

The Civil Rights Clinical Project

The Civil Rights Clinical Project has been a part of the Department of Legal Studies since 1997. It provides a unique combination of academic coursework and experiential learning in the field of civil rights policy, advocacy, enforcement, and analysis. For ten years, until AY 2007-2008, the Project's clinical placement—a full-time, full-semester internship—was at the Massachusetts Commission Against Discrimination (MCAD), Springfield office. Beginning in spring semester, 2009, the clinical placement will be at the Massachusetts Fair Housing Center (MFHC) in Holyoke.

During the time since its founding, the Civil Rights Project has grown significantly in response to the changing landscape of civil rights enforcement nationally and in Massachusetts. The Project now not only involves students in the intake, investigation and legal evaluation of civil rights complaints, but in study and research on civil rights issues and in some education programming aimed at the work of civil rights enforcement nationally. With the change of placement to MFHC, the project continues to include a full-semester's full-time clinical placement and enrollment in three academic courses (one each—before, during, and after the clinical work). The shift from a state enforcement agency (MCAD) to a non-governmental civil rights advocacy organization (MFHC) increases the range of activities and the independence of the work in which students will engage.

This change and the expanded focus of the Project are both important and timely. Civil rights protections have come under major and sustained attack in the United States in recent years, and state and federal budget restrictions have reduced the level and effectiveness of governmental protection provided against discrimination. Many protected groups have lost ground as an increasingly coded discourse distracts attention from the empirical evidence of increased racial segregation and other forms of discrimination in contemporary society. The ongoing housing and sub-prime mortgage crisis aggravates these problems. Housing issues are closely intertwined with other forms of discrimination such as: schooling, healthcare and public safety, and the Clinical Project expects that these connections will enhance the students' understanding of civil rights issues and lead to expanded work for students placed at MFHC.

The Fair Housing Center

The primary responsibilities of the Massachusetts Fair Housing Center reflect its core belief that housing is a fundamental civil right which should be available to all on an equal basis. MFHC is engaged not only in legal enforcement of the right to housing free of discrimination, but also in broader policy questions and issues emanating from the current housing crisis, including predatory lending, the lack of affordable housing and the inextricable relationship between racial segregation in housing and other forms of invidious discrimination. As part of its ongoing efforts to address the basic right to housing, MFHC regularly files cases, seeking individual and class-based remedies in Massachusetts State Housing Court and Superior Court as well as in the Federal District Court of Massachusetts. In addition, MFHC files complaints with two primary administrative agencies charged with enforcing the laws against housing discrimination, United States Department of Housing and Urban Development (HUD) and the Massachusetts Commission Against Discrimination (MCAD). Similar to the courts, HUD and MCAD will review evidence and make binding legal findings. Unlike the courts, however, the agencies are also charged with investigation and mediation of discrimination complaints, and are therefore important venues which provide early resolution of cases. MFHC also does important community outreach work designed to familiarize community members with their rights in fair housing. The Center conducts educational programs on fair housing and trains community advocates and public officials in their rights and responsibilities under the fair housing laws.

Goals of the Project

The primary focus of the clinical semester is on learning firsthand about the work of the Massachusetts Fair Housing Center (also known as The Housing Discrimination Project), a regionally and nationally respected civil rights advocacy organization. MFHC's work on discrimination in housing provides students with significant opportunity to gain professional skills in the areas of investigation, alternative dispute resolution, litigation assistance, administrative/judicial review and legislative policy-making. A common theme which runs throughout the training and work in these areas is development of individual and collaborative work habits as well as respect for critical perspectives about the broader questions of law and social justice.

The clinical semester, combined with three academic courses, provides students with an understanding of the legal-historical background of modern civil rights protections and the nature and influence of contemporary public debate on civil rights in the U. S. The coursework of the Project also aims to develop the critical thinking skills needed for an in-depth understanding of attacks on civil rights and required for an effective response to those attacks. Of the three courses required of Project students, one is open to many students within legal studies, and two are specifically related to the work of the Project, and are limited to those students who are accepted to participate in the clinical placement.

The Overall Objectives of the Project include the following :

1. To develop the work skills and critical thinking skills necessary for professional development in civil rights advocacy and enforcement.
2. To provide learning opportunities for students in the social sciences to deepen their understanding of the nature of civil rights and of historical and current attacks on civil rights principles and policies in the United States.
3. To expand and increase the quality of education provided by the University of Massachusetts Legal Studies Department by developing a closer connection between theory and practice in the experience of its students.
4. To enhance the effectiveness and efficiency of the advocacy and conflict resolution services that are provided by MFHC, by increasing the human resources and expertise available to it.
5. To provide advanced level course-work and internship opportunities in the areas of advocacy, policy-development and litigation, in order to broaden the skill-level of students and to demonstrate the intertwined nature of housing discrimination with other forms of discrimination.
6. To develop and extend the community outreach and public education functions of the University of Massachusetts, Amherst as a model of carefully coordinated academic and experiential learning that can be replicated on campus and elsewhere.

The Internship Semester: The Work of Clinic Students at MFHC

During the internship semester, students work at the MFHC office in Holyoke Monday through Friday, 9 am to 4 pm. Each intern is given his/her own workstation with a computer, telephone and office supplies. There is space for conferences and hearings, and some investigative work is done outside the office. The office environment is professional, friendly and collaborative; and the interns are expected to dress and act accordingly. There is no work to take home, in the traditional sense; but the nature of the conflicts to which civil rights laws apply does produce stress for the staff, and that stress sometimes comes home with the interns.

This is a serious job, and many individuals and organizations depend on MFHC to do the work of assisting its mostly working-class, minority clientele with addressing the problems of housing discrimination and predatory lending efficiently, accurately and with fairness. There is plenty of work, and the interns are given a substantial portion of collaborative work as well as individual responsibility. There is little down time. The training and supervision provided to interns by the staff at MFHC and by the Civil Rights Project makes this challenge manageable. The interns' experience is one of helping to provide quality service for the Center's clients and acquiring new skills and understandings of civil rights enforcement. In the past, virtually every student who worked with the Project when it was situated at MCAD reported the work to be rewarding and the experience invaluable. We expect that this standard and result will be maintained with the shift to a new clinical placement at MFHC, and we are excited about the additional possibilities that working at MFHC will present to interns.

The Work the Interns do at MFHC is in Three Main Areas:

- * Intake – The interns assist in filing complaints on behalf of individuals who believe that they have been the victims of illegal discrimination. Intake is an important part of MFHC's work, as it begins the investigative process. The interns are responsible for taking information calls, meeting with walk-ins and drafting the actual discrimination complaints with the assistance of staff. Complaints may be filed with MCAD, HUD, Housing Court, or the United State Federal District Court.

- * Investigation – The interns also assist MFHC staff with the more comprehensive investigation. The intern becomes the point person on the case and works with the client to collect the relevant information. In addition, interns work with the staff to thoroughly investigate the complaint. The work associated with the investigation includes: interviewing witnesses, writing affidavits, requesting information, submitting interrogatory requests, and participating in investigative conferences when they take place at MCAD.

- * Fair Housing Training—The interns assist staff and the Executive Director in the planning and implementation of training and educational programs aimed at educating people about their respective rights and responsibilities under the fair housing laws.

It is also expected that, at minimum, the clinic students will receive substantial experience in the following areas:

- * Assisting the testing coordinator in the planning, implementation and administration of testing procedures designed to uncover acts of unlawful housing discrimination. Testing involves assessment of discriminatory practices by sending out pairs of individuals' protected and non-protected class members with sufficiently similar qualifications in order to assess whether they are being treated in a different and discriminatory manner.

- * Assisting MFHC attorneys and staff in the drafting of investigative memos used to assess the sufficiency of the evidence collected.
- * Assisting staff in the preparation of conciliation and mediation sessions. Students will assist in the collection of information such as the nature and extent of out-of-pocket expenses and emotional distress. In addition, they will attend these sessions and assist MFHC legal staff.
- * Assisting MFHC staff and Executive Director in the planning and implementation of community relations/education activities. There may be a ongoing research project in which students may participate.
- * Participating in collaborative analysis of current legal, ethics and policy issues at MFHC through the weekly, 3 credit seminar for interns entitled, "Civil Rights advocacy and Policy: Clinical Seminar" (LS 491Z).

Interns will also have some opportunities to develop skills working with clients who have been subjected to *predatory lending*. Predatory lending strips borrowers of home equity and threatens families with foreclosure. Often borrowers are tricked into accepting unfair loan terms, usually through aggressive sales tactics, and are taken advantage of because of their lack of understanding of terms and requirements of complicated mortgage transactions. Even more-informed consumers are occasionally fooled. Significant recent studies suggest that predatory lending is concentrated in poor and minority communities, where better loans are not readily available. Signals of predatory lending practices include, but are not limited to:

- Aggressive and deceptive marketing
- Making loans without ample consideration to the borrower's ability to pay
- Financing excessive fees into loans
- Charging higher interest rates than a borrower's credit allows
- Home improvement scams

Project Semester Sequence

The Project is coordinated by Professors Stephen Arons and Jerry Levinsky. Professor Levinsky, who is counsel at the MFHC, is also in charge of clinical supervision. Admission to the Project, which includes three regular academic courses as well as the full-semester internship, is by application. The courses include LS 497 (the gateway course, open to up to 40 students), 491Z (the in-service seminar open only to Project students during their internship service), and 491J (the follow-up seminar available only to Project students in the semester following their internship). Details about the academic course content appear in a separate document.

The clinical placement is offered during both fall and spring semesters. Participants follow a basic three-semester sequence:

First Semester: Take one of the following courses:

- * LS 497C, "Who Owns Equality: Civil Rights Law in the U. S." offered in the Fall to 40-50 legal studies students and others at the University;
- * LS 497F, "Social Justice Denied: The Disconnection of Socio-Economic Status and Civil Rights in U.S. Law;"
- * LS 497W "Segregation, Housing Policy and Civil Rights in United States Law."

Each course ABOVE qualifies enrolled students to apply for clinic placement.

Each semester Prof. Arons and Levinsky will recruit, interview, and select students to participate in the second and third semesters of the program. Participants are drawn from students taking (or having completed earlier) one of the above-listed courses.

Second Semester:

- * Students admitted to the project do 40 hours/week clinical work for entire fall or spring semester at the MFHC.
- * Same students take Legal 491Z, "Civil Rights Advocacy and Policy: Clinical Seminar," a weekly seminar.
- * Recruitment, interview and selection of students for the following semester occurs again.

Third Semester:

- * Clinic students take Integrative Senior Seminar (Legal 491J), offered by Professor Arons.
- * Another cycle of recruiting and selection.

Requirements for Completion of the Project

Academic credit will be granted for courses and for clinical work at MFHC. No student in the clinic will work on any case involving the University. Professional standards and demeanor will be required of students at all times during the clinical placement at Springfield MFHC.

Credits awarded within the Project:

1. Legal Studies majors enrolled in the Project will have to have completed all requirements for the B.A. in Legal Studies by the time of graduation.
2. Students from other majors may apply for the Project if they have completed substantial work in legal Studies or with Legal Studies faculty, or if they can otherwise demonstrate that they are well-qualified for the Project.
3. Students in the Project will receive the following *graded* academic credits toward satisfying the Legal Studies major requirements (students from other majors may negotiate different credit arrangement with Professor Arons and with their home departments):
 - * "Who Owns Equality" (LS 497C), or "Social Justice Denied" (LS 497F), or "Segregation, Housing Policy and Civil Rights in United States Law" (LS 497W).
3 credits, 400 level.
 - * "Civil Rights Advocacy and Policy: Clinical Seminar" (Legal 491Z). 3
credits, 400 level.
 - * "Integrative Senior Seminar" (491J).
3 credits, 400 level.
 - * Clinical work at MFHC: 6 credits, 3 each for LS 496B & 496C: as "outside course" requirements or elsewhere in major as negotiated with Professor Arons.

4. Enrolled students will also receive 9 additional, un-graded credits (L S 298, practicum) which will count toward required 120 graduation credits, but not toward completion of Legal Studies or other major requirements.
5. The total credits awarded for students enrolled in the Project will thus be 24, of which 15 graded credits will count toward the Legal Studies major requirement of 33 credits. Project students in the Legal Studies major will therefore have to complete 18 credits in Legal Studies in addition to their credits within the Civil Rights Clinical Project. Students from other departments may negotiate appropriate arrangements in their home departments with Professor Arons' assistance.