



ORGANIZATIONAL PROFILE

Beyond Legal Aid: Transforming How Legal Services to the Poor Are Delivered

Jackie Casey

Lawyers have tremendous power to change people's lives through legal representation and systemic advocacy. At Beyond Legal Aid (formerly known as the Community Activism Law Alliance) in Chicago, founded by Lam Ho in 2014, a group of lawyers and activists are changing how lawyers and communities work together. The Beyond Legal Aid model of "community activism lawyering" shifts the practice of law from a transactional relationship focused on an individual client/case crisis to a transformative proactive partnership for systemic change. Lawyers serve individual clients, yet, with the promise of preventing future crises, better systems are put in place to address critical community needs.

Our legal system is fraught with gaps. Today, justice is not available to millions fighting for necessary and critical human needs such as affordable housing, fair wages, an education, a life free of violence, and citizenship. Despite this crisis, funding for legal aid dropped by approximately sixty percent in the last decade, as the number of people living in poverty increased, deepening the divide between those who can obtain justice and those who cannot.

By uniting lawyers with activists, Beyond Legal Aid leverages the combined resources of each to achieve a more significant impact than what lawyers or activists working alone can deliver. Beyond Legal Aid's model is community-located and directed. Lawyers visit clients in their communities at organizations they trust and can more easily access. Lawyers come to understand their clients in the context of the socio-political movements happening in their communities (e.g., protecting affordable housing, immigrant rights, and racial justice) in which their clients are often involved. Beyond Legal Aid partners with community-based organizations that provide space, administrative services, language translation services, and other support so legal services can be delivered cost-effectively.

Jackie Casey is a lawyer and the Assistant Executive Director of the American Bar Endowment (ABE). She has dedicated her career to serving in leadership roles with several non-profits working on diverse justice, health, and human service issues. Most recently at the ABE and the American Bar Association, she has helped advance access to justice and improve the justice system through fund development and grantmaking.

Beyond Legal Aid's partners organize law-driven activism activities in support of the clients' cases, leveraging its and the partner organization's resources and expertise to run activism-law clinics focused on issues and challenges faced by many community members. Beyond Legal Aid's partners create responsive and relevant services by making decisions to best meet the needs of prospective clients, including hours of operation, priority areas of law, eligibility criteria, location, and types of services. This level of responsive service allows the organization to serve clients such as sex workers and undocumented immigrants that federally-funded legal aid programs cannot accept.

Beyond Legal Aid's mission uniquely combines law and activism. While its lawyers help individual clients, representation is done in partnership with both the client and the community partner, empowering that community and, it is hoped, leaving it with a long-lasting positive change from which others can benefit. Beyond Legal Aid's attorneys balance individual and class action cases with projects supporting community partners' activism goals and objectives. As a result, a new paradigm thrives where grassroots activism informs lawyering to create systemic change.

For example, last summer, after a fire occurred on the top floor of an eighteen-unit apartment building in Chicago, the landlord attempted to mass-evict families with as little as ten days' notice. Beyond Legal Aid worked with its community partner, the Autonomous Tenants Union (ATU), to build solidarity and collective power among the tenants. In addition to defending against the evictions in court, Beyond Legal Aid attorneys helped the tenants form a "tenants union" to obtain relief outside of court as well. Jake Marshall, a tenant union member, described the success of this combined strategy:

Beyond Legal Aid's services play a crucial role in helping ATU resist evictions, fight gentrification, and build community power. So many people lack access to legal resources. They provided the resources and empowered our community at the same time. In the beginning, a lot of tenants didn't feel that we could win the ability to remain in the building. They felt defeated and said they were just going to move out. The attorneys listened to us and implemented a legal strategy based on our goals, which included putting our neighborhood more in control of the people who live there. As we worked with Beyond Legal Aid and learned more about our rights, I could see people feeling more empowered.

As a result of the tenant union and Beyond Legal Aid's work together, they achieved an agreement with the landlord that exceeded both their initial expectations and legal remedies. Altogether, they obtained over \$25,000 in waived rent, relocation assistance, and reimbursement for utilities and property damage. The agreement also gave them right of first refusal for yearly leases (even when they did not currently have leases) after the renovation of their units. The tenant union continues to defend its members' rights collectively, long after the litigation finished.

Beyond Legal Aid's model frequently uses the law creatively to achieve objectives beyond winning cases. It represented SOMOS-Logan Square, a tenants' union that "brings attention to displacement through actions, protests, media coverage and education," against a noted developer with a history of eliminating affordable housing. The developer tried to force tenants out by allowing conditions in the building to deteriorate and retaliating against leaders in the tenants' union. Even after SOMOS and Beyond Legal Aid organized a rally outside the alderman's office to seek his intervention, the developer refused to negotiate. The union did not seek the organization's legal help to fight eviction cases; instead, they engaged it to use the legal process to give the tenants a voice and compel the developer to engage with them directly and negotiate with them collectively.

After brainstorming with attorneys Wally Hilke and Kevin Cruz, SOMOS, the tenants' union, decided to pursue a rarely used litigation strategy that is known to have limited success. Eviction proceedings are expedited in Illinois and often bar tenants from raising affirmative claims. Generally, landlords have a tactical advantage—they can strike first, forcing tenants to be on the defensive as they try to avoid eviction. To achieve the union's objective, Beyond Legal Aid turned to a little-used provision in the Chicago housing ordinance, a right to sue for injunctive relief requiring the landlord to ensure safe and habitable conditions. Tenants gathered evidence to support an affirmative suit against the landlord, culminating in a motion for a preliminary injunction, which was scheduled for hearing *before* any tenant's first eviction trial date. This litigation stalled the eviction process—eliminating the developer's advantage – and forced the developer to respond to the tenant union's claims. While the attorneys may not ultimately win the injunction (the case is currently pending), the union met its primary activism goal. The developer was forced to directly and collectively negotiate with the tenants. As Hilke, the lead attorney on the case explained, "[T]he tenants' union members are seniors, families, and working-class people. They want safe, secure, stable homes, and [they now] know that no developer is above the law. They know that when we fight, we can win."

In addition to supporting the creation, development, and organizing of tenants' unions to fight community development that threatens affordable housing and community health, CALA has also advocated for community benefits agreements. Many of CALA's partner communities are in areas experiencing significant commercial and industrial development, often with the same adverse consequences. With community benefits agreements, community members negotiate both the terms of the construction and investments in the community developers must make. For example, through its partnership with Enlace in the Little Village neighborhood on the west side of Chicago, CALA supported a coalition of organizations and residents against an industrial developer. Concerned about the environmental impact of a multinational corporation's factory expansion in the neighborhood, the coalition mobilized public and political support to

block the development unless the corporation reached an agreement with the community. CALA attorneys helped the coalition negotiate a community benefits agreement that called for a company funded environmental impact study and commitment to implement findings; the launch of a jobs-opportunity program for residents; establishment of a committee with community and factory representatives to monitor compliance; and a donation of land for use by community youth. The group of approximately twenty community activists, with CALA's legal support, successfully fought for an investment that will benefit the over 80,000 residents of Little Village for years to come. Additionally, as a result of the campaign's success, the coalition has become a permanent entity, and CALA serves as ongoing counsel, supporting its work to ensure community influence over development proposals and helping grow its resources and capacity.

Community activism lawyering model is a version of community lawyering created by its founder, Lam Ho, and pioneered by Beyond Legal Aid. Mr. Ho drew on his education, years of experience as a community lawyer, and his time as a community organizer to develop the model. Mr. Ho envisioned a model of lawyering that challenged lawyers to reflect on their power within, a legal (aid) system that lets those with law degrees determine justice for those without and to practice in a way that shifts this power. Community organizing puts those affected by community challenges in the driver's seat. Community activism lawyering seeks to do the same. When community and movement lawyers are genuinely committed to being led by those most directly impacted, they can help people and communities achieve self-determined goals.

Mr. Ho has a vision for Beyond Legal Aid – to reform legal aid and re-imagine how lawyers and communities work together in service of social justice and social change. By embedding lawyers *within* diverse community organizations, community-led activism benefits from legal expertise, often required to make substantial progress on housing discrimination, along with issues such as immigration, and domestic violence. In 2018, through its Opportunity Grants program, the American Bar Endowment provided seed funding so that the organization could open two new clinics serving distinct populations for the first time: to assist domestic workers and the Arab American community.

Today, Beyond Legal Aid operates nineteen community-located and directed programs across the greater Chicagoland area. It seeks to expose more and more lawyers and legal aid organizations to the advantages of this model, and ultimately change how legal aid and progressive organizations operate on a national level. Already the ground is shifting. Beyond Legal Aid is working with law schools—Harvard, NYU, Yale, DePaul, and Northeastern—that want to embed students interested in community lawyering into its CALA's Chicago projects. Through these law school partnerships, the organization is exposing incoming generations of lawyers to this new framework of lawyering, training them in this new kind of practice, and building a talent pipeline. Just eighteen months ago, Beyond Legal Aid

actively sought community organization partners; now, these organizations seek out the organization for support.

Mr. Ho's commitment to this evolving model is personal. He grew up in an immigrant family that relied on public benefits and soup kitchens when they first came to the United States from Vietnam. The challenges he faced and overcame — like poverty, isolation, and domestic violence — gave him a direct understanding of systemic problems and inequities, and a deeply-rooted sense of responsibility and gratitude. For almost twenty-five years, Mr. Ho has worked with low-income communities as an activist and organizer. He has worked on diverse issues, including same-sex partnerships, disability rights, racial profiling, gay men's health, and HIV funding, and he has been a direct services provider at an AIDS hospice, to children with disabilities, and at homeless shelters and soup kitchens. In 2005, Mr. Ho went to law school, determined to combine his activism experiences with a legal career focused on bridging the gap between the law and social change.

Mr. Ho describes his motivation for founding what was then the Community Activism Law Alliance and its community activism lawyering model in terms of shifting the power of the law and putting it in the hands of the people. "You can't discuss access to justice without thinking about how the power of the law and legal system is distributed and restricted, in courtrooms, among and by judges and lawyers, and through statutes and regulations. We are trying to make the operation of law and lawyering more equitable and more grassroots so that the people most impacted by injustice are the ones who are leading. They—sometimes with lawyers at their sides—will be the ones who will change the world."

Mr. Ho's choice to be an attorney was driven by the brutality and injustice faced by members of his community when he was growing up and as an adult. While it often seemed that one lawyer could do little to combat the harm he witnessed, that very experience drove Mr. Ho to consider how he would make a difference. These experiences define his work and his vision for Beyond Legal Aid's activism-based practice, which includes:

- An undocumented victim of domestic violence who Beyond Legal Aid helped to obtain legal status speaks to almost a hundred people about her survival, urging them to join her fight.
- Lawyers work together with grassroots activists to stop a deportation already underway—convincing ICE to land the plane in Texas and return a father to his family.
- Sex workers "coming out of the shadows" at a demonstration, declaring and claiming their human rights and their worker rights.

Mr. Ho said that "the grants we are receiving, especially from a funder like the American Bar Endowment, tell us that our model for a new way of community-based lawyering is resonating with the legal profession."

Beyond Legal Aid’s successes inspire and energize Mr. Ho because they show the strength, resilience, and creativity of “clients” and their communities in the face of injustice and the passion of the lawyers who listen to and strategize with them so that together they can create social change.

About the American Bar Endowment (ABE)

Established in 1942, the American Bar Endowment (ABE) is an independent, 501(c)(3) not-for-profit public charity. The ABE provides lawyer members of the ABA with a unique way to protect themselves, their families, and their professional endeavors through participation in a range of ABE-sponsored insurance products underwritten by New York Life Insurance Company – with the option to seamlessly give any available annual dividends* they would otherwise receive to the ABE as a tax-deductible donation. In turn, the ABE makes grants that support critical law-related public service, educational, and research programs. The ABE is proud to be a charitable organization powered by generations of lawyers committed to ensuring equal access to justice for all. To learn more about the ABE, please visit www.abendowment.org.



Lam Ho, Executive Director of Beyond Legal Aid.

About Beyond Legal Aid

Beyond Legal Aid unites lawyers and activists in a collaborative pursuit for justice by leveraging legal services to benefit the most marginalized communities and individuals. The organization is changing legal aid. We are changing how lawyers and communities work together. Our lawyers work with activists to help their communities access justice and pursue social change. To learn more about Beyond Legal Aid’s work, staff, and leadership, please visit <https://www.beyondlegalaid.org>.

Kevin Cruz and Wally Hilke, staff attorneys with Beyond Legal Aid, and members of the community speaking at a press conference called by SOMOS, the Logan Square Tenants’ Union.



*Annual dividends are not guaranteed.