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A Review of Negotiating Justice: Progressive Lawyering, Low Income Clients, and the Quest for Social Change

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Corey S. Shdaimah, *Negotiating Justice: Progressive Lawyering, Low Income Clients, and the Quest for Social Change*. New York University Press, 2009. \$45.00 hardcover.

Over the past several years there have been a number of books that address the nature of progressive lawyering. However, filling a much neglected area of inquiry, author Corey S. Shdaimah goes beyond what she describes as the two classic approaches to scholarship in this area: work addressing the normative stance of legal services or progressive lawyering and evaluative social science frameworks that assess the broader meanings of client behavior. Describing these approaches as "lawyer-centric" the author instead presents an empirically based, qualitative study that attempts to bridge these two approaches. This book offers a discussion of "situated practice," which the author describes as the way in which lawyers and clients interact in the context of day to day situations, both personal and professional.

The author organizes her work around four themes: (1) autonomy; (2) collaboration; (3) transformation; and (4) social change. These themes are considered in a study that involved lawyers and clients from one large, northeastern legal services organization. All of the lawyers in the study "shared a commitment to social change." Clients, in contrast, tended to have less globalized views, typically focusing on their own individual needs and rarely explicitly articulating thoughts about social justice in broad terms. Over the course of a series of interviews with clients and lawyers, the author explores a number of questions that address the praxis of social justice and not just its theoretical consequences.

Much of the power of the book lies in its efforts to broaden the way in which we often think about the nature of progressive lawyering. Particularly striking is the chapter on autonomy. Client autonomy, as the author suggests, is frequently seen as a hallmark of progressing lawyering and is greatly valued as a mechanism for promoting non-hierarchical relations between clients and lawyers. However, as the author further observes, there is an inherent tension between client autonomy as a stated goal of progressive lawyering and the actual achievement of that autonomy. One such tension is between

“mandatory autonomy,” where the lawyer forces the client to make her own decisions, and “optional autonomy,” where the client is permitted a choice as to whether or not to make her own decisions. With the former there exists the specter of paternalism as clients are forced to act in ways they might not wish to. With the latter, the optional model, there is a distinct irony when, in the name of autonomy, clients may eschew some or all of the aspects of autonomy. The author, after setting out these overarching concerns, then describes how various clients and lawyers themselves have addressed the issue of autonomy. Another strength of the book is the chapter on collaboration, which, as the author notes, is closely tied to the notion of autonomy in lawyering. Although collaboration, here the working together of client and lawyer in order to achieve desired ends, is often stated as a goal of the legal process in progressive lawyering settings, the author queries whether collaboration in fact enhances the legal process or reflects client desire. Many of the lawyers interviewed suggested that such collaboration, while sometimes helpful to the client, was often difficult to achieve because of the varying range of clients’ willingness and abilities to participate. What happens to ideals of collaboration (or to the related value, autonomy) when, for instance, clients have perennially bad judgment? Finally, the chapter on progressive lawyering and the ethic of risk very neatly describes the conflict between abstract critiques of progressive lawyering by theorists and actual observations about progressive lawyering by lawyers and their clients. The author argues that lawyers and clients, unlike typical disengaged theorists, have a “principled ethical grounding” that creates conditions that make change possible.

Each chapter is structured around one clear theme. However, the chapters, and the overall structure of the book, might have been more clear had each chapter contained a summary of its main points that connect it to the other chapters of the book. Another shortcoming of the book was the absence of any significant discussion of how race and gender played a role in the interactions between clients and lawyers. As the author describes them, twenty-four of the thirty clients in the study were African American, one was Nigerian, and one was Indonesian. In contrast, of the eleven lawyers

participating, ten were white. Moreover, twenty-seven of the clients and five of the lawyers were women. Race, gender and culture play crucial roles in shaping the power dynamics of certain social interactions. Because of this fact, a growing body of the literature on lawyering has queried the impact of racial, gender and cultural differences. While this is not a stated focus of the author's work, given her concern with lawyers' and clients' interactions within the context of "existing social arrangements," more discussion in this vein (or a cogent reason for not offering more discussion) is warranted. In summary, however, the book has many interesting ideas and is a useful addition to the lawyering literature.

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Min Zhou. *Contemporary Chinese America: Immigration, Ethnicity, and Community Transformation*. Temple University Press, 2009. \$89.50 hardcover, \$28.95 papercover.

This very important work documents and analyzes contemporary Chinese America, with an emphasis on Chinese American communities in New York and California since the 1960s. This ambitious scholarly effort examines a range of interesting questions and dilemmas: is working in an ethnic enclave "a better alternative" or "the only option?" How does Confucian culture lead to an "ethnic social environment" that encourages children to pursue educational excellence? How does globalization impact immigration and family life? And what roles do ethnic media play in immigrant integration?

The author provides rich data showing that old Chinatowns, such as the one in New York City, and new enclaves such as Monterey Park in California, attract Chinese investments from Taiwan, Hong Kong, mainland China and Southeast Asia. Such centers provide Chinese language schools, cultural centers, English language classes, job-training programs, religious institutions, and other services. Chinese immigrants choose to buy houses or rent apartments near such centers for cultural as well as employment reasons. Short distances between job and residence allow both parents to work and raise a family at the same time. Chinese language schools help to raise