOUTH (Mar. 16, 2016), <https://www.literacymidsouth.org/news/the-relationship-between-incarceration-and-low-literacy> [<https://perma.cc/525L-MA8L>] (discussing a “strong connection between early low literacy skills and our country’s exploding incarceration rates”); *Prison Component of the 2003 National Assessment of Adult Literacy*, NAT’L CTR. FOR EDUC. STAT. (2003), <https://nces.ed.gov/naal/pdf/PrisonFactSheet.pdf> [<https://perma.cc/P7PL-BNTN>] (“The nation’s prison population includes disproportionate percentages of adults with certain demographic and other characteristics associated with low levels of literacy.”); ANNIE E. CASEY FOUND., EARLY WARNING! WHY READING BY THE END OF THIRD GRADE MATTERS 9 (2010), https://assets.aecf.org/m/resourcedoc/AECF-Early_Warning_Full_Report-2010.pdf [<https://perma.cc/33DQ-VRZZ>] (noting that students with low literacy skills tend to have more behavioral and social problems); Rodríguez, *Abolition as Praxis*, *supra* note 27, at 1588 (“[I]ncarceration is simultaneously repressive and productive power, a method of normalized (legally ordained) dominance and violence over particular peoples’ physiologies and environments.”); NAT’L ACADS. OF SCIS., ENG’G, AND MED., COMMUNITIES IN ACTION: PATHWAYS TO HEALTH EQUITY 160 (2017) https://www.ncbi.nlm.nih.gov/books/NBK425848/pdf/Bookshelf_NBK425848.pdf [<https://perma.cc/SWC3-77GK>] (“Mass incarceration has contributed to the breakdown of educational opportunities, family structures, economic mobility, housing options, and neighborhood cohesion, especially in low-income communities of color.”).

²⁹ See, e.g., John A. Rich, Professor, Drexel Univ. Dornsife Sch. of Pub. Health, Keynote Presentation on the Impact of Racism and Violence on Communities (June 16, 2016) (discussing the public health effects of racism and violence), in *COMMUNITY VIOLENCE AS A POPULATION HEALTH ISSUE: PROCEEDINGS OF A WORKSHOP* (Darla Thompson & Joe Alper eds., 2017); Amanda Geller, Jeffrey Fagan, Tom Tyler & Bruce G. Link, *Aggressive Policing and the Mental Health of Young Urban Men*, 104 AM. J. PUB. HEALTH 2321, 2324 (2014) (“Although proactive policing practices target high-crime, disadvantaged neighborhoods, affecting individuals already facing severe socioeconomic disadvantage, our findings suggest that young men stopped by the police face a parallel but hidden disadvantage: compromised mental health.”).

³⁰ See Sash Abramsky, *Toxic Persons: New Research Shows Precisely How the Prison-to-Poverty Cycle Does Its Damage*, SLATE (Oct. 8, 2010, 7:34 AM), <https://slate.com/news-and-politics/2010/10/new-research-shows-precisely-how-the-prison-to-poverty-cycle-does-its-damage.html> [<https://perma.cc/JB6B-6R44>] (citing research finding “that once a person has been incarcerated, the experience limits their earning power and their ability to climb out of poverty even decades after their release”); Shiv R. Desai & Andrea Abeita, *Breaking the Cycle of Incarceration: A Young Black Male’s Journey from Probation to Self-Advocacy*, 13 J. URB. LEARNING, TEACHING, & RSCH. 45 (2017) (detailing a case study of one individual’s cycle of incarceration).

Following the community factors outlined above, interactions with police lead to arrest and then the unjust cash money bail system. This system almost guarantees you to sit for months, if not years, in the county jail.³¹ You are supposed to be innocent until proven guilty, although over ninety-four percent of state cases and ninety-seven percent of federal cases end with a plea deal or no judicial proceedings due to unfair laws that give prosecutors discretionary charging power.³² From there, a person will continue through prison and/or probation, often traumatizing in their own right, only to return back to the violent communities that they survived and were enslaved in prior to their physical incarceration.³³

Not all incarceration is physical. Incarceration affects families, children, communities, and individuals. When Jhody came home from prison, she was achieving all her goals and was outwardly successful—and yet she still wanted to go back. Prison was not better than being home, but it was easier. Being a felon with her charges had serious consequences. Because of her arson charge, she could not get an apartment in apartment complexes. This prohibition continues to the day of writing this Essay, fifteen years after the crime was committed. This limited her housing options to only renting houses from private owners that were way out of Jhody's price range. Jhody's life after incarceration started off in debt, leading to payday loans, adverse effects on credit, and insufficient income.

Having a job, even when it does not meet a formerly incarcerated person's budget or needs, limits their ability to get social assistance and can impact their ability to qualify for health insurance through Medicaid. Many days when Jhody first got out of prison, she did not eat because there was only enough food for her kids. This type of experience is shared by many other women.³⁴ At thirty-four years old, Jhody remembered all the nights she watched her mom fix food when there was not enough for her, but she acted as if she was not hungry or had already eaten.

Through this, Jhody realized a painful truth: Most incarcerated people do not want to enter back into the communities that they left before incarceration. Like Jhody's, their neighborhoods, schools, and bodies are often their first prisons. The cycle of incarceration is systemic. It funnels

³¹ See Bernadette Rabuy & Daniel Kopf, *Detaining the Poor*, PRISON POL'Y INITIATIVE 1 (May 10, 2016), <https://www.prisonpolicy.org/reports/DetainingThePoor.pdf> [<https://perma.cc/6F7N-VAHR>] (noting that criminal defendants who are unable to pay money bail can be incarcerated until their cases are resolved in court).

³² Emily Yoffe, *Innocence Is Irrelevant*, THE ATLANTIC (Sept. 2017), <https://www.theatlantic.com/magazine/archive/2017/09/innocence-is-irrelevant/534171> [<https://perma.cc/7J4S-6EXQ>].

³³ Cf. Rich, *supra* note 29; Geller et al., *supra* note 29, at 2324.

³⁴ See, e.g., Maura Ewing, *These Women Spent Years in Prison. Here Are Their Biggest Challenges — and Triumphs — Since Coming Home*, THE LILY (July 28, 2019) (sharing the stories of three formerly incarcerated women struggling to pay bills, balance work, school, and family demands, and participate fully in the lives of their children).

families and individuals through the criminal justice system. There is plenty of data on the many pathways that streamline vulnerable people into the system.³⁵ An inability to pay child support can be another pathway to incarceration.³⁶ Many of the crimes committed by vulnerable communities are money crimes, meaning crimes committed for people to provide for their own needs.

D. *Interrogating Abolition*

Abolition of prisons and the prison-industrial complex is a proposed response to incarceration. From our collective experiences in the worlds of legal academia, justice advocacy, and community, we understand prison abolition to be some or all of three things:

- A movement to complete the abolition of slavery in the United States
- The abolition of jails, prisons, and law enforcement
- Imagining a world without prisons, jails, and police

The modern prison abolition movement is often traced back to the Attica prison uprising and the theories and praxes distilled down from the demands of the uprising.³⁷ One example of the approach to prison abolition in the early 1970s is that published by The Prison Research Project:

It's time to stop talking about reforming prisons and to start working for

³⁵ See generally MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* (2010) (discussing the racism that pervades the criminal legal system); Rose M. Brewer & Nancy A. Heitzeg, *The Racialization of Crime and Punishment: Criminal Justice, Color-Blind Racism, and the Political Economy of the Prison Industrial Complex*, 51 *AM. BEHAV. SCIENTIST* 625, 626 (2008) (“In this era of color-blind racism, there has been a corresponding shift from de jure racism codified explicitly . . . to a de facto racism where people of color, especially African Americans, are subject to unequal protection of the laws, excessive surveillance, extreme segregation, and neo-slave labor via incarceration.”); Desai & Abeita, *supra* note 30 (describing one individual’s system involvement beginning with the juvenile justice system at twelve years old); INVISIBLE PUNISHMENT: THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT (Marc Mauer & Meda Chesney-Lind eds., 2002) (discussing how vulnerable populations get funneled into the system, including through the experience of a family member’s incarceration and the war on drugs); Jeremy Travis, *Invisible Punishment: An Instrument of Social Exclusion*, in INVISIBLE PUNISHMENT: THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT 15 (Marc Mauer & Meda Chesney-Lind eds., 2002) (noting community-based sentences as an invisible but significant punishment that should be included in discussions about incarceration); ANGELA Y. DAVIS, *ARE PRISONS OBSOLETE?* (2003) (analyzing additional factors affecting individuals’ system involvement including race, gender, and the prison industrial complex).

³⁶ Elizabeth Cozzolino, *Public Assistance, Relationship Context, and Jail for Child Support Debt*, 4 *SOCIO. RSCH. FOR A DYNAMIC WORLD*, Feb. 22, 2018, at 1, 1.

³⁷ See, e.g., Angela Y. Davis & Dylan Rodriguez, *The Challenge of Prison Abolition: A Conversation*, 27 *SOC. JUST.*, no. 3, Fall 2000, at 212, 215. The prison uprising preceded the publications of influential abolitionist texts of the 1970s. See THOMAS MATHIESON, *THE POLITICS OF ABOLITION* (1974) (an example offering a theoretical sociological understanding); *INSTEAD OF PRISONS: A HANDBOOK FOR ABOLITIONISTS* (Mark Morris ed., 1976).

their complete abolition. That means basically three things:

First, admitting that prisons can't be reformed, since the very nature of prisons requires brutality and contempt for the people imprisoned.

Second, recognizing that prisons are used mainly to punish poor and working-class people, and forcing the courts to give equal justice to all citizens.

Third, replacing prisons with a variety of alternative programs. We must protect the public from the few really dangerous people who now go to prison. But more important, we must enable all convicted persons to escape the poverty which is the root cause of the crimes the average person fears most: crimes such as robbery, burglary, mugging or rape.³⁸

This ethos and language that was first articulated by social movements in the 1970s can be seen in prison abolition movements today, which still demand that our response to prisons should be to “tear them down.”³⁹

Over time, theorists and practitioners have also added nuance to the understanding that abolition is a direct and immediate call to tear it all down. For example, critical race theory engages with many of the ideas of prison abolition. As discussed by Andrea Smith, the harmful racialized systems of American society were created by an agenda of white supremacy and the institutions of genocide, orientalism, and slavery.⁴⁰ “[A]bolition is a generative, imaginative, and productive concept precisely because it entails a radical reconfiguration of relations of power, community, collective identity, and sociality that *does not rely on carcerality and its constitutive, oppressive forms of state and cultural violence.*”⁴¹ Likewise, academic Allegra McLeod’s vision of a “prison abolitionist framework” reconceptualizes abolition as a set of “legal and institutional regulatory forms” which “supplant criminal law enforcement.”⁴² In her article, she critiques the failure of criminal law and criminological scholarship to consider how the very “goals of criminal law . . . might be approached by means entirely apart from criminal law enforcement.”⁴³ While the theoretical

³⁸ THE PRISON RSCH. PROJECT, URB. PLAN. AID, THE PRICE OF PUNISHMENT: PRISONS IN MASSACHUSETTS (1974), <https://www.prisonpolicy.org/scans/price/chapter5.shtml> [<https://perma.cc/S7L5-M2QM>]. The authors would like to note that we strongly disagree with the inclusion of rape in a list of crimes attributable to poverty.

³⁹ See, e.g., *Prisons: Tear Them Down*, WORKERS WORLD, <https://www.workers.org/category/prisoners-2> [<https://perma.cc/35YK-NQYH>].

⁴⁰ Andrea Smith, *Heteropatriarchy and the Three Pillars of White Supremacy: Rethinking Women of Color Organizing*, in COLOR OF VIOLENCE: THE INCITE! ANTHOLOGY 66, 66–73 (2006); see also Roberts, *An Abolitionist Framework*, *supra* note 24, at 262 (“The U.S [sic] criminal justice system has always functioned, in coordination with other institutions and social policy, to subordinate black people and maintain the racial caste system.”).

⁴¹ Rodríguez, *Abolition as Praxis*, *supra* note 27, at 1612.

⁴² Allegra M. McLeod, *Prison Abolition and Grounded Justice*, 62 UCLA L. REV. 1156, 1161 (2015).

⁴³ *Id.* at 1160 (“[D]espite persistent and increasing recognition of the deep problems that attend

framework has been given nuance, this has not always translated into movements addressing the harms of prisons on the ground and in communities.

When Jhody was first introduced to “abolition” after returning home from serving an eight-year prison sentence in the FLDOC, it was in the context of getting rid of all jails, prisons, and law enforcement. The abolitionists from which she first learned abolition in her small southern community were mostly students, non-formerly-incarcerated people, and not people of color. Jhody’s goals were liberation, peace, and justice—initially it was hard for her to adopt abolition as a strategy to achieve those goals. She recognized several shortcomings. First, abolition is positioned outside of jails and prisons: The leaders she saw had no experience of the institutions they demanded to be dismantled. Second, abolition failed to acknowledge all forms of incarceration, not just incarceration by jail and prisons. Jhody had experienced decarceration of the mind during her incarceration in prison. She had also encountered people who had never been incarcerated in prison, but whose minds were locked into the legal systems that perpetuated harm. Third, jails, prisons, and police were not the first or sole causes of harm or danger. She did not believe in the criminal justice system or police to protect people, especially people of color, but she also had not figured out a way to protect herself, her family, and her community.

Jhody experienced abolition as an emotional response to racial injustice, an experience that has resonated with other formerly incarcerated people that she has spoken to. There are times Jhody intentionally chose not to participate in demonstrations outside of jails and prisons, because she understood the impact that acts of abolition can have on people who are serving time on the inside. Protests outside of the prisons can result in visitation being interrupted and canceled. Data shows that it is the regular practice of prison institutions to house incarcerated men and women hours away from the counties that they lived in before prison.⁴⁴ Until recently, if you were housed in a federal prison, you could be shipped to any federal facility anywhere in the United States.⁴⁵ If poor people and disadvantaged

U.S. incarceration and prison-backed policing, criminal law scholarship has largely failed to consider how the goals of criminal law . . . might be pursued by means entirely apart from criminal law enforcement.”).

⁴⁴ See Beatrix Lockwood & Nicole Lewis, *The Long Journey to Visit a Family Member in Prison*, THE MARSHALL PROJECT (Dec. 18, 2019), <https://www.themarshallproject.org/2019/12/18/the-long-journey-to-visit-a-family-member-in-prison> [<https://perma.cc/JJ86-37B7>] (detailing the great distances families travel to see their incarcerated loved ones and noting that more than sixty percent of people incarcerated in state prisons are more than 100 miles from their families).

⁴⁵ *Id.* (noting that the FIRST STEP Act now requires people incarcerated in federal prisons to be housed within 500 miles of their families). Prior to the FIRST STEP Act’s passage, incarcerated people in federal prisons could be shipped anywhere in the United States. See Martin Austerhuhle,

people of color are being targeted for incarceration, imagine the heartbreak for families who travel long distances and expend great costs, who arrive at visitation only to be turned away or interrupted and abruptly stopped without information during their visit. Disruption outside of the prisons results in lockdown within the prisons. This does not just affect families on the outside, but it also has an effect on the lives of the people who are living their lives in prison institutions. There are people inside who would willingly sacrifice their visits, canteen, phone time, and yard time, but there are also a lot of people who would not. One of the big problems of the abolition movement is that outside abolitionists do not even consult those inside.⁴⁶

Many people on the inside have not adopted abolition as a strategy to get their needs met. Needs drive our behavior! According to Marshall Rosenberg, the psychologist who developed the theory of nonviolent communication, violence is a result of unmet needs.⁴⁷ This is also the lived experience of Jhody Polk. As a law clerk in the FLDOC, she knew this to be true. Our current judicial system punishes criminal acts but rarely takes into account the opinions and voices of either the accused or the victims of crime. Removing people from creating, shaping, transforming, or participating in systems and institutions that are tasked with protecting and governing people is a problem of our current judicial system, but it is also a problem of some abolitionist movements.

Jhody's journey to becoming an abolitionist began with her personal abolition. As someone who has been incarcerated in some form or fashion her entire life, Jhody understands personal abolition today as the ability to exercise freedom now, by intentionally making choices in life that are healthy for her. Personal agency is the outcome of abolition—a world that respects and protects the sacredness of humanity, choice, identity, and quality of life. Some advocates of reform disagree that abolition is the best strategy to achieve justice. Legal empowerment can provide a pathway that allows greater imagination of a world without jails, prisons, and police. Legal empowerment is a proactive approach towards abolition in the United States.

McLeod's article lists out possibilities for what new legal and regulatory systems could look like,⁴⁸ but her prescription fails to incorporate

D.C. Inmates Serve Time Hundreds of Miles from Home. Is It Time to Bring Them Back?, WAMU (Aug. 10, 2017), <https://wamu.org/story/17/08/10/d-c-inmates-serving-time-means-hundreds-miles-home-time-bring-back> [<https://perma.cc/CS7M-M97U>].

⁴⁶ Some organizations, like JLI and Initiate Justice in California, have rich inside membership and are starting to change this paradigm of the abolitionist movement. See *Inside Membership*, INITIATE JUST., <https://initiatejustice.org/inside-membership> [<https://perma.cc/G5T7-WWTK>] (“Our Inside Members represent around half of the California prison population.”).

⁴⁷ MARSHALL ROSENBERG, *NONVIOLENT COMMUNICATION: A LANGUAGE OF LIFE* 144 (PuddleDancer Press, 3d ed. 2015) (“At the core of all anger is a need that is not being fulfilled.”).

⁴⁸ McLeod, *supra* note 42, at 1224–30 (outlining six pathways forward through her abolitionist ethic: justice reinvestment, decriminalization, creating safe harbors, alternative livelihoods, universal design, and urban development).

an essential element: leadership by and accountability to those directly impacted by incarceration. This is the necessary “next step” for conversation around abolition practice. This central oversight by many abolitionist theorists and practitioners needs to be addressed; otherwise, the framework of abolition will remain insufficient for those in prisons or recently returning home. There is the opportunity for abolition to be strengthened when it is implemented through the methodology of legal empowerment.

Before applying the framework of legal empowerment, Jhody envisioned abolition from the outside of the American justice system, chipping away. The issue of incarceration is so big that it would take all of us, everywhere, chipping away at it. The legal empowerment of jailhouse lawyers places the chisel in the hands of those inside the belly of the injustice system.

III

LEGAL EMPOWERMENT IS ABOLITION

At its core, legal empowerment is built on the idea that justice can only be achieved when people who are impacted by the law have the tools and resources to learn the law and use the legal systems that are in place to their advantage. Through their use, these legal systems will be shaped and, when necessary, transformed to effectively address the legal needs of these people.⁴⁹ Know, use, shape, and transform.

While incarcerated as a law clerk, Jhody realized that many people, including herself, did not have an awareness of the law until they were incarcerated. Sadly, women would come to the law library in prison after months of pre-trial proceedings and have no idea what happened in the courtroom, what was said, or how the law applied to them and their case. A lack of legal knowledge and legal identity can cost you your life—literally. Just because a person is incarcerated does not mean that they no longer exist as a human being or have a legal identity. When people know the law, understand how it works, and trust in the law to not only punish but to protect, this builds the confidence for people to interact with and participate in the justice system. Knowing the law creates the opportunity for people to use the law as a tool and strategy to get their justice needs met. Knowledge

⁴⁹ See generally Margaret Satterthwaite, *Critical Legal Empowerment for Human Rights*, in LEGAL MOBILIZATION FOR HUMAN RIGHTS 89, 93 (Gráinne de Búrca ed., 2022) (“[L]egal empowerment . . . may allow scholars of human rights to broaden our understanding of how communities and movements are engaging with the law and legal systems to advance their human rights and to resist exclusion and oppression.”); Sukti Dhital & Tyler Walton, *Legal Empowerment Approaches in the Context of COVID-19*, 19 J. HUM. RTS. 582, 583 (2020) (“Today more than 2,300 organizations are part of a global network dedicated to legal empowerment . . . with a growing community of organizations moving beyond an approach to providing ‘access to justice’ in conventional terms, toward embracing grassroots power as key to achieving social transformation.” (citation omitted)).

and use of the law positions community members to become shapers and transformers of laws that are unjust.

Similar to the cycle of incarceration outlined earlier, we think that empowerment is a cycle, both in the individual and in the community. We say “Yes!” to burning it all down, but how are we going to get our people on the inside the tools they need to accomplish this, and care for them in the process?

A. *The Story of Our Confluence: Tyler Finally Finds Liberatory Law Practice Through Legal Empowerment*

At the end of three years of legal study, I was left wondering if the law gave me any tools that would align with my goals of bringing more justice to the world. Yes, I had met passionate public interest lawyers at panels, events, and classes that I attended, but there were always underlying questions of efficacy and the extent of positive change. If you got a new law passed by a legislature, would the court strike down the law on procedural grounds? If you got your client a favorable outcome, but were forced to do it through a settlement, was it really okay not to challenge the underlying unjust jurisprudence? If you won a large strategic litigation case, but the judge decided it on a narrow ruling that would make subsequent justice fights more difficult, was that a complete win? And while all of these possibilities were shades of “good,” “bad,” and “neutral,” the real question underlying it all for me was: Who was I to be applying my own value system to these types of questions anyways?

I started my practice as a lawyer working on international human rights litigation. I would not disparage this work, and I have a lot of respect for the organization I worked with, but throughout that first year of practice, I continued to be plagued by this feeling that I was reinforcing the role of lawyer as gatekeeper. No matter how much good legal work I did, it seemed that so many people remained so far from the law, and, in turn, so far from addressing the very real harms that bad law can cause. I would never have enough good ideas, or put in enough hours, to do good by the people and communities whose problems I felt that I was tasked to champion and address.

After that first year working, I started a new job at the Bernstein Institute as the inaugural Tuttleman Legal Empowerment Fellow. Within my first few months on the job, I attended the legal empowerment leadership course in Budapest.⁵⁰ Similarly to that of Jhody, my experience of learning the vocabulary of legal empowerment was a sense of homecoming. I had been seeking a non-prescriptive way to practice law to the benefit of others, and the framework of legal empowerment finally showed me a pathway to

⁵⁰ This was in November 2019, the year after Jhody attended.

leverage legal knowledge and power in a way that aligned with my personal ethics of agency and equity.

The leadership course was a crash course in legal empowerment, but the true deep learning took place over the next several years collaborating with Jhody on JLI. The basic concepts that people must know to be able to use, transform, and shape the law are not difficult to grasp. Implementing this methodology presents many more hurdles, which impacted me greatly in my personal journey as a lawyer and legal practitioner.

There were practical considerations to implementing any legal empowerment strategy. For JLI, we had to decide where to draw the line between approachability and specificity in the legal resources we created for our isolated communities. We had to create real space and opportunity for currently and formerly incarcerated jailhouse lawyers to provide input, direction, and leadership, while recognizing they were navigating the very real collateral consequences of incarceration. This often meant having flexibility in meeting times, project timelines, and methods of communicating and connecting, and then balancing this flexibility against the rigidity of institutions that held power: the law school, funders, and government agencies. We had to participate in community building, leadership outreach and training, network development, and teaching law students a new methodology, all before we got to the “meat” of the work.

As I navigated all of these practical considerations alongside Jhody and the rest of the JLI team, I experienced massive amounts of personal growth. I was not bogged down by the weight of getting the exact correct policy based on my own political and ethical calculations. The policy priorities would be the outflow of movement consensus; they are justified as “right” because they are the determination of an educated and empowered community who has the right and capability to make those decisions for themselves. I also experienced liberation from the weight of needing to find an answer that fixed the problem. By investing my time in learning how to transfer knowledge and power, I could be assured that “answers” would become more and more crowdsourced by the people with the best solutions—those experiencing the injustice themselves.

What was key for any of this to happen, however, was trust. And this all started with Jhody’s trust in me. She trusted that, despite the fact that I came from the race and class of people that had created this oppressive system and isolated her and her community in the first place, I was committed to entering into this work with her. Over time, she trusted me enough to share both the strength of her vision and the very real struggles that come from facing immeasurable injustice. It was not a linear journey, as no relationship is. There were times where I would draw boundaries and check out, or she would draw boundaries and check out, but we stuck with each other and continued to enter into this sometimes uncomfortable, but

truly rewarding, middle ground of collaboration, partnership, and care.

Furthermore, out of a place of trust, Jhody acted as my ambassador to her community of justice-impacted people, so that JLI could actually start the work of movement building, project development, and legal transformation. Jhody leveraged her social capital to get me into the spaces and conversations where people who had experienced a shared injustice could be vulnerable and authentic. It was an honor and privilege to be invited in as an outsider, but it also allowed me to more effectively share and pass on any knowledge, power, or resources that I might have access to, adding more fuel to this movement pushing towards real and sustainable justice.

When I was in law school, I did not engage very much with domestic justice work, because the complexity and the deep-seated injustices present in American society, my society, felt too close, too impermeable, and too hopeless. I always felt this pang of guilt for avoiding distinctly American injustices, because those were the injustices that I was likely most directly benefiting from. Who was I to determine what justice looked like? Legal empowerment, and its gift of human connection to Jhody and all the other jailhouse lawyers I have had the pleasure of working with, gave me a pathway to join in on the road towards justice.

B. Legal Empowerment Disrupts the Cycle of Incarceration

Legal empowerment is a proactive approach to abolition in that it decarcerates justice from only being achieved through a broken criminal injustice system. Legal empowerment positions abolition everywhere and equips those who are most vulnerable to be the most powerful solutionaries⁵¹ and advocates of justice. Data shows that the pathways to incarceration are many.⁵² Legal empowerment equips vulnerable and isolated communities with the resources, knowledge, and relationships to identify and address their justice needs in their everyday lives.

Legal empowerment is a tool that can be brought to people anywhere. This is critical because pathways to incarceration are often not visible to those that are most vulnerable. Many people who live isolated and unprotected, or who are even targeted by the law, would not label themselves poor, marginalized, or oppressed.

For Jhody and many people, the prison law library was an introduction

⁵¹ For background on this term, see *How to Be a Solutionary: A Guide for People Who Want to Make a Positive Difference*, INST. FOR HUMANE EDUC. (2021), https://humaneeducation.org/wp-content/uploads/2021/05/How-to-Be-a-Solutionary_2021.pdf [<https://perma.cc/6TAN-MJ2E>] (“A solutionary is someone who: makes compassionate and responsible choices; identifies unsustainable, inhumane, and unjust systems; brings critical, systems, strategic, and creative thinking to bear on solving problems; and develops solutions that do the most good and least harm to people, animals, and the environment.”).

⁵² See sources cited *supra* note 35.

to the law and awareness of how much the law impacted our lives on a day-to-day basis. Isolation can feel like a form of protection for communities against unjust and violent oppressive systems, laws, and governance, but ignorance or lack of knowledge of the law is not safe. Ignoring the problem does not mean that it goes away. When looking at the generational effects of racial violence and marginalization of various classes of people, it should not be surprising that people would lack the ability to identify and communicate the problems that they experience day-to-day.

Most people are unaware of legal aid and community organizations that supposedly serve their community yet exist outside their isolated neighborhoods.⁵³ When people do not know about these services, they do not utilize them. Many people suffer in silence and do not seek the justice system as a strategy to protect themselves or their families.

Legal empowerment begins with knowing the law, and this is important! The more Jhody was able to learn the law, the more it built her legal identity and self-confidence. This did not only lead to an ability to identify and challenge injustice during and after incarceration, but it also placed her in a position to be a solutionary and to creatively approach and overcome many of the generational barriers, narratives, and harms that came after release.

Legal empowerment is proactive in that it places tools like data collection in the hands of community members and does not just limit these resources to institutions and experts of organizations. There is enough data to know what the problem is and where it comes from.

Legal empowerment disrupts the cycle of incarceration. It places people in charge of their justice needs and creates opportunities, relationships, and conditions for participatory governance. Legal empowerment introduces innovative participatory tools like data justice and participatory action research (PAR) that allows communities to work independently and collectively to solve their justice issues.⁵⁴

Legal empowerment also changes the position of lawyers. Rather than imagining lawyers as experts charged with a duty of care and service in a paternalistic model,⁵⁵ it positions them as allies, facilitators, and partners in

⁵³ Other organizations and communities have begun to address this very problem. One exciting example is Beyond Legal Aid's model of community-driven lawyering, which is "community-located, community-operated, and community-directed." *About*, BEYOND LEGAL AID, <https://www.beyondlegalaid.org/about> [<https://perma.cc/V6AT-KLMJ>]; cf. Bernstein Institute, *Justice Power — Community-Driven Litigation*, YOUTUBE (July 9, 2020), <https://www.youtube.com/watch?v=V2ATfNFVxT0> [<https://perma.cc/TTL4-E9FC>].

⁵⁴ For more information on PAR, including frameworks and methods, see Lisa M. Vaughn & Farrah Jacquez, *Participatory Research Methods — Choice Points in the Research Process*, 1 J. PARTICIPATORY RSCH. METHODS 1 (2020).

⁵⁵ Within the legal profession, there is a tension between upholding a certain duty of care to

the movement for justice.⁵⁶ This creates opportunities for community members and institutions to partner together to reimagine, practice, and transform how they define and approach justice locally, statewide, and nationally. Partnership inspires wider participation and a more democratic process of law. What follows is a new or stronger identity of citizenship, accountable governance, leadership by formerly isolated individuals, and relationships of shared power.

If the underlying problem that we are seeking to address is the isolation and vulnerability of communities due to racist structures, economic exclusion, and other social barriers, then legal empowerment which inspires legal identity, confidence, value, and power is precisely the answer for these vulnerable communities.

Legal empowerment positions communities and institutions in places where co-created learning exchanges can occur. In a letter received by JLI from Jailhouse Lawyer Richard Arterberry, he wrote that when people studying prisons and law enforcement visited prisons, they did not “stop[] to talk with any prisoner except those handpicked by the administration. It is time some of the professors, students, lawyers, judges, policy writers and future jailers demand to talk to the few of us that have lived in this world they have created.”⁵⁷ Knowledge of the law and a legal identity protect the agency of community members, and, by having a safe space for their input, institutions can more effectively identify and correct generational, institutional harm. Legal empowerment and the agency and identity that it

clients and the right of the client to make decisions on their own behalf. The questions of paternalism and agency have been debated by the profession since the 1970s. *See, e.g.*, Richard Wasserstrom, *Lawyers as Professionals: Some Moral Issues*, 5 HUMAN RIGHTS 1, 15–24 (1975) (characterizing the interpersonal relationship between lawyers and their clients as akin to parents and their children); David Luban, *Paternalism and the Legal Profession*, 1981 WIS. L. REV. 454 (describing paternalism in the attorney-client relationship and assessing when it may be justified); William H. Simon, *The Ideology of Advocacy: Procedural Justice and Professional Ethics*, 1978 WIS. L. REV. 29, 52–59 (describing how the Positivist version of the Ideology of Advocacy creates a dilemma in which a lawyer cannot give reliable advice to a client without referencing the lawyer’s own values and goals); Marcy Strauss, *Toward a Revised Model of Attorney-Client Relationship: The Argument for Autonomy*, 65 N.C. L. REV. 315 (1987) (assessing the modern attorney-client relationship and arguing in favor of an informed consent model rather than a paternalistic approach); William L.F. Felstiner & Ben Pettit, *Paternalism, Power, and Respect in Lawyer-Client Relationships*, in HANDBOOK OF JUSTICE RESEARCH IN LAW 135 (Joseph Sanders & V. Lee Hamilton eds., 2001) (examining scholarship on lawyer paternalism); Mark Baer, *Lawyer Paternalism Is a Very Serious Problem*, HUFFPOST (Mar. 20, 2015), https://www.huffpost.com/entry/lawyer-paternalism-is-a-v_b_6498348 [<https://perma.cc/P8ME-2DND>] (describing how lawyer paternalism can impact family law cases).

⁵⁶ *See also* Dhital & Walton, *supra* note 49, at 583 (“Legal empowerment strives for a different world, one in which . . . directly impacted people become the authors of their own justice and liberation. . . . Lawyers and other formally trained individuals are seen as valuable partners in the fight for justice, with communities driving the decision-making process.”).

⁵⁷ Letter from Richard W. Arterberry, Member, Jailhouse Laws Initiative, to Jhody Polk, Founder, Jailhouse Laws Initiative (Mar. 11, 2021) (on file with the Bernstein Institute for Human Rights at New York University School of Law).

creates in people also enrich and strengthen the communities themselves because the voices and values of the people are included in governance.

Ultimately, legal empowerment creates opportunities for healing and humanity to enter into the law through organizers. The dichotomy between law and organizing does not have to be maintained. Allowing institutions and people to have interactions outside of just addressing harm and conflict makes institutions more humane and responsive to the people for whom they were created in the first place.

The goals and processes of legal empowerment are great, but how are they implemented? In communities heavily impacted by incarceration in the United States, jailhouse lawyers are the people doing the work of reconnecting people and institutions. Their work closely parallels a global model of community paralegals, a key group of global legal empowerment practitioners.

C. *Looking Beyond the United States: The Role of Community Paralegals*

Community paralegals are essential to many legal empowerment programs.⁵⁸ In many countries around the world, they work directly with impacted individuals to serve as a bridge to the justice system. These paralegals are not attorneys and are often called “barefoot lawyers,” “grassroots legal advocates,” or “community legal workers.”⁵⁹ Many come from the communities they serve and increase access to justice through collective empowerment and problem-solving.⁶⁰ Community paralegals “transfer power from the usual gatekeepers of the law—lawyers, judges, police, and state officials—to ordinary people.”⁶¹

In their recent book *Community Paralegals and the Pursuit of Justice*, Vivek Maru and Varun Gauri identified that the modern, diverse movement of community paralegals used approaches including “(1) education, (2)

⁵⁸ See Vivek Maru & Varun Gauri, *Paralegals in Comparative Perspective: What Have We Learned Across These Six Countries?*, in *COMMUNITY PARALEGALS AND THE PURSUIT OF JUSTICE*, 1, 3 (Vivek Maru & Varun Gauri eds., 2018) (discussing the role of community paralegals as intermediaries between ordinary people and state institutions or private firms); see also Vivek Maru, *Between Law and Society: Paralegals and the Provision of Justice Services in Sierra Leone and Worldwide*, 31 *YALE J. INT’L L.* 427 (2006) [hereinafter Maru, *Between Law and Society*] (detailing paralegals’ success in providing cost-effective solutions to justice problems in Sierra Leone and how their methodology can be used to further legal empowerment worldwide).

⁵⁹ Maru & Gauri, *supra* note 58, at 10; *Community Paralegals*, NAMATI, <https://namati.org/what-we-do/grassroots-legal-empowerment/paralegals> [<https://perma.cc/6U4L-NFF8>].

⁶⁰ “For example, these paralegals may be individuals trained and deployed by grassroots labor organizations, volunteer law students, or community members entrusted with law enforcement responsibilities by local governments.” Jennifer Franco, Hector Soliman & Maria Roda Cisnero, *Community-Based Paralegalism in the Philippines: From Social Movements to Democratization*, in *COMMUNITY PARALEGALS AND THE PURSUIT OF JUSTICE*, *supra* note 58, at 96, 108–09.

⁶¹ Anuradha Joshi, *Legal Empowerment and Social Accountability: Complementary Strategies Toward Rights-Based Development in Health?*, 99 *WORLD DEV.* 160, 162–63 (2017).

mediation, (3) organizing, (4) advocacy, (5) monitoring, and, with the help of lawyers, (6) litigation.”⁶² Tying back to community-led justice movements, “the institution of the paralegal offers a promising methodology of legal empowerment that fits between legal education and legal representation, one that maintains a focus on achieving concrete solutions to people’s justice problems but which employs, in addition to litigation, the more flexible, creative tools of social movements.”⁶³

Maru and Gauri found that community paralegals have the greatest impact in systems where there are “significant imbalances of power and information.”⁶⁴ In a controlled study conducted in Liberia, Mozambique, and Uganda, Rachael Knight and a team of researchers studied the outcomes of cases which implemented one of three strategies: full legal representation by a lawyer, a community paralegal approach, and a pared-down rights education approach. The community paralegal model was found to be the most effective; the authors observed that it provided more support than only rights education and created a greater sense of ownership than the full representation. The tendency to place hope in outside professionals led to muted outcomes when working with the lawyers, especially deriving from unresolved intra-community conflict.⁶⁵ The research team found that “statistical analyses indicate that when a community faces one or more intra-community obstacles (elite interference, weak community cohesion, intra-community land conflicts, etc.), offering full legal services makes no statistical difference to that community’s ability to successfully complete the documentation process than offering no services at all.”⁶⁶

In the United States, researchers have begun examining the efficacy and impact of community paralegal programs. For example, Rebecca Sandefur and Thomas Clarke studied the “University Settlement Navigators” program in Brooklyn Housing Court, which sought to prevent evictions by providing unrepresented litigants with in-court services and out-of-court assistance in seeking out benefits and services.⁶⁷ Over the first year of the program, where each tenant was assisted by a University Settlement Navigator, there were zero evictions. This is in stark contrast to the one in nine housing cases filed citywide that typically leads to evictions due to imbalances of power between

⁶² Maru & Gauri, *supra* note 58, at 10.

⁶³ Maru, *Between Law and Society*, *supra* note 58, at 428.

⁶⁴ Maru & Gauri, *supra* note 58, at 35.

⁶⁵ RACHAEL KNIGHT, JUDY ADOKO, TERESA AUMA, ALI KABA, ALDA SALOMAO, SILAS SIAKOR, & ISSUFO TANKAR, PROTECTING COMMUNITY LANDS AND RESOURCES: EVIDENCE FROM LIBERIA, MOZAMBIQUE, AND UGANDA 10, 151–53 (2012).

⁶⁶ *Id.* at 18.

⁶⁷ REBECCA L. SANDEFUR & THOMAS M. CLARKE, ROLES BEYOND LAWYERS: SUMMARY, RECOMMENDATIONS, AND RESEARCH REPORT OF AN EVALUATION OF THE NEW YORK CITY COURT NAVIGATORS PROGRAM AND ITS THREE PILOT PROJECTS, 4–5 (2016).

landlords and tenants.⁶⁸

Community paralegal models bring information closer to the communities that are actively engaging with the legal system. Community-based knowledge both addresses some of the power imbalances, as seen in the New York navigators program, and also creates community ownership of justice movements, as seen in Uganda, Mozambique, and Liberia. Knowledge and ownership are keys that can lead to the real transformation of unjust systems.

D. Jailhouse Lawyers as Community Paralegals

Jailhouse lawyers are community paralegals: They are members of communities impacted by incarceration who have expertise in the law and serve as a bridge between the legal system and the community of people in prison who are heavily impacted by the law.

When legal empowerment practitioners begin speaking about implementation in American contexts, they are often required to add the caveat that community paralegals lead up to and support litigation, but do not litigate themselves. In the arena of American incarceration, this caveat would be an untruth and an erasure. Jailhouse lawyers have been active litigants.

One well-documented example is the case of David Ruíz.⁶⁹ Ruíz was a Jailhouse Lawyer imprisoned in Texas starting at the age of seventeen. He spent all but four years of his adult life incarcerated, until his death in 2005.⁷⁰ Ruíz wrote a thirty-page civil rights complaint that was thrown into the trash by the assistant warden when he went to get it notarized.⁷¹ He had to rewrite the complaint and this time gave the twelve-page complaint to his attorney to give to federal judge William Wayne Justice.⁷² This was the beginning of *Ruíz v. Estelle*,⁷³ a landmark case that would lead to the reform of the Texas prison system under thirty years of observation by the federal courts.⁷⁴

Jailhouse lawyers are the first line of defense for people in prison to know their rights. As Jailhouse Lawyer Alforinza Parks wrote, “If it wasn’t

⁶⁸ *Id.* at 4–5, 38.

⁶⁹ ABU-JAMAL, *supra* note 3, at 185–90; ROBERT T. CHASE, *Testimonios of Resistance, in WE ARE NOT SLAVES: STATE VIOLENCE, COERCED LABOR, AND PRISONERS’ RIGHTS IN POSTWAR AMERICA*, 273, 273–308 (2020); Janet Elliott, *Inmate Who Fought for Prison Reform Dies*, HOUS. CHRON. (Nov. 15, 2005), <https://www.chron.com/news/houston-texas/article/Inmate-who-fought-for-prison-reform-dies-1491390.php> [<https://perma.cc/HU59-45EP>].

⁷⁰ Elliott, *supra* note 69.

⁷¹ ABU-JAMAL, *supra* note 3, at 185.

⁷² *Id.*; CHASE, *supra* note 69, at 284.

⁷³ 503 F. Supp. 1265 (S.D. Tex. 1980) (holding that overcrowding in Texas prisons violated the Eighth Amendment by engendering inadequate sanitation, recreational facilities, health care, hearing procedures for discipline, access to courts, and fire safety), *amended in part, vacated in part*, 688 F.2d 266 (5th Cir. 1982).

⁷⁴ Elliott, *supra* note 69.

for a former inmate having a few law books I wouldn't have known my rights and that's not fair!"⁷⁵

Supported and trained jailhouse lawyers are critical to the first step of legal empowerment: knowing the law. In addition to assisting individuals with their legal cases, jailhouse lawyers are teachers of the law. Their legal knowledge is a foundational key to prison abolition. In isolated communities, there are limited places where people can study and learn the law. Even if such education and practice were available, participation is unlikely from isolated communities trying to survive poverty. Although prisons are a system to be abolished, they are also a space where people have different opportunities to learn and reflect. By injecting knowledge, resources, and relationships at this critical juncture, the very people being oppressed by the system can be the ones empowered to dismantle it.

Dylan Rodríguez argues that incarceration is both a “repressive and productive power,” which serves the dominant order by creating “peace, lawfulness, and security through war, violence, and punishment.”⁷⁶ Because it is useful to those in power, Rodríguez postulates “the radical possibility that the historical targets of incarceration are also the complex embodiment of its imminent undoing.”⁷⁷ We strongly agree. Abolition will be achieved through the transfer of knowledge, resources, and power to incarcerated individuals so that they can use and shape the law until the entire system is transformed.

Jailhouse lawyers are already entering into this work. For example, Aberaham Feser wrote, “We can not just change the law but we can educate the public about the system that has failed us and teach our children the constitution and the rights we have. [T]his is the only way!!!”⁷⁸ The cycle of incarceration into and out of both prisons and communities can be disrupted by the interjection of knowledge anywhere in that cycle. The knowledge that jailhouse lawyers like Aberaham Feser have acquired is also flowing into the communities and children who have been set up to fail by unjust American systems.

If those closest to the problem are closest to the solution, then jailhouse lawyers are the solution. At JLI, most of our jailhouse lawyer membership is serving life in prison and is no longer working on their own case. It is not uncommon for institutions to assign the job of law clerk to individuals with lengthy sentences and life sentences. The law library is one of the most

⁷⁵ Letter from Alforinza A. Parks, Member, Jailhouse Laws. Initiative, to Jhody Polk, Founder, Jailhouse Laws. Initiative 2 (Sept. 2019) (on file with the Bernstein Institute for Human Rights at New York University School of Law).

⁷⁶ Rodríguez, *Abolition as Praxis*, *supra* note 27, at 1588.

⁷⁷ *Id.* at 1589.

⁷⁸ Letter from Aberaham Feser, Member, Jailhouse Laws. Initiative, to Jhody Polk, Founder, Jailhouse Laws. Initiative (Sept. 16, 2019) (on file with the Bernstein Institute for Human Rights at New York University School of Law).

restorative places inside of a prison institution.

In his 1988 ethnography on jailhouse lawyers, Professor Jim Thomas identified that jailhouse lawyers function as litigators, “counsellors, therapists, mediators, and . . . legal advisors.”⁷⁹ This parallels the areas that community paralegals contribute to in global contexts: “(1) education, (2) mediation, (3) organizing, (4) advocacy, (5) monitoring, and, with the help of lawyers, (6) litigation.”⁸⁰

IV

HURDLES TO OVERCOME

The legal system in the United States creates and, by design, reinforces a separation between those who experience the impact of the law and those who engage in the development and practice of the law. Traditionally, the rules and regulations that oversee the legal profession have been developed by lawyers and bar associations. The biggest hurdle to overcome is the separation of law and people.

A. *Institutional Relationships*

We have to begin to see one another differently and respectfully.⁸¹ We are the hurdles! Humanizing the law, institutions, organizations, people, professions, and the freedom of choice are foundational and the biggest hurdle. Justice cannot be our jobs and majors; we must live for justice. This is how we model and become the change that we want to see in the world. Legal empowerment is a lifestyle. If we agree that our country was founded and built on slavery and violence of many kinds, we have to sit with what that has looked like and continues to look like. Knowledge production should lead to action rather than being extractive. Informed by the methods and practice of critical participatory action research (critical PAR), one thing we hope to accomplish is “to interrupt and incite the passive audiences and bystanders” and “[i]nsist[] on [a]udience [p]articipation in [a]ction.”⁸²

Practicing should produce results. Abolition should begin in the spaces and places that you have control of. Being intentional with our practice can have the biggest ripple effects. No one would know Jhody Polk the Jailhouse Lawyer had it not been for the relationships and organizations of justice-

⁷⁹ JIM THOMAS, PRISONER LITIGATION 194–97 (1988).

⁸⁰ Maru & Gauri, *supra* note 58, at 10.

⁸¹ Jhody: I often feel like I have an advantage because I have been able to organize and build relationships with different people, cultures, and organizations all over the globe. My present experience taught me the power of transformation from the inside out.

⁸² María Elena Torre, Michelle Fine, Brett G. Stoudt & Madeline Fox, *Critical Participatory Action Research as Public Science*, in RESEARCH DESIGNS: QUANTITATIVE, QUALITATIVE, NEUROPSYCHOLOGICAL, AND BIOLOGICAL, 171, 177–78 (Harris Cooper, Paul M. Camic, Debra L. Long, A.T. Panter, David Rindskopf & Kenneth J. Sher eds., 2012).

impacted and non-justice-impacted people who saw her potential, value, and vision and made room for her to grow. When we abolish incarceration, we create opportunities for justice-impacted experts to have the support of their entire community to do their work of empowering their isolated communities. Until we achieve the world we are reimagining, we have to be empathetic and aware of the existence of two worlds, both happening at the same time. Legal empowerment is more than knowing, using, and shaping the law for transformation. It is the practice of knowing each other without judgment, fear, and stereotypes. Practicing the law looks like learning together. It is not who knows more, but what value is added when we bring what we know together in one space. Jailhouse lawyers, both inside and out of prisons, are some of the biggest stakeholders in criminal justice and champions of the defense of justice. Creating the world we believe in must begin with establishing bridges that bring people into the law and position people as the fabric of the law. Building relationships is at the core of legal empowerment. Organizing must accompany the law. Knowing your community is just as important as working for your community. Does your community know you? The justice-impacted community is nationwide, visible, bold, and willing. Our biggest hurdle is believing in and practicing abolition in the United States. This does not have to be in the absence of or only after the destruction of institutions. Institutions are shaped and managed by people. When we open the doors for people into institutions, then the institutions will begin to look like the people. We cannot discriminate against those who can teach, lead, practice, and shape the law. Until we have a world that does not depend on police, jails, and prisons, every child and person should be able to see themselves as officers, authors, and facilitators of the law.

B. *Unauthorized Practice of Law*

The American legal profession is self-regulated and has created strict rules in every practice jurisdiction prohibiting the unauthorized practice of law (UPL).⁸³ This purports to protect against fraud and other bad legal consequences,⁸⁴ but it leaves little space for community participation in the law. Unlike other sectors, the law requires that even the smallest amount of legal work can only be accomplished by licensed attorneys. Legal scholar Robert Gordon summarizes this problematic tension in the following way:

Professional organizations such as bar associations have always had a dual character: they are official spokesmen for the public aspirations of the profession to serve the ideals of the rule of law and universal justice,

⁸³ See Laurel A. Rigertas, *The Birth of the Movement to Prohibit the Unauthorized Practice of Law*, 37 QUINNIPIAC L. REV. 97 (2018) (detailing the history of the legal profession's efforts to prohibit the unauthorized practice of law and the role of bar associations in that movement).

⁸⁴ *Id.* at 109.

and often sponsors of programs to make the ideals effective; but they are primarily guilds whose aim is to protect and expand monopoly domains for their members' work, demand for their services, and their fees and profits. When those public aims and the guild's interests conflict, the leaders and the rank-and-file of the bar tend, not surprisingly, to favor the guild's.⁸⁵

As Sandefur rightly noted, "Lawyers' fundamental interest is in maintaining their rights to define and diagnose people's problems as legal, and to provide the services that treat them," and this interest is furthered by "maintaining jurisdiction over some body of the problems that people experience. Such jurisdiction is the bread and butter of professions and their reason for existing."⁸⁶

Lawyers do not always increase positive case outcomes: Empirical case studies from divorce court,⁸⁷ unemployment benefits tribunals,⁸⁸ and public housing eviction boards⁸⁹ have all demonstrated that various forms of lay advice or assistance can be viable substitutes for attorneys. The success of justice depends on a confluence of factors, but these studies make it clear that justice is not attorney-determinative.

In order for American programs to fully embrace the community paralegal paradigm, there needs to be reform of UPL restrictions with active participation and leadership from directly impacted communities.⁹⁰ Quality

⁸⁵ Robert W. Gordon, *Lawyers, the Legal Profession & Access to Justice in the United States: A Brief History*, 148 DAEDALUS 177, 187 (2019).

⁸⁶ Rebecca L. Sandefur, *Access to What?*, 148 DAEDALUS 49, 50 (2019).

⁸⁷ See Ralph C. Cavanagh & Deborah L. Rhode, *The Unauthorized Practice of Law and Pro Se Divorce: An Empirical Analysis*, 86 YALE L.J. 104 (1976) (examining the lawyer's function in no-fault divorce proceedings to assess whether lay divorce kits and counseling could be adequate substitutes for attorneys).

⁸⁸ See Jeanne Charn, *Celebrating the "Null" Finding: Evidence-Based Strategies for Improving Access to Legal Services*, 122 YALE L.J. 2206, 2221 (2013) (noting that two of three recent studies about representation found that litigants with access to lawyers fared no better than litigants without a lawyer); James Greiner & Cassandra Wolos Pattanayak, *Randomized Evaluation in Legal Assistance: What Difference Does Representation (Offer and Actual Use) Make?*, 121 YALE L.J. 2118 (2012) (observing that offers of representation to applicants for unemployment benefits "had no statistically significant effect on the probability that unemployment claimants would prevail in their 'appeals,' but that the offers did delay proceedings by, on average, about two weeks").

⁸⁹ See Karl Monsma & Richard Lempert, *The Value of Counsel: 20 Years of Representation Before a Public Housing Eviction Board*, 26 L. & SOC'Y REV. 627 (1992) (observing that the effect of legal representation on housing case outcomes is mixed and findings are likely shaped by the type of housing cases lawyers typically become involved in).

⁹⁰ See Vivek Maru, *Give the People the Law*, DEMOCRACY: J. OF IDEAS (Sept. 4, 2020, 1:49 PM), <https://democracyjournal.org/arguments/give-the-people-the-law> [<https://perma.cc/T4CQ-TZWV>] (discussing the "legal empowerment cycle" where "positive reforms are adopted, paralegals educate their communities about the new legal provisions and use them to solve concrete problems"); Tyler Walton, *Legal Empowerment During COVID-19 – From Justice Power to #FreeThemAll*, ROBERT & HELEN BERNSTEIN INST. FOR HUM. RTS. AT N.Y. UNIV. SCH. OF L.

control and oversight are important, but there are ways to build oversight processes without blanket restrictions that limit communities from engaging and sharing their knowledge and lived expertise in navigating legal systems with each other.⁹¹

Research shows that “[m]ost civil justice problems are handled by people on their own, or with advice from family and friends” and that “[o]ne of the most important reasons that people handle their problems on their own rather than seeking any kind of formal help is that they believe that they already understand their situation and their options for handling it.”⁹²

Today, UPL rules and regulations surrounding the legal profession are already being revisited, in places like Arizona, California, Illinois, New Mexico, and Utah.⁹³ The efforts, initiated by state supreme courts and state bar associations, have convened task forces to explore and craft new rules and regulations that are being deliberated and, in some cases, implemented.⁹⁴ So far, these state processes have leaned heavily on the interests and advice of legal tech companies and lawyers.⁹⁵

If the redefinition of UPL occurs as a negotiation between two powerful moneyed interests, we may miss the opportunity to reimagine the role that communities can play in their own fights for justice. It is essential that community stakeholders who are not members of the bar are included in discussions around UPL reform. With the Biden Administration promising time and resources for justice reform, many advocates see an opportunity to push this movement into new navigator initiatives and other reforms to achieve community paralegal programs. When the legal profession’s aspirations to serve the public good are in tension with the protection of its

(May 20, 2020), https://www.law.nyu.edu/centers/bernstein-institute/legal_empowerment/blogs [<https://perma.cc/2M7U-Y2XR>] (discussing campaigns to provide pro se tools and resources to immigrants as they navigate the legal system).

⁹¹ There are already some carve-outs for the formal recognition of nonlawyer legal work, such as through the Board of Immigration Appeals’ Accredited Representative Program set out in federal regulations, but this effort often reinforces the exclusion of directly impacted people. *See* 8 C.F.R. § 1292.1(a)(4) (2022). For a discussion of possible alternatives as imagined by communities *see* NAT’L CTR. FOR ACCESS TO JUST., “WORKING WITH YOUR HANDS TIED BEHIND YOUR BACK” NON-LAWYER PERSPECTIVES ON LEGAL EMPOWERMENT (2021).

⁹² Sandefur, *supra* note 86, at 50.

⁹³ *See* Aebra Coe, *Where 5 States Stand on Nonlawyer Practice of Law Regs*, LAW360 (Feb. 5, 2021, 4:33 PM), <https://www.law360.com/articles/1352126/where-5-states-stand-on-nonlawyer-practice-of-law-regs> [<https://perma.cc/R9RW-HNN4>].

⁹⁴ *See id.*

⁹⁵ *See, e.g.*, Justin Wise, *Orgs Enter Utah ‘Sandbox’ Trying to Reshape Legal Industry*, LAW360 (Jan. 22, 2021, 10:15 AM), <https://www.law360.com/articles/1344420> [<https://perma.cc/9RHP-2RKU>] (describing a program authorized by the Utah Supreme Court in which a mixture of tech companies and law and accounting firms attempt to provide services for legal needs outside of the traditional attorney-client relationship); Robert Ambrogi, *Latest Legal Victory Has LegalZoom Poised for Growth*, AM. BAR ASS’N J. (Aug. 1, 2014, 8:00 AM), https://www.abajournal.com/magazine/article/latest_legal_victory_has_legalzoom_poised_for_growth [<https://perma.cc/9GMQ-N5HR>].

profits, the public good must be put first.

CONCLUSIONS AND LOOKING FORWARD

JLI has started the work, and, through relationship and investment, we have begun to transfer power. In a letter from Jailhouse Lawyer Sean Steele, he wrote, “Without people like you, the heavy foot of the criminal justice system would continue to crush us by the neck. Without people like you, the feeling of hopelessness would continue to encroach upon our willpower to fight back.”⁹⁶ Agency is an outcome that we can fight for.

The weight of abolition is more than any one person can or should carry on their own. Incarceration is deeper than jails and prisons. How we experience incarceration often shapes how we approach abolition. Incarceration, as we explored within this Essay, begins and ends with community. Legal empowerment is one of many tools that we can adopt to abolish incarceration in the United States. Legal empowerment is not one method, but a methodology, or lens, that we can see new pathways through. Abolition, through the lens of legal empowerment, looks like people—people like Sean, Jhody, Tyler, incarcerated men and women, our families, children, educators, leaders, and community members—and it looks like You. Dr. Martin Luther King Jr. once said that “[t]rue peace is not merely the absence of tension; it is the presence of justice.”⁹⁷ Abolition is more than the power to demand justice; it is using our humanity to model peace. It is time that we move from dreaming about what the world could look like if we achieved abolition, and it is time to start celebrating and highlighting where and how abolition is happening right now in the United States. It is time to tell a different narrative.

Abolition is community justice, restorative justice, economic justice, reproductive justice, racial justice, environmental justice, and social justice. True abolition abolishes pathways to incarceration and unmet needs and partners with isolated, targeted, and vulnerable communities. Abolition creates new opportunities, like introducing the law and human rights to young people⁹⁸ and community paralegals in the United States. Abolition

⁹⁶ Letter from Sean Steele, Member, Jailhouse Laws. Initiative, to Jhody Polk, Founder, Jailhouse Laws. Initiative (Mar. 17, 2019) (on file with the Bernstein Institute for Human Rights at New York University School of Law); *see also* Letter from James Taylor, Member, Jailhouse Laws. Initiative, to Jhody Polk, Founder, Jailhouse Laws. Initiative 11 (Aug. 5, 2019) (on file with the Bernstein Institute for Human Rights at New York University School of Law) (“[I]t is important to connect [and] network [with] organizations like ‘you.’ . . . [I]nmates are not alone . . . knowing such gives hope to inmates and influences them to litigate injustices rather than accept them out of fear that they are alone in the fight!”).

⁹⁷ MARTIN LUTHER KING, JR., *STRIDE TOWARD FREEDOM: THE MONTGOMERY STORY* 27 (1958).

⁹⁸ One fantastic example of an organization implementing legal empowerment for youth is

looks like the participatory defense movement of nonlawyers working with families of incarcerated community members and criminal defense attorneys through trial to get the best outcome for their loved ones. Abolition is happening right now in Chicago through Beyond Legal Aid,⁹⁹ where lawyers and community organizers are working side by side in isolated and vulnerable communities to ensure that people have the tools and resources to know and use their civil rights. Abolition is growing right now at the River Phoenix Center for Peacebuilding through police-youth dialogues, community conversations, and other peacebuilding practices led by community members.¹⁰⁰

Law schools and institutions like CUNY School of Law, Columbia Law School, and NYU Law (to name a few) host organizations like the Jailhouse Lawyers Initiative,¹⁰¹ Paralegal Pathways Initiative,¹⁰² Beyond the Bars,¹⁰³ and the Center for Justice,¹⁰⁴ all created and led by justice-impacted people. Abolition feels different for all of us, as it should, but the ingredients are all the same: advocacy, resistance, accountability, and flow.

Our goal, like that of abolition, is to inspire and activate people, not institutions, to become agents of change. When people become empowered together, the act of building the coalition will bring the tools necessary to identify and confront injustice. To arrive at the fair justice system we seek, we must pursue justice as a collaborative endeavor. Remembering the framework of legal empowerment, we have to know the law in order to use the law and shape the law. This is how we can achieve legal transformation.

Defying Legal Gravity, which provides educational programming that mirrors a first-year law school curriculum to sixth grade students with current or formerly incarcerated loved ones. *See* DEFYING LEGAL GRAVITY, <https://www.defyinglegalgravity.org> [<https://perma.cc/LP6F-DKXA>].

⁹⁹ BEYOND LEGAL AID, <https://www.beyondlegalaid.org> [<https://perma.cc/VA9E-J6P4>].

¹⁰⁰ RIVER PHOENIX CTR. FOR PEACEBUILDING, <https://www.centerforpeacebuilding.org> [<https://perma.cc/Z9A5-RDQA>].

¹⁰¹ *The Jailhouse Lawyer Initiative*, ROBERT & HELEN BERNSTEIN INST. FOR HUM. RTS. AT N.Y. UNIV. SCH. OF L., https://www.law.nyu.edu/centers/bernstein-institute/legal_empowerment/jailhouse_lawyers [<https://perma.cc/4JXN-XHDW>].

¹⁰² *Paralegal Pathways Initiative*, COLUM. L. SCH. CTR. FOR INSTITUTIONAL & SOC. CHANGE, <https://change-center.law.columbia.edu/research-projects/paralegal-pathways-initiative> [<https://perma.cc/9F3C-XU62>] (“Through a 14-week training program, this initiative will leverage the talents of individuals who have gained legal skills while incarcerated and connect them with professional legal opportunities. This cohort includes former jailhouse lawyers, pro se litigants, and other individuals with direct legal and advocacy experience.”).

¹⁰³ BEYOND THE BARS, <https://www.beyondthebars.com> [<https://perma.cc/98D7-NDD5>] (mobilizing formerly incarcerated individuals or those with incarcerated family members to oppose county and city policies that levy economic costs on aspects of incarceration, such as charging for jail calls to loved ones).

¹⁰⁴ THE CTR. FOR JUST. AT COLUM. UNIV., <https://centerforjustice.columbia.edu> [<https://perma.cc/3L4P-96F8>] (“The Center . . . is committed to ending mass incarceration and criminalization. . . . The Center . . . works . . . with schools, departments, centers and institutes across Columbia, other universities, government agencies, community organizations, advocates and those directly affected by the criminal justice system.”).

This is how we use legal empowerment to proactively abolish incarceration in the United States.

“The truth is, no one of us can be free until everybody is free.”

—Maya Angelou, 2013¹⁰⁵

¹⁰⁵ CNN, *Angelou: ‘No one of us can be free until everybody i...’*, YOUTUBE (Aug. 28, 2013), <https://www.youtube.com/watch?v=UxkTd6BFL1o> [<https://perma.cc/2NY9-HQTN>].