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# **TEACHING SOCIAL JUSTICE, EXPANDING ACCESS TO JUSTICE: AN INTRODUCTION**

Jackie Gardina  
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Legal education has received its fair share of criticism in the last several years, from both inside and outside of the academy. The debate over the future of law schools and legal education has grown especially heated given rising costs and lowered employment numbers, and many have suggested that the current model is simply not sustainable. One common suggestion is to “fast track” the typical three-year curriculum and cut the ABA-imposed minimum number of classroom hours by a third, allowing for two-year programs. Others propose streamlining courses, including only the minimum number and types of courses students need to be “practice ready” while trimming away other curricular fat.

Whatever the next several years bring to legal education, there is no doubt that the traditional law school model is changing, and teaching social justice and emphasizing the ethical and moral obligation to serve the public are values we must deliberately strive for and consciously include as an integral part of the law school curriculum going forward. There is a well-documented and growing justice gap in legal services. The civil legal problems of low-income people involve essential human needs, such as protection from abusive relationships, safe and habitable housing, access to necessary health care, disability payments to help lead independent lives, child support, and relief from financial exploitation—to name just a few. The current economic crisis, moreover, with its attendant problems of high unemployment, home foreclosures, and family stress, has resulted in legal problems relating to consumer credit, housing, employment, bankruptcies, domestic violence, and child support, pushing many families into poverty for the first time. Despite these facts, it is estimated that 80 percent of low and middle-income individuals cannot afford basic legal services.

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The Society of American Law Teacher's (SALT) biennial Teaching Conference—Teaching Social Justice, Expanding Access to Justice: The Role of Legal Education and the Legal Profession—sought to explore the legal academies role in addressing the justice gap crisis. As the variety of conference sessions suggests, there are many ways to integrate social justice and access to justice issues into existing law school programs, as well as ways to use the rapid changes faced by legal education as a springboard to better incorporate these issues into our programs and instill social justice values in our students. In law schools around the country, teachers and clinicians are integrating those values into their scholarship and their teaching. They are writing critical and progressive scholarship. They are inspiring students and helping them to create a life-long passion for social justice by talking about real world events and social injustices in classrooms and in clinics. They are using real people with real problems to teach students the analytical and problem-solving skills they will need in practice. They are designing clinics that give local communities access to justice and working with non-profit organizations that further justice and equality.

The papers in this symposium issue reflect themes expressed in many of the conference panels, including accommodating changing demographics, incorporating ethical issues, and addressing pressing policy issues within the law school curriculum. Chief Judge Jonathan Lippman and former Chief Justice John Broderick spoke with participants about the access to justice crisis in the state courts and called on the legal academy to incorporate the ethical obligation to serve the public into the curriculum on first day of law school. Conference panelists also grappled with social justice issues central to legal education, including a law school Deans' conversation on the increasing cost of law school and its effect on access to education and opportunities for graduates. The theme of social justice in legal education was further expressed in a values discussion led by LatCrit and SALT leaders, who placed the work of the two organizations in a historic context. Finally, the conference explored the connection between social justice, legal education, and the community. Representatives from organizations in Baltimore and Washington, DC spoke with law professors in small, roundtable discussions to explore how social justice practice, scholarship, and advocacy could more effectively advance common goals and values.

Law schools and law teachers are stewards of justice and have an obligation to expose their students and their communities to social justice values through teaching, scholarship, and service. Given the rapid changes in legal education and the ever-increasing calls for reform, there has never been a more crucial time to emphasize those values and pass them along to the next generation of lawyers. In this way, we can both prepare our students for practice and instill in them the importance of making social justice a vital component of that practice.

The three Articles chosen for publication examine the pressing access to justice needs in our legal system, promote the necessity of integrating a more substantive discussion of these needs within the curriculum, and provide concrete and accessible ways to do so. As the Authors note, the current call for legal education reform provides an opportunity to incorporate access to justice concerns into the legal academy and to educate and inspire the next generation of lawyers to seek to improve the justice system. While each Article provides a unique perspective on the integration of access to justice concerns in legal education, all of the Articles emphasize the ethical obligations of an attorney to address deficits in the legal system and provide concrete and accessible reforms to address the issues presented.

In *Promoting Language Access in the Legal Academy*, professors Gillian Dutton, Beth Lyon, Jayesh Rathod, and Deborah Weissman discuss the vital importance of language access in the legal system and the need to promote it more broadly in the legal academy. The Article charts the changing demographics within the United States and the growing population of individuals with limited English proficiency. It then juxtaposes those figures with alarming statistics about the lack of language access in courts and other adjudicative settings. After describing and discussing the new *ABA Standards for Language Access in the Courts*, the Authors provide innovative reforms and best practices relating to language access in the legal academy. Although the necessity of language access is grounded in both constitutional and statutory law, it is generally not addressed in today's law school curriculum. The Article provides concrete and accessible ways to incorporate these concepts throughout the law school curriculum.

In the second Article, *Harmonizing Current Threats: Using the Outcry for Legal Education Reforms to Take Another Look at Civil Gideon and What it Means to be an American Lawyer*, Professor Cathryn Miller-Wilson demonstrates how the current political and economic crisis pressing law schools creates an opportunity to transform legal education and simultaneously address the current access to justice deficit. Professor Miller-Wilson connects a lawyer's ethical obligation to address the pressing access to justice crisis with the call for structural changes to legal education. Starting with David Luban's work on the ethics of lawyering and justice, the Article builds a foundation of moral activism on which to create a pedagogical model that necessarily responds to access to justice issues. In the end, the Author persuasively argues for the creation of "teaching law firms" similar to the "teaching hospital" model currently employed in the medical school curriculum. As noted in the Article, this model would tremendously expand the legal resources available to the indigent, enhance the ethical training for lawyers by creating an environment with live ethical issues, and permit new lawyers to experience a diverse array of rotations to expose them to several substantive practice areas.

Finally, in *Teaching the Carceral Crisis: An Ethical and Pedagogical Imperative*, Professor Taja-Nia Y. Henderson, highlights the issues of mass incarceration and mass conviction in the American legal system and calls on law schools to address them more deliberatively in the curricula. After surveying the content of current textbooks from required courses like constitutional law and criminal law to more specialized courses like immigration law and prison law, Professor Henderson decries the lack of any substantive discussion of these issues, particularly their short and long-term effects on the convicted individual, his or her family, and society as a whole. The Author persuasively argues that the lack of substantive or even cursory examination of these issues within casebooks and curricula must be corrected. With over 2.3 million people currently incarcerated in this country and millions more with criminal convictions on their record, students' career paths will require them "to render service in matters involving people's interactions with criminal law," and, as noted by the Author, "[t]he proper role of legal education is to provide them the basic skills to do so ethically, critically, and fairly." The Article concludes by offering examples of how to successfully and seamlessly incorporate these concepts into the curriculum and to impress upon students' their ethical obligations to understand the impact of criminal convictions and incarceration.

These three Articles provide a window into the work being performed within the legal academy to educate and inspire the next generation of attorneys. While we may alter how we provide legal education, we must not alter the legal academy's commitment to incorporating social justice issues within the curriculum. As evidenced by these Papers, SALT's members are at the forefront of innovative pedagogy and curricular design that encourages students to examine their professional obligations and career paths through this critical lens.