

Not What They Expected

Legal Services Lawyers in the Eyes of Legal Services Clients

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I. Introduction

Laypersons hold images of lawyers. These images derive from a variety of sources including prior experiences with lawyers or government bureaucracies¹ and popular media (see Chapter 8). With the high cost of legal services, most poor people and many working and middle-class individuals have limited, if any, experience working with lawyers² that might inform their images or counteract stereotypes of lawyers. Given the discrepancy between income and education levels of most lawyers and poor people in an increasingly class-stratified United States society,³ most are also unlikely to encounter lawyers among their friends and neighbors.⁴ So what are the images that circulate among low-income individuals who are the populations likely to be served by what Sarat and Scheingold have called “cause lawyers”?⁵ Where do these images come from? What do they tell us about the people who hold them?

¹ Austin Sarat, “The Law is All Over: Power, Resistance, and the Legal Consciousness of the Welfare Poor,” *Yale Journal of the Law and Humanities* 2 (1990): 343; Joe Soss, *Unwanted Claims: The Politics of Participation in the U.S. Welfare System* (Ann Arbor: University of Michigan Press, 2002).

² American Bar Association Reports, “Public Perceptions of Lawyers: 2002 Consumer Research Findings,” posted April 2002, retrieved January 17, 2007 from <http://www.abanet.org/litigation/lawyers>.

³ Jacob S. Hacker, *The Great Risk Shift: The Assault on American Families, Jobs, Health Care and Retirement and How You Can Fight Back* (Oxford: Oxford University Press, 2006).

⁴ Phillip R. Lochner Jr., “The No Fee and Low Fee Legal Practice of Private Attorneys,” *Law and Society Review* 9 (1975): 431.

⁵ Stuart Scheingold and Austin Sarat, *Something to Believe In: Politics, Professionalism, and Cause Lawyering* (Stanford: Stanford University Press, 2004).

This essay relies on data from interviews with thirty indigent legal services clients as part of a larger study of legal services lawyers and clients.⁶ It is a report of what Richard Johnson has referred to as “studies of lived cultures.”⁷ This means that, although one could focus on the production of texts (broadly defined to include stock myths and cultural stories) or the way in which texts circulate, this study focuses on how a group of indigent legal services clients consume, change, and produce local meanings about the lawyers with whom they work. Much of the cause lawyering literature has largely ignored client perspectives,⁸ focusing instead on lawyers’ visions of themselves as advocates or crusaders for a cause. This vision, in turn, has been produced or filtered through the academic conceptual category⁹ of “cause lawyers.” Although academics have consulted with so-called cause lawyers (at least as research subjects), they have rarely examined how clients or publics may conceive of these lawyers. The concept or text of “cause lawyer” and the meanings that lawyers and academics ascribe to it do not necessarily resonate or even register at all with many clients. This essay goes beyond previous reports by seeking the perspectives of indigent clients about their beliefs regarding lawyers, their experiences with lawyers, and the impact of these experiences on their beliefs. Speculation on the discrepancy between texts produced by and about cause lawyers and consumers’ reading and production of these texts implicates conceptions of justice and lack of confidence in the legal system.

After a brief discussion of the study and its methods, I provide an account of clients’ views about and expectations of lawyers. Because clients’ narratives of their expectations of lawyers are interwoven with what they actually experienced in their relationships with lawyers, these findings are reported together by theme: professional competence (legal knowledge and skills, professional cachet, and connections); motivation (altruism and financial gain); and engagement with clients (professional and personal). I then discuss the sources of clients’ beliefs and explanations, followed by an

⁶ Corey S. Shdaimah, *Public Interest Lawyering: The Practice and Pursuit of Social Justice* (New York: New York University Press, forthcoming).

⁷ Richard Johnson, “What is Cultural Studies Anyway?” *Social Text* 16 (Winter 1986–87): 38, 72.

⁸ But see Sarat, “The Law is All Over.”

⁹ Steve Redhead, *Unpopular Cultures: The Birth of Law and Popular Culture* (Manchester: Manchester University Press, 1995); Rosemary J. Coombe, “Contingent Articulations: A Critical Cultural Studies of Law,” in *Law in the Domains of Culture*, ed. Austin Sarat and Thomas R. Kearns (Ann Arbor: University of Michigan Press, 2000).

interpretation of why clients do not revise their images of lawyers to conform with their experiences when these experiences run counter to their expectations. In this discussion, I examine what clients' expectations and integration of discrepant experiences imply for the delivery of legal services to the poor and, more generally, for the legal system and conceptions of justice.

II. Lawyers and Clients in the Study

The data reported here are based on interviews conducted in 2002–03 with thirty legal services clients of a large, urban, legal services program that I call Northeast Legal Services (NELS).¹⁰ These clients received services for a variety of legal needs, including accusations of child abuse and neglect, Social Security Disability benefits, public housing, Temporary Assistance for Needy Families, and predatory lending. All clients were referred by lawyers who had also participated in the study.¹¹ Interviews were conducted in person, with the exception of one telephone interview. All but three of the in-person interviews took place in clients' homes. The intensive interviews, which lasted approximately one and a half hours, focused on clients' perceptions of current and prior interactions with lawyers and government agencies. Clients were asked to reflect on their experiences and understanding of lawyers, the legal system, and of justice, which were intertwined.

Twenty-seven clients were women; three were men. Twenty-three were African American, five were white, and two identified primarily as immigrants: one from Africa and one from Southeast Asia. The majority, by definition, were poor as they met NELS' income eligibility criterion of 125 percent of the federal poverty line, which is set as a function of annual income and family size.¹² Six clients were from a unit that serves the elderly regardless of income. Most of these elderly clients, however, have similarly

¹⁰ To protect the confidentiality of the study participants, pseudonyms are used for clients and legal institutions.

¹¹ For a discussion of possible bias, see Corey S. Shdaimah, "Dilemmas of 'Progressive Lawyering': Empowerment and Hierarchy," in *The Worlds Cause Lawyers Make: Structure and Agency in Legal Practice*, eds. Austin Sarat and Stuart Scheingold (Stanford: Stanford University Press, 2005), 270.

¹² For example, for 2003 when most of my interviews took place, the federal poverty line was \$18,400 for a family of four. U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, <http://hhs.gov/poverty>, retrieved June 4, 2007.

limited income because otherwise they would likely hire private attorneys or not be in the situations that brought them to NELS. This assumption is borne out by their circumstances. For example, two lived in public housing and one received city housing services only available to those with incomes that meet NELS' income eligibility criteria. Ages of the clients ranged from the early twenties to the late seventies. In addition to the six clients from the unit serving the elderly, another six who were clients of other units were also elderly.

Most NELS lawyers do not look like "typical" lawyers, as many dress informally in the office. None of those I interviewed in their offices on regular weekdays wore a suit; Suzanne reported, "If I could pull off the power suit thing maybe I'd be in a law firm." Jeff, who translated complicated health insurance provisions from legalese into plain English for elderly clients, distanced himself from the lawyer that he imagined wrote them, describing him or her as "some yahoo in a suit." Other lawyers had hairstyles, jewelry, or ways of dressing that were decidedly out of the mainstream. For example, Carolyn described her lawyer Suzanne as "cool," saying she was the "first lawyer I met with tattoos and piercings."

Less obvious to clients is that NELS lawyers see themselves as a special breed of lawyer.¹³ Indeed, the reigning conception of legal practice at NELS and in the public interest law community of which it is a part has its roots in oppositional lawyering movements that began in the 1960s and are allied more with the clients and causes they serve than with what they view as the legal establishment.¹⁴ This conception, to some extent, comes across in their discussions with clients and in their interactions with other lawyers. Legal services lawyers choose to distance themselves from their counterparts in the private bar or in government service.

Yet, even though their lawyers look or act contrary to mainstream notions of lawyering, clients do not refine their views of lawyers in general. Rather,

¹³ Shdaimah, "Intersecting Identities: Cause Lawyers as Legal Professionals and Social Movement Actors" in *Cause Lawyers and Social Movements*, eds. Austin Sarat and Stuart Scheingold (Stanford: Stanford University Press, 2006).

¹⁴ Martha Davis, *Brutal Need: Lawyers and the Welfare Rights Movement, 1960–1973* (New Haven: Yale University Press, 1993); Jack Katz, *Poor People's Lawyers in Transition* (New Brunswick: Rutgers University Press, 1982). The role that NELS and other public interest law organizations have come to create for themselves in relation to the organized bar has evolved over time, but here I intend to highlight the lawyers' perception of themselves and their allegiances (see also Shdaimah, "Intersecting Identities").

they continue to identify all lawyers with more traditional societal images of what lawyers do, how (well) they do it, and for whom. They do not recognize a distinct or special breed of cause lawyer,¹⁵ but instead see their lawyers as anomalous, individual, exceptions.

III. The Need for Lawyers

Despite, or perhaps because of, the difficulty in finding legal assistance, legal services clients view having a lawyer as crucially important.¹⁶ Clients are not always able to articulate why or how this is the case, but it is common knowledge that one should not try to tackle legal or bureaucratic problems without professional help. Like Latonya, most clients made it clear that having a lawyer was a necessary (if insufficient) means to ensure justice:

Well, working with [Joann] . . . let me see how I could put it. I don't know, I mean I know that – I believe that lawyers are beneficial. You know, because if you go in – if you're in a situation and you go into it alone without a lawyer you have less of a chance. But if you go into it with a lawyer, you have a better chance. That's how I feel now.

In fact, one thread that runs through many interviews is the obligation that a person in trouble has to seek a lawyer. Clients tell friends and family members (and anyone else they run into just about anywhere) to go to “their” lawyer or to contact NELS.¹⁷ People who do not act on this advice have only themselves to blame:

I told [a] relative about what this person is doing for me. I said go to these people. If she helped me she can help you if you are in a similar situation rather than lose your house, and they lost their house! Yes they

¹⁵ Nor do they use any of the other specialized terms so-called cause lawyers and those who study them use such as “progressive lawyer” (Nancy D. Polikoff, “Am I My Client? The Role Confusion of a Lawyer Activist,” *Harvard Civil Rights-Civil Liberties Law Review* 31 (1996): 443; “rebellious lawyer” (Gerald P. López, *Rebellious Lawyering: One Chicano's Vision of Progressive Law Practice* (Boulder: Westview Press, 1992); or “client-centered lawyer” (Steven Ellman, “Client-Centeredness Multiplied: Individual Autonomy and Collective Mobilization in Public Interest Lawyers’ Representation of Groups,” *Virginia Law Review* 78 (1992): 1103.

¹⁶ Reported in Shdaimah, “Dilemmas of Progressive Lawyering.” See also Patricia Ewick and Susan S. Sibley, *The Common Place of Law: Stories from Everyday Life* (Chicago: University of Chicago Press, 2000), 152.

¹⁷ As people who have already sought out legal assistance, this might be a group of individuals who are more likely to seek help than those who have not.

did. Lost their house, all that money they put into it and everything, they lost their house. And then I was – I said don't even – I don't want to hear it because I told you what to do, told you who to go to! . . . I gave the information, spreaded the good news and the good word to someone else, and they just didn't act on it. And then when they, the man go and knock on the door [knocks twice] and say the truck is outside, then they want to – “What did you say the woman's name was? [imitates derisively].” Please [with disgust]. It's too late at that point. And I can't feel empathy for you because, but sympathy at that point. Because I tried.

Lawyers, in the eyes of clients, are simultaneously necessary but untrustworthy, at least as a group. Although many legal services lawyers conceive of themselves as a special breed of oppositional outsiders, they are nevertheless lawyers who must play by the rules. Some lawyers are aware of this dual role.¹⁸ Cause lawyering scholars have questioned whether lawyers paid by the state are sufficiently transgressive to qualify as cause lawyers,¹⁹ and at least one lawyer in this study²⁰ chafed at the limits of his ability to serve his clients. He viewed himself and his work as circumscribed by his professional and institutional mandates. Despite their suspicions, clients, unsurprisingly, turn to lawyers as a last or only hope in exercising what Linda Gordon, drawing on the work of James Scott, has called “powers of the weak.”²¹ As Gordon's analysis suggests, just as clients are not passive consumers of lawyers or the legal system, neither are they passive consumers of cultural texts about lawyers and the legal system. They draw on, interpret, and produce texts about lawyers and the legal system that are intelligible in the constellation of their experiences.²²

In examining client narratives about why lawyers are necessary, we can learn about how clients conceive of lawyers and their professional roles. Three related but distinct themes emerged from the interviews: (1) the need for professional knowledge to solve legal problems, (2) professional status

¹⁸ Polikoff, “Am I My Client?”

¹⁹ Stuart Scheingold and Anne Bloom, “Transgressive Cause Lawyering: Practice Sites and the Politicization of the Professional,” *International Legal Professions* 5 (1998): 209.

²⁰ Pete, cited in Shdaimah, “Dilemmas of ‘Progressive Lawyering,’” 250

²¹ Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence* (New York: Penguin Books, 1988).

²² Johnson, “What is Cultural Studies,” 60; Arjun Appadurai, *Modernity at Large: Cultural Dimensions of Globalization* (Minneapolis: University of Minnesota, 1996); W. Russell Neuman, Marion R. Just, and Ann N. Crigler, *Common Knowledge: News and the Construction of Political Meaning* (Chicago: University of Chicago Press, 1992), 111–12, 119–120.

as a prerequisite for being heard or listened to, and (3) lawyers as having access or connections that are important to success in the legal system.

1. Legal Knowledge and Skills

Legal systems are specialized. Clients recognize that it takes someone with knowledge of the law and the way bureaucracies and legal systems work to be able to navigate these systems; they are too complicated to navigate alone. People need to arm themselves with lawyers who will navigate it for them or will steer them through it. Most clients characterized the bureaucracies with which they interacted as, at worst, deliberately misrepresenting what clients' rights and entitlements are or, at best, apathetic and/or incompetent. Therefore, people cannot rely on bureaucracies to find out information that may be crucial for their very survival, whether it be access to housing, medical benefits, or other basic necessities. For example, Marissa, an immigrant, sought medical help for her daughter who was born in the United States and entitled to health benefits despite the fact that Marissa herself was not. Marissa is well educated and an excellent English speaker, but she was unable to ascertain her daughter's rights to health care until she began working with her legal services lawyer:

I tell you, the law, the legal system, if you have somebody to explain to you your rights, what they can do for you, then you can do everything, make use of the legal system and get a little bit of justice. But if you have no clue you are in a terrible mess [voice rising]. Like when I didn't have any clue of my rights like that my daughter was supposed to, uh, [get for health care I] was in a terrible situation until I could get somebody to explain all these things to me. If you don't have anybody helping you, forget it [yawns]. If you don't have that... maybe the [government agency workers] I've come in contact, I've let them know they are lies, the ones that I've come in contact they are not there to tell you [that] you're supposed to get this or supposed to get that.

Leslie talks about the need for lawyers much more generally. In explaining to me why legal services for the poor are so crucial, she indicated that in our society it is not feasible to get by on one's own:

Services like that are needed and are necessary. Because we – our society – is a legal society. You may not like [it] but you can't live without [a lawyer]. Well, some lawyers are out to make money and

they have no sense of right and wrong. None whatsoever, they're just out to – but you can't live without them. Not in our world anyway [laughs]. Unfortunately some of them have no sense of . . . integrity I think would be the word [laughs].

Leslie's quote also shows how laypeople are at the mercy of lawyers. The very lack of knowledge that makes clients dependent on lawyers also makes it difficult for clients to judge whether lawyers will serve them well or poorly. This is true particularly of legal services clients, who have little leverage over lawyers and may not have recourse, if unsatisfied.²³ I asked Ellis, an elderly gentleman, what he thought NELS could do to improve their services. He told me, "Um [drawn out, thinking] I don't think I'm that smart enough to know that [laughs]." Others weave this theme into their cautionary tale, extending a client's duty to vigilance over their lawyer's performance.²⁴ When I asked her about justice, Martha illustrated the importance of having a good lawyer through the examples of a friend and a nephew, who had both been involved with the criminal justice system. For her, what made the difference in these two cases was the quality of the legal representation.

The law can work for you or against you. In [my friend's case], it worked for him. I've seen the law work against a person, too. If you get an incompetent lawyer, you're in trouble. My nephew, he got picked up for, he was messing with drugs at the time. Now, they locked him up.

Martha went on to relate that it was clear to *her* that her nephew's public defender was not doing his job, and that she exhorted her sister to speak up and demand better representation for her nephew. To do otherwise, in her opinion, was to court the risk of having the law work against her nephew.

In that instance the law worked against him. Against him in the sense that he had, there's no other way to put it, an incompetent lawyer. Or a person who just didn't care. And [my nephew] didn't speak up for hisself. It just rolled over him.

²³ See Paul R. Tremblay, "Toward a Community-Based Ethic for Legal Services Practice," *UCLA Law Review* 37 (1989–90): 1105–07 for a discussion of legal services lawyers as street level bureaucrats who provide scarce services to clients who lack any leverage.

²⁴ See Carl J. Hosticka, "We Don't Care About What Happened, We Only Care About What is Going to Happen: Lawyer-Client Negotiations of Reality," *Social Problems* 26 (1979): 599, reporting that although lawyers perceived persistent clients negatively, they expended more efforts on their cases.

The difficulty of assessing lawyer performance coupled with the importance of doing so likely makes clients even more suspicious of lawyers. It also gives such suspicion an important function as it serves to remind clients of the need to be vigilant in scrutinizing their lawyers' performance. It gives them the motivation to ask questions or attempt to monitor performance as best they can, either by comparing it with previous experiences or with the experiences of friends or relatives, or by going by their own sense of justice.

2. Professional Cachet

Some clients have knowledge about their legal situation and feel competent to handle legal matters on their own, but still find it necessary to use the assistance of a lawyer. Lilly told me of a long career of political activism. She directly approached her lawyer from NELS with whom she serves on a committee that works on state and local policy issues concerning the elderly. Lilly made it clear that she had a solid understanding of her legal problem, the law, and what needed to be done. So I wondered why she turned to a lawyer, and asked her what she was hoping to accomplish. The following exchange is from our interview:

Lilly: I was hoping that she could break the Gordian knot [laughs]. I was hoping she'd go in and say, "Look: This is this, this is what she has done, this is what the thing is, and this is the law." And that's exactly it and it was taken care of very quickly.

Corey: So basically to say the same kind of things that you were saying but just having it come out of her mouth?

Lilly: Ahhh! When you have it come out of someone's mouth who has a background, they will listen, especially if you say that you are a lawyer working with the senior community. . . . But the fact that you are a lawyer and you are working with this community and this is the law.

The power of Liz's (Lilly's lawyer) professional degree coupled with her representation of a sympathetic group (seniors) made Lilly believe that Liz would be more likely to succeed than she (herself a senior!) could. When a lawyer says, "This is the law," even if he or she only echoes what the unrepresented client has been saying, it is the lawyer who will be listened

to and credited as the authoritative source. This was echoed time and again by clients like Carolyn, who was represented in child abuse and neglect and school proceedings. Carolyn said that she wanted her lawyer Suzanne to accompany her to each and every meeting “because people take you more seriously. Because when you’re by yourself, you’re just a parent. When you’re a parent with a lawyer, they listen [laughs] a little bit more, so. Definitely, that’s a plus.”

Nancy saw the legal system as a clear hierarchy. She referred to her lawyer as a “mediator” and explained that people do not have the authority to speak directly to judges, but rather must go through lawyers who were part of what she called the “chain of command.” Her lawyer not only understands how this hierarchy works but is also the one who has the proper authority to speak with those who have the power to make decisions. Celia, too, talked about needing a lawyer to interface with the legal system and with the mortgage company: “And you need a lawyer, you know? I needed a lawyer. Somebody to represent me or to speak for me. Somebody to speak for me legally, to present whatever papers.”

In many cases, clients suspect that street-level bureaucrats deliberately provide erroneous information or withhold information, assuming that clients do not know and have no way of finding out what their rights are. Mary said,

But if I didn’t know that right, like people that don’t know that right, is totally screwed because they’re like – “you can’t appeal that, and you have to do this.” I mean and they totally tried to tell me this, and I’m like “crrrhhh [noise] no fucking way, you know, let me call Pete – I need to call my lawyer.” You know, so I think their legal system is just [trails off].

Indicative of Mary’s experience is her use of the phrase, “their legal system.” This is not a legal system designed for all; it only helps those who are in the know and have access. Clients need lawyers for both knowledge and access. Sometimes it is sufficient to merely mention that one has a lawyer. Marissa, cited earlier on how important it is to have a lawyer to provide information, also found that invoking representation led her to be treated differently (that is, better) by otherwise unresponsive bureaucracies: “The last the time I went I said, ‘The best thing for me is to go to my attorney’ . . . ‘Oh you have

an attorney?!' . . . I said, 'Yes, I have an attorney' . . . She then knew I knew my rights and then that was that."

3. Connections

Clients believe that lawyers are listened to not only because of their qualifications and their professional role but also because they are part of the "system." Other cause lawyering scholars have documented the ties that lawyers have with government institutions in different countries.²⁵ Although most clients are unaware of the details and have little empirical evidence to back up the perceived connections between lawyers and various arms of the state, they have a sense that all arms of the government, including legal services lawyers, have connections and work together. Clients in my interviews saw the "system" as government generally, rather than limited to the courts or the particular administrative tribunals or officers before whom they appear.²⁶ When Arlene discussed how she started working with Marcia, she told me that Marcia already had all of the necessary documents connected to her son's Social Security Disability Insurance claim so that she did not have to go about procuring the many school and medical papers necessary for the appeal. In telling me how Marcia obtained the records, she informed me matter-of-factly, "Well you know lawyers always have connections. They got connections."

Clients are often suspicious of lawyers because they fear that they may be in cahoots with the other legal players whose very actions they are challenging. This can be in the form of an active conspiracy, but may also take the less active form of having more loyalty to the system or to other lawyers than to clients. Dara explained why clients must monitor their lawyers to ensure good service and loyalty:

Right, like because you could sit back and not say anything and let them do whatever they want to do and they will, and you know, they

²⁵ Michael McCann and William Haltom, "ATLA Shrugged: Why Personal Injury Lawyers are not Public Defenders of Their Own Causes," in *The Worlds Cause Lawyers Make: Structure and Agency in Legal Practice*, eds. Austin Sarat and Stuart Scheingold (Stanford: Stanford University Press, 2005). See also Patricia J. Woods, "Cause Lawyers and the Judicial Community in Israel: Legal Challenge in a Diffuse, Normative Community" in *The Worlds Cause Lawyers Make*, 307.

²⁶ See also Joe Soss, "Lessons of Welfare: Policy Administration, Political Learning and Political Action," *American Political Science Review* 93(1999): 363.

gonna get paid. And sometimes somebody work with the same side, so you know you got to be real careful. You got to be real careful as far as they're concerned.

Such connections not only raise clients' suspicions of lawyers but also, for the very same reasons, reinforce their sense that they are a necessary evil. If a client can find a lawyer who is willing to put his or her connections to the client's benefit, then there is an opportunity to achieve (the client's vision of) justice. Valerie, a former union activist, learned how to challenge people in power from a union business agent whom she greatly admired:

And there was a lot of things that Joe taught me that stuck. . . . [He said], 'Let me tell you something: It's not *what* you know, it's who you know.' And I have never forgotten that. And it doesn't make no difference how educated you are, if you don't know the right person you're going to get no help. And I found that to be a fact. You got to know the right people to talk to who can really help you. And that is why I'm glad I met [my lawyer].

When I asked Valerie whether this was true of the legal system, she replied,

Well these guys are pretty heavy. And they work with each other. Like if one doesn't know, the other one is there to help. And these guys are – they're heavy. They're really heavy, educated guys. And they know exactly what they're doing.

In addition to shoring up the importance of knowing the right people to have a shot at justice, Valerie's quote reveals another important benefit that clients can extract from working with well-connected lawyers, which was affirmed by the stories that many clients told. Once a client has the ear of a lawyer, that lawyer often serves as a bridge to additional legal and other forms of assistance. The overwhelming majority of clients reported being connected to other services by their NELS lawyers. These services ranged from legal assistance with domestic violence (not handled by NELS but by other legal service providers), assistance in opening dedicated bank accounts for children receiving SSDI, and securing food stamps, medical assistance, and housing. In most cases, these were services that clients did not know about before working with their lawyers or from which they had been turned away in their initial attempts to access them.

IV. For Love or Money?

1. Financial Gain and Service to the Poor

That organizations such as NELS do not reflect the communities they serve is a product of mutual forces. Lawyers who themselves come from poor and underserved neighborhoods where it is a rarity that people know or are related to lawyers have a hard time finding public interest jobs. These jobs are hard for anyone to attain.²⁷ Lawyers from poor communities with troubled schools might be less likely to be able to attend more expensive, elite law schools, making them less competitive and making it harder for funding-strapped public interest law organizations to hire them via grants and fellowships.²⁸

Even if hiring practices were not a barrier, my study indicates that most of the clients who thought about careers in the law did so as a vehicle up and out of poverty: as a way to make money. When I asked LaTonya whether she had any images of lawyers before working with one, she replied,

No, the only image I had is that they make *a lot* of money [laughs]. Well when I was a kid they always used to tell me that I should be – “You should be a lawyer.” . . . But the only thing that attracted me to them is money. The money aspect of it, that’s all.

Since clients who thought about becoming a lawyer clearly were interested in this profession as a route to high earnings and out of poverty, they assumed that most lawyers chose their profession for the same reason. Clients were baffled as to why any competent lawyer would choose to work for legal services and assumed instead that it was a job for those who were less skilled, less motivated, or less well connected. Many were incredulous to learn that their NELS lawyers did not charge a fee for their services. Joseph related, “I said, ‘Well how much do I have to pay?’ She said, ‘You don’t have to pay anything, it’s legal aid, it’s free.’ And I says ‘free’?! [laughs].”

²⁷ Lynn C. Jones, “Exploring the Sources of Cause and Career Correspondence Among Cause Lawyers” in *The Worlds Cause Lawyers Make*. See also Douglas Thomson, “Negotiating Cause Lawyering Potential in the Early Years of Corporate Practice” in *The Worlds Cause Lawyers Make*.

²⁸ Shdaimah, “Dilemmas of “Progressive” Lawyering,” 235–37.

Clients' notions of free lawyers are linked to their understanding of the legal system as a place for differentiated experience: those who have money might be able to get justice; those without are usually out of luck, even if their cases have merit. Elinor, a client of the consumer advocacy unit who had worked with lawyers through her union in the past, explained that those attorneys were not legal services lawyers because "when I was working and not on disability and I could pay the lawyers. But I was really out of it this time . . ." Laid up with lupus and serious complications from the disease, Elinor was now bedridden and sought legal assistance due to financial problems as well as difficulties with an abusive husband. She called NELS out of a lack of alternatives, not expecting much. As she told me, she thought, "Oh they're not going to help because they're not getting paid. It's a free thing. You know I don't have no money to give them. People – the system doesn't work like that."

Elinor worries that if her NELS lawyer Ben were offered a better position, he might leave legal services:

I don't want to see him get another j[ob] – a better position and not be Ben. But I guess if he gets a higher position, he would still be the same. I don't think he would just drop his clients, you know and say I can't answer this question for you or anything.

This is indicative of an understanding that many legal services lawyers have their jobs because they cannot find other, "better" ones.²⁹ Ben, in practice for nearly 30 years, was the head of his department at NELS and one of the foremost authorities in his field in the country. Highly respected, his advice and input are sought on the local and national level, which makes it all the more interesting that Elinor thinks that he might be tempted to leave legal services if he got a better offer. Her perception is particularly telling as it shows that, although Ben is well respected in the legal community at large (including the private bar) and has been honored publicly and profiled in the media, Elinor remains completely unaware of his prestige and, despite her satisfaction with his services, has no way of integrating his competence and the respect that he commands into her model of legal aid lawyers.

²⁹ Lisa McIntyre, *The Public Defenders: The Practice of Law in the Shadow of Repute* (Chicago: University of Chicago Press, 1987).

Some clients were aware that law school is expensive and that legal services lawyers likely reap fewer financial rewards and have more difficulty repaying student loans than lawyers in private practice. Some, like Mary, offered me advice, thinking that my research was to prepare me for a career in the law:

Private practice is I think much better, because you have to go to school and it's so many years of school and it's a lot of money, it's like a doctor. And uh, in order to recoup that or pay your loan back, whatever you did, um, it takes a lot longer if you're with a community legal service or legal aid.

Clients who excoriate the system for its lack of justice do not usually seek to become lawyers or change their lives to rectify it; rather, if anything, they expressed a desire to move to the other side and to be one of those people who knows the right people, is able to get justice through having a lawyer at their elbow, and can make lots of money. Their bafflement with lawyers who are both competent and serve the poor, in part, is connected to this desire.

The correlation between money and perceived competence, however, is somewhat more complicated. Although some clients could only comprehend that their lawyers chose legal services work because of a lack of options and assumed that legal services lawyers *must* be less competent, many clients (sometimes the very same ones) did not see a correlation between money and competence. In fact, most clients assumed that lawyers pursuing their careers for pecuniary gain probably did not care much about their clients personally and, whether competent or not, would not necessarily put in effort for their clients or provide satisfactory services. Eloise described her frustration when she hired an attorney for her granddaughter. She felt that the lawyer was only interested in the money and did not care about her granddaughter nor did she provide her any services for the money:

There is a question I would like to ask these lawyers. When you give them the fee, their money, which happened to me – my granddaughter got into some trouble. And we gave this lady \$850. Well so far she never did anything. . . . These lawyers do that. Take people's money and they don't do anything

In contrast, when they believed that their legal services lawyers were good, clients saw foregoing money or prestigious jobs as an indication of

altruism. Such lawyers in the eyes of clients are better people, and therefore would work harder for clients and provide better service. When I asked what was different about her experience at NELS, Eloise said,

Well one thing it wasn't any money involved in these two. You know there was no money involved. This was just based on Amir's income. But these other lawyers you got to pay them! And you don't get the service that you deserve sometime.

Clients' ambivalence toward legal services and the relationship of monetary compensation to the provision of services parallel some of the debates within the cause lawyering literature that asks whether fee-based work can be considered cause lawyering.³⁰ Cause lawyering literature has looked largely from the outside in assessing this question, whereas these findings suggest that clients of putative cause lawyers have clear opinions that can add to the debate by pointing out in what way legal services might be cause lawyers and under what conditions. If commitment to the cause (including the cause of service to the poor) over and above a commitment to the law and/or to financial gain or prestige characterizes cause lawyering,³¹ then surely from the perspective of legal services clients, legal services lawyers (or at least the competent ones who care) are cause lawyers, whatever the source of their pay.³² Further, in the eyes of clients, salaried cause lawyers who forego higher financial compensation might in fact provide better services than those who provide solely fee-based or market rate services for causes because they are more likely to be altruistic to their causes (as well as empathic to individuals, see below). This may even hold true in comparison to

³⁰ Austin Sarat and Stuart Scheingold, "Cause Lawyering and the Reproduction of Professional Authority: An Introduction," in *Cause Lawyering: Political Commitments and Professional Responsibilities* (New York: Oxford University Press, 1998). See also Ronen Shamir and Sara Chinski, "Destruction of Houses and Construction of a Cause: Lawyers and Bedouins in the Israeli Courts," in *Cause Lawyering: Political Commitments and Professional Responsibilities*; Scott Barclay and Anna-Maria Marshall, "Supporting a Cause, Developing a Movement, and Consolidating a Practice: Cause Lawyers and Sexual Orientation Litigation in Vermont," in *The Worlds Cause Lawyers Make*.

³¹ Sarat and Scheingold, "Cause Lawyering and the Reproduction of Professional Authority: An Introduction."

³² This raises an interesting question for the problematic hinging of cause lawyering on motivation (discussed in Laura Hatcher, "Economic Libertarians, Property, and Institutions: Linking Activism, Idea, and Identities Among Property Rights Advocates," in *The Worlds Cause Lawyers Make* 2005). Although this definition also rests on motivation, it is on the motivation of lawyers imputed by clients served by these lawyers, based on what clients deduce from their own assumptions about lawyers and their career options.

attorneys at the private bar who provide pro bono services to causes or individual clients because the high level of altruism that clients impute to those who have dedicated their careers to causes proves a commitment to the cause and indicates a willingness to expend more effort in service thereof.

2. Crossing Bridges?

One of the most significant differences between my findings and those of legal services clients interviewed by Sarat³³ revolves around connections that are formed between lawyers and clients. Sarat found that clients, exemplified by his respondent Spencer, believe that it is impossible for anyone who has not experienced the poverty and stigma related to welfare use to understand those who have experienced this firsthand. This finding is strikingly similar to the portrayal of lawyers in popular media as emotionless and out of touch with the needs and realities of ordinary people (see Chapters 8 and 9).

Although clients in this study did not expect lawyers, for the most part, to understand their plight, there was the possibility that they could and indeed sometimes did so. Clients do not have a romantic notion that lawyers can fully understand what it is like to live like their clients and experience their troubles, but this does not preclude the possibility of a mediated or partial understanding. Where Spencer seems to see only a chasm, clients in this study frequently talked of connecting with their lawyers in a variety of ways; gaps in understanding that stem from different experiences can be bridged.

Crucial to their view of NELS' lawyers as different from the distant, incompetent, apathetic, or money-driven individuals that they expected was clients' sense that something transpires in the relationship that goes beyond the professional (without becoming unprofessional). As reported in Shdaimah,³⁴ clients are leery of lawyers who go too far and become friendly in a way that interferes with their professional abilities and roles. Even clients who said that their lawyers were like "friends" (and many used this term) said that they knew that it was not really friendship in the

³³ Sarat, "The Law is All Over": Power, Resistance, and the Legal Consciousness of the Welfare Poor," 343.

³⁴ Shdaimah, "Dilemmas of "Progressive" Lawyering."

conventional sense but more a feeling that the lawyer cared, that they were not just another case.

Clients indicate that lawyers who create the opportunity for a connection do so by being empathic, down to earth, and “hanging in there.” Clients, for their part, engender or foster this connection in lawyers; connections are forged through mutual desire and hard work.

3. Empathy

Lawyer empathy was a recurrent theme in client interviews. It was an important feature of clients’ satisfaction and ran counter to client expectations.³⁵ Dara at first thought that her lawyer was uncaring and would not be able to comprehend her life and her choices:

Dara: I thought, I felt like she was kind of professional but distant ‘cause I felt like she really couldn’t understand what it was like. . . . I had two children [and then] in 1991 one of my best girlfriends had got took in a car accident so I added two, her two kids to my family and it made my family larger.

Corey: So you had four children?

Dara: Right. It didn’t give me any more money because she hadn’t worked so it wasn’t like you got no Social Security and none of that stuff. It was like, they give you a welfare check. No food stamps, just you know, and that kind of like, make a tough situation a little bit more stressful so by the time we got to that point, at that time it was like, [whispers] “oh God, the stress.” I really was overwhelmed. And I figured that she could not understand what it was like and where I was at that point.

Dara turned to NELS because she had no choice, even though she was not hopeful that a lawyer would understand or help. Interestingly, it was when she saw that Sheryl made consistent efforts for her and continued to work

³⁵ There is some indication that this was the case even when cases had not been resolved or had been resolved against the client. Although this research was somewhat skewed in that only clients who held relatively positive views of their lawyers agreed to be interviewed, there is indication that the process and treatment of clients are crucial components in their construction of their own satisfaction. This corresponds with literature on the importance of process even when outcomes are unfavorable; see, e.g., Tom R. Tyler and Robert Folger, “Distributional and Procedural Satisfaction with Citizen-Police Encounters,” *Basic and Applied Social Psychology* 1 (1980): 281.

with her that she changed her mind: “Because she really, really, I think maybe some of that she kind of, at some point understood because she really, really, really worked hard on my case, she did. She really did work hard on my case. She really worked hard on it.” This to her was “proof” that Sheryl must understand; why otherwise would she go to bat for her?

The same was true of Ruth, who had a history of social service agencies betraying her trust and was currently battling child protective services for the return of her children, whom she had voluntarily placed in care when she became homeless. Her lawyer Joann “understood.” Ruth, like Dara, felt that her lawyer went to work for her in a way that showed a connection and a commitment to her as a person:

[Joann] generally acted like she cared. You know some of them don’t. A lot of them just had a attitude like, “[in a bored voice] okay, well you know, I have to do this for you, that’s all.” But she, it was more like a personal thing like we was almost friends, like? I could tell her anything, as hard as it was, ‘cause so much stuff had happened and she just made me feel like she was going to actually try to do anything she could. I guess that’s what made the difference.

Latonya spoke of her relationship with her lawyer, noting that it was comfortable and that she has a sense that Sheryl knows how to read her in a way that is helpful when they are dealing with child welfare authorities:

Like for instance, being as though she has been dealing with me for three years almost, she knows me a little bit, you know? And when we were in the meeting, the man was getting ready to say something that was getting ready to have me like really perturbed [she smiles, I laugh] and she was like “LaTonya, don’t act like you know what he’s going to say.” And it was good that she was there to be able to say that because . . . I was getting ready to get really nasty and everything! . . . And I started laughing, ‘cause I said, “How about she know me [laughs]?!”

Getting to know one another allows lawyers and clients to learn not only good things about each other but also bad things. Again, Ruth talked about Joann and said that eventually she came to trust her because Joann stuck with her, even when she became angry:

I didn’t have to like put on no façade. Like for those social workers, I had to pretend. Well I was angry anyway – screw them. But, I’m saying, I didn’t have to pretend like everything was all right when it

wasn't with Joann. You know, if I was angry, she didn't care. You know, she would try to come out and talk to me if I walked out or whatever, and I couldn't do that with nobody else.

When lawyers stand by their clients in spite of the tensions between them, the clients can stay with the legal process rather than give up or act in a way that might jeopardize their cases.

4. "Common People"

A number of clients noted that their lawyers put them at ease by talking to them in a manner that was straightforward while not patronizing. Lorna described her experience with Steve as contrary to what she imagined:

I felt like he was common people and not a lawyer. He didn't make me feel like he was all uptight and you know and "this is the law" [laughing, imitates a deep, authoritative voice]. He was just down to earth. Very.

Clients appreciated when their lawyers explained things in ways that they could understand or took pains to clarify their legal situation when information provided by government agencies was lacking or incomprehensible. They were also surprised and pleased to be treated with courtesy. In describing why she was more satisfied with and felt more comfortable with her lawyer than one with whom she had worked before, one client told me that the NELS lawyer responded to her phone calls. He kept her abreast of what was going on. "He would call me on the phone and say, 'Ms. Carter, so and so and so.'" When she came into the office "Mr. Brown would come down and he would greet me and 'come on in Mrs. Carter' and we would go upstairs."

Being treated as a social equal can be particularly important for clients who have experienced stigma. This was true of Janet, who felt that she was often stigmatized and treated poorly because she was recovering from a drug addiction. Based on prior experience, she expected to have a bad encounter at NELS "because of the stigma with drug addicts." She said this was generally the case in her contacts with professionals, and she compared her experiences with her lawyer Steve, who was "very sympathetic," to her treatment at the hands of emergency room doctors, who treated her with such disgust and disrespect that she tried to avoid them at all costs, even

when her health was jeopardized. “But you know it changed a little bit for the better I think this time with Steve. Like I said he didn’t treat me disrespectfully or anything like that.” When asked if there was something in particular that Steve did to make her feel comfortable, she said, “Yeah, well he just treated me like everybody else. He didn’t look down his nose at me or anything.”

Clients in this study interpreted lawyers’ openness as genuine. It was not what they expected, but they were not so cynical as to reject expressions of empathy and caring. They might not think that lawyers fully understood them, but they did feel that a connection was made that created an experience different from the one they expected. They did not, however, expect this experience to be replicated in encounters with other lawyers, viewing it instead as a rarity. Carolyn spoke of her lawyer, Suzanne, as follows:

That was really helpful that she was that open and that kind. So I felt that she was a genuine person. It’s not just that she was a lawyer but she was genuine. And not many lawyers will show you that kind of, uh, generosity or really treat you as a human being.

Lest it be misunderstood, clients do not only want empathy or to be treated well. They also want an honest assessment of their situation. Janet appreciated that Steve “just was real up front with me about everything. You know, he, like I said he didn’t pull any punches, he was real up front and uh, he was very straightforward.” They also want to be served by competent lawyers, as outlined in detail above. It is the combination of professional and competent representation put to the service of poor people with caring and empathy for them as individuals that clients find most surprising, and are most likely to praise and view as anomalous. As Lilly, speaking about Liz, put it: “It’s a different kind of law, lawyerism – not law, the law itself – lawyerism than that.”

When asked to explain how she would characterize that kind of lawyerism, Lilly replied,

It’s the fact that she’s empathetic. She listens. She’s caring. And she’s productive. I think there is something very special – and I’m sure there are others in the group that are of the same caliber or they wouldn’t want to work there. I think it takes special people who would work, I’m sure that they could make more out in the field, much more money. But I think it is a special thing and I think she has a special gift. As I

told you, I worked with another lawyer, a head of a legal group and she was very efficient once she got done but you don't get the same feeling from her as you got from Liz.

V. The Source of Lawyer Images

Although some clients in this study had worked with lawyers before, their previous interactions were episodic and vaguely remembered. Most of them involved personal injury cases or divorces that were resolved without intensive or ongoing legal assistance. Therefore, most clients did not have any relationships with lawyers, nor did they know lawyers personally.³⁶ The two who revealed personal connections intimated that this was rare and expected that I would be surprised that they had one. Celia, who was worried about a foreclosure notice and desperate to find a lawyer who would help her save her home, told me: "I had a family lawyer – we got a lawyer in the family too, believe it or not [laughs]. Believe it or not."

Knowing a lawyer, however, does not translate into unfettered access to legal assistance. When I asked Celia if she had called her relative for help or advice, she responded that she needed to use this precious family resource selectively and was not even sure if he would come to her aid: "Um, no. Because I was trying to have him help me with another situation but everybody's so busy. Everybody's so busy so I never even um, he's hard to get in touch with."

Conversely, many clients assumed that wealthier people had ongoing, retainer-style relationships with lawyers that were professional as well as personal. Clients who experienced such a relationship with their NELS lawyers expressed incredulity at their own good fortune, and only imagined that this is what it might be like to be like wealthy people with legal services at their command. Most of them said that they would contact, and in fact had contacted, their lawyer for advice (legal and otherwise) not connected to the problem that brought them to NELS. For the most part they found lawyers responsive and helpful, whether in providing guidance, representation, or referrals.

Mary had no personal experience to relate her NELS experience to; when asking her to describe her relationship with her lawyer Pete, she could only come up with an image of a TV lawyer "like if you're watching

³⁶ Lochner, "The No Fee and Low Fee Legal Practice of Private Attorneys," 431.

some kind of legal show or something, and this family had . . . their own lawyer.” Asking if she would feel comfortable going to her lawyer again, Mary replied, “Yeah, he’s my lawyer, it’s like my lawyer. He’s mine [laughs]!” The idea of “my lawyer” is one echoed by many clients; all say it with pride and a sense of challenge: don’t mess with me. For clients whose lives are often otherwise chaotic and are characterized by poor treatment at the hands of what Lipsky³⁷ famously termed “street-level bureaucrats,” this relationship allows them to have one street-level bureaucrat on their side in battles with other street-level bureaucrats.

Because most clients do not have much personal or professional experience with lawyers, their images and expectations do not derive from these sources. Mary, who gave the example of a television show, was the only client out of thirty who mentioned popular media as the source of her understanding of what lawyers do and how they act. Even Mary could not initially think of a show from which she derived her “TV lawyer” image. When she searched her memory she recalled the series *Dallas*: this interview took place in 2002, two decades after the show’s airing in the 1980s (and Mary was in her mid-twenties at the time of the interview).

Mary’s identification of television as the source of her knowledge about lawyers, without a clear sense of where exactly her ideas came from, raises the importance of distinguishing between the source of the images and clients’ perception of that source.³⁸ In other words, although clients do not identify popular media as an influence, this does not mean that they are immune to it. Every home that I entered had a television in a central location; in a number of cases the TV was on in the background. This might be an indication that clients passively consume popular culture, absorbing pervasive images in ways that they are not conscious of.³⁹ Passive consumption is reinforced by the fact that the opinions of clients in this study here mirror, to a large extent, attitudes of the general public toward lawyers as necessary but untrustworthy.⁴⁰ They also match opinions reportedly held

³⁷ Michael Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services* (New York: Russell Sage Foundation, 1980), xi.

³⁸ Johnson, “What is Cultural Studies, Anyway?”

³⁹ For a review of theories of how news media enter people’s consciousness, see W. Russell Neuman, Marion R. Just, and Ann N. Crigler, *Common Knowledge: News and the Construction of Political Meaning*, 8–12.

⁴⁰ Michael C. Dorf, “FindLaw Forum: Americans Believe Lawyers to be Necessary but Dishonest, Survey Finds”; posted April 17, 2002, retrieved on January 17, 2007 from <http://archives.cnn.com>; ABA, 2002.

about legal services lawyers and public defenders.⁴¹ That client images may be informed by more broadly circulated public narratives does not negate the active role that they have as consumers and producers of local images that are consistent with their own experiences and social context. I argue that the persistence of these images in the face of discrepant experiences with individual lawyers attests to the consistency of these popular or stock images and their resonance with indigent clients' (overwhelmingly negative) experiences with bureaucracies and their view of the legal system.

As the expectations and images of lawyers described here reveal, most clients in this study indicated that their ideas about lawyers were drawn from a remarkably consistent stock of ostensibly real-life cautionary tales. These tales that circulated among the people I interviewed originated in the experience of others, usually friends and relatives, with court-appointed attorneys in the criminal justice system. When such images were not available, clients talked about what they imagined they would be like if they were lawyers, and projected the attitudes and choices that they might make onto their expectations of lawyers.

Finally, clients appeared to make assumptions about lawyers based on their own experiences with government bureaucracies. They viewed free legal services as connected with or similar to the social service agencies with which they interact and then extrapolated their expectations from their treatment at the hands of these agencies. Soss,⁴² whose study of clients of Aid for Families with Dependent Children (AFDC) and Social Security Disability Insurance (SSDI) found "striking similarities"⁴³ to Sarat's⁴⁴ findings in his study of the welfare poor seeking legal services, suggests that clients learn political lessons in their encounters with one bureaucracy that carry over and inform their perception of all bureaucracies. This makes sense given client beliefs that government actors are connected, as I describe above. It may also be reinforced when even seemingly adversarial government actors negotiate with or act collegially toward opposing

⁴¹ McIntyre, *The Public Defenders: The Practice of Law in the Shadow of Repute*.

⁴² Soss, *Unwanted Claims: The Politics of Participation in the U.S. Welfare System* (Ann Arbor: University of Michigan Press, 2002).

⁴³ *Ibid.*, 166.

⁴⁴ Sarat, "The Law is All Over: Power, Resistance, and the Legal Consciousness of the Welfare Poor", 343.

lawyers and when they appear to have more in common (in terms of education, class, and ethnicity) with opposing counsel than with the clients they represent.

VI. Enduring Negative Images

Legal services clients in this study experience their encounters with NELS lawyers as anomalous rather than revise their expectations and beliefs about lawyers. Although this behavior might be understandable in one or two cases, when we aggregate the data from interviews with thirty clients talking about ten different lawyers practicing in six different substantive practice areas, it begins to seem odd that their overwhelmingly positive experiences do not result in a revision of client narratives about lawyers. Not only do clients remain dubious about the value of lawyers even as they acknowledge the need for them but they also retain skepticism about legal services lawyers. This indicates that they do not see NELS lawyers as a special breed (cause lawyer or otherwise), but still interpret their positive experience as attributable to that one special lawyer with whom they had the good fortune to work. Although I do not have data that specifically answer why clients fail to revise their ideas of lawyers when confronted with discrepant experiences, the data collected in this study, viewed through the lens of cultural studies, offer us some theories for further exploration.

One explanation is suggested by the study design.⁴⁵ Lawyers who participated might be particularly attuned to their clients and attentive to lawyer-client relationships. They may not be representative of cause lawyers, or legal services lawyers more specifically, in that respect. In only four interviews did clients mention poor service or unempathic lawyers that they experienced at NELS or other legal services providers. Lawyers in this study may in fact be anomalous even in the landscape of cause lawyers whom legal services clients meet; maybe there really is no critical mass or group of “cause lawyers,” despite the large body of literature claiming the contrary (some of it produced by cause lawyers). However, this is not sufficiently explanatory, even if it is the case, as clients were equally likely to mention good services at the hands of lawyers (other than the ones who referred them) from these same organizations.

⁴⁵ This idea was developed based on insights by Judie McCoyd.

Another explanation is that clients continue to have adversarial experiences with government bureaucracies and lawyers representing them even while being represented by their NELS lawyer. This reinforces rather than mitigates clients' beliefs about lawyers. NELS clients are by definition involved in an adversarial relationship with the government or their landlord or lending company, so for every lawyer who is working with them there is at least one and, for example in child welfare cases, two or more, lawyers who are against them. Clients have good reason not to trust opposing counsel. Clients may be predisposed to view opposing lawyers as, at best, callous and, at worst, out to get them. These lawyers contest the claims raised by them, most of which are tied to clients' most fundamental needs like housing, benefits to ensure survival, and their ability to reunite with or keep their children. Further, those in opposition generally represent more powerful and institutionalized interests, lending credence to conspiracy concerns. Although they see their NELS lawyers as a genuine anomaly, they continue to be faced with examples that reinforce their beliefs and expectations about lawyers more generally.

Clients' framing of the behavior and actions of opposing counsel is also reinforced by NELS lawyers. I have written of the importance of solidarity with poor and marginalized people and groups and the way that lawyers can, in collaboration with clients, create shared narratives of responsibility and shared visions of social justice.⁴⁶ Clients told me that their NELS lawyers voiced agreement with their perceptions that the "system" is unfair, punitive, and dehumanizing. Lawyers interviewed agreed that clients are treated poorly, that their rights are trampled, and that the legal system and government bureaucracies care little for the poor; most openly share these opinions with clients. Thus, NELS lawyers reinforce (often explicitly) client notions that the system is not for justice and that the other side, whoever that is and whoever it is represented by, is "out to get them" as part of the shared narrative that lawyers and clients create in collaboration.

The durability of negative images of lawyers may also be influenced by perceptions of lawyers that permeate broader society. My findings are strikingly similar to those of the American Bar Association report on the lay perception of lawyers, which did not target low-income individuals.⁴⁷

⁴⁶ Shdaimah, "Dilemmas of "Progressive" Lawyering: Empowerment and Hierarchy," 253.

⁴⁷ American Bar Association, "Public Perceptions of Lawyers: 2002 Consumer Research Findings."

Although those who had worked with lawyers had more positive than negative experiences, the overall perceptions of lawyers remained generally negative. Those surveyed acknowledged lawyers as necessary, but many also said that they would avoid using them, if at all possible, and feared that if they needed to rely on a lawyer they would have little understanding of how to pick a good one. What was different in this study is that the opinions reported here were more pervasive and more consistently negative.

Such images of lawyers likely reinforce and are reinforced by popular culture, as reported in McCann and Haltom in Chapter 8. Further, in contrast to McCann and Haltom's analysis of popular films, which show that incompetent and callous lawyers can be saved by the plucky and smart layperson, clients here show no faith that this is the case. This likely represents the differential experience that poor clients have with government bureaucracies and their limited socioeconomic, educational, and other resources that in turn limit their agency as discussed above. Encounters with one caring and competent lawyer are not strong enough to counter clients' life experiences that are reinforced by pervasive negative images. For consumers to "read" texts that are produced or circulate in the way that some may intend, these texts need to be consistent with their own experiences and be part of their continuous and contextualized life experiences.⁴⁸ NELS lawyers may think of themselves as a special breed, and cause lawyering scholars may recognize them as such in the academy. Marginalized consumers, however, may see these lawyers as so far afield from their contextual reality as to "read" them as un-lawyerly lawyers: so unlike other lawyers that they really can barely be categorized as lawyers.

VII. Conclusion

Legal services clients in this study held consistently negative images of lawyers as well-paid "hired guns" who hold sway within the legal system and thus are able (when they so desire) to work the system in their clients' favor. Any connection to justice is coincidental: lawyers serve those with power and money and make the legal system work for them, regardless of guilt or innocence. Even clients who expressed a desire to be an attorney or admired lawyers saw the law as a bridge to status and income rather than as a means to right societal wrongs or vindicate justice.

⁴⁸ Johnson, "What is Cultural Studies, Anyway?," 68.

Lawyers working for the state are seen as allied with the government agencies that intervene in clients' lives to evict them from public housing, take their children away, or challenge their status as beneficiaries of public assistance. Those lawyers paid by the state to serve and defend indigent clients are viewed as either incompetent, uncaring, or in cahoots with opposing counsel (and often with the judge). Clients believe that "you get what you pay for": if you pay little or nothing, your lawyer will be of no assistance. Competent services are anomalous, and such experiences rarely challenge them to revise their images of lawyers more generally. This may be a reflection of their experiences that such lawyers are few and far between and that the legal system is an "iffy" place to seek justice.

Clients expect that legal services lawyers have to serve them, but are likely to provide begrudging and substandard representation. Extrapolating from prior experiences and their own aspirations, many clients assume that few lawyers would want to work for lower pay than they could get elsewhere if they were in fact competent and well connected enough to do so. Even if lawyers would have the ability to serve them well, clients assume that lawyers work through connections and wield power and, as such, would act toward clients in ways that are hierarchical, uncaring, or disrespectful. Although almost all NELS clients with whom I spoke were satisfied with their experience, all still viewed it as anomalous, unlawyerly, "lawyerism." Their experiences were not powerful enough to transform their understanding of the law, lawyers, or the legal system.

Such persistent negative images are likely to affect clients' willingness to seek legal services. More importantly, they serve as a proverbial "canary in a coal mine," warning us that faith in the legal system is low. Those who do not feel that they are likely to be treated fairly and justly have little stake in maintaining such a system. Poor clients and their lawyers experience themselves as particularly disadvantaged, reinforcing divisions among those who they feel have access to justice and those who do not. This research provides a window onto the perception of low-income individuals, often shared and reinforced by their lawyers, of the state of justice in the United States. Clients' narratives indict the legal system and government agencies generally, which clients do not see as distinct from those who operate officially within them, including the lawyers who purportedly provide service to the poor. This distrust is predicated on their experiences with government agencies and actors and on their perception of the connections among

them. The mistrust reported here reflects a similar lack of faith reported across socioeconomic strata within the United States. The lack of faith in the legal system is indicative of a broader crisis in that it reflects people's respect for the law more generally and faith in our system of government to fairly regulate and protect those under its authority. The depth and breadth of this mistrust among poor clients, and the pervasive belief that they are treated differently, provide a sense of how deep the marginalization and isolation run even in those institutions that strive to be "blind."

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