

PUTTING RACIST POLICING ON TRIAL

COMMUNITY-BASED LAWYERING: CONSULTING EXPERTS

The litigation aspect of the ACLU of Louisiana's (ACLU-LA) Justice Lab initiative seeks to challenge racially discriminatory policing practices in a way that creates space for directly-impacted people to guide the response. To ensure that the cases litigated stay rooted in community and the larger goals of the movement for racial justice, ACLU-LA aims to pair each Justice Lab law firm partner with a local consulting expert—who has both lived and experienced injustice at the hands of law enforcement in or around the locality of a specific case. These community consulting experts (CCEs) will provide localized boots-on-the-ground expertise that will inform Justice Lab litigation and trial strategy.

What Is Community-Based Lawyering?

- » Community-based lawyering begins with the acknowledgement that addressing problems faced by communities requires more than legal knowledge. It requires engagement with community members who have the lived experience necessary to inform litigation and trial strategy concerning systemic issues that impact their community.¹
- » This model of lawyering seeks to improve legal outcomes by creating space for directly-impacted people who, informed by their lived experience and expertise, have the capacity to guide legal responses to injustice.²

Who Is Qualified to Be a Justice Lab Community Consulting Expert?

- » A CCE will (i) have deep ties to Louisiana, (ii) have experienced and been directly impacted by law enforcement practices in Louisiana, and (iii) have a documented and strong interest in civil engagement and community organizing.

Who Will I Be Advising?

- » ACLU-LA will match each CCE with a law firm handling a case in or around a locality with which the CCE has direct knowledge and expertise.

Are There Requirements I Need to Fulfill In Order to Be Engaged as a Community Consulting Expert?

- » CCEs will commit to 20 hours of work with their Justice Lab law firm partner over a five-month period—during which time they will provide their expert opinion about regional and local issues related to racialized policing.
- » The consulting program will consist of two introductory 45-minute calls and 17 weekly 30-minute calls. These calls will be attended by at least one law firm representative, at least one ACLU-LA representative, and, if she/he/they so desire, the client on whose behalf the anticipated or current litigation is being brought.
- » In addition to the 10 hours spent on calls with law firms, CCEs will be compensated for 10 hours of research and preparation, which they can distribute at their own discretion.
- » ACLU-LA will host an onboarding session with prospective CCEs to discuss an overview of the ACLU-LA's Justice Lab initiative; the goal of community-based lawyering; the role and responsibilities of consulting experts; and the role and responsibilities of Justice Lab law firm partners.

What Tools Will Be Provided to Support the Relationship between Law Firm and Community Consulting Experts?

- » A \$500 stipend to the CCEs for 20 hours of work (\$25.00 per hour), half of which will be paid halfway through the program (*i.e.*, after 9 weekly calls), and the other half at the end.
- » Before pairing CCEs with a law firm, ACLU-LA will ensure that law firms have completed three core trainings: (i) Anti-Oppression and Anti-Bias; (ii) Diversity, Equity, and Inclusion; and (iii) Movement Lawyering.
- » CCEs will be provided with a Program Overview, outlining the structure of weekly calls.
- » ACLU-LA will host optional monthly meeting sessions (*i.e.*, office hours) to address any CCE concerns and to ensure that collaborations with law firm partners are running smoothly.

Consulting Expert Program Overview

This overview is meant to guide Community Consulting Experts (CCEs) and law firms in planning their weekly calls. Please note that this guide should by no means constrain the structure of these consultations.

Week 1—Kick-Off Call: 45 mins.

- » Welcome and Privilege and Confidentiality Discussion (5 min.) [Facilitator: ACLU-LA]
- » Meet & Greet—*e.g.*, name, brief personal history, including discussion regarding upbringing and interest in police reform (15 min.) [Facilitator: ACLU-LA]
- » Identifying Strategy Issues related to Racism, Policing, Criminal Law Reform, and Poverty in Louisiana that may Impact Litigation—*e.g.*, strategy discussions regarding media, legislation, policy and/or recent protests or events (15 min.) [Facilitator: CCE]
- » Q&A/Wrap-up (10 min.) [Facilitator: ACLU-LA]

Week 2—Case Introduction: 45 mins.

- » Prospective Case Background (15 min.) [Facilitator: Law Firm]
- » Identifying Parish or Locality-Specific Strategy Issues Related to Racism, Policing, Criminal Justice, and Poverty that may Impact the Prospective Case—*e.g.*, strategy discussions regarding media, legislation, policy and/or recent protests or events (15 min.) [Facilitator: CCE]
- » Q&A/Wrap-up (10 min.) [Facilitator: ACLU-LA]

Weeks 3-19—Off to the Races: 30 mins.

- » Report on Prospective Case and Areas in which Expert Opinion Is Needed (10 min.) [Facilitator: Law Firm]
- » Q&A (5 min.) [Facilitator: ACLU-LA]
- » Update on Regional and Locality-Specific Strategy Issues Concerning Racism, Policing, Criminal Justice, and Poverty—*e.g.*, strategy discussions regarding media, legislation, policy and/or recent protests or events as they relate to the prospective case (10 min.) [Facilitator: CCE]
- » Q&A/Wrap-Up (5 min.) [Facilitator: ACLU-LA]

¹ New Directions in Clinical Legal Education: Conversations on “Community Lawyering”: The Newest (Oldest) Wave in Clinical Legal Education, 28 Wash. U. J.L. & Pol’y 359, 384.

² With Their Own Hands: A Community Lawyering Approach to Improving Law Enforcement Practices in the Deaf Community, 45 Val. U.L. Rev. 875, 895.