

In many ways, my experience with the Clinic
echoes my experience working as a full-time volunteer in Alaska
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In many ways, my experience with the Clinic echoes my experience working as a full-time volunteer in Alaska, where I lived in a tent and worked on highway safety and trail maintenance. This actually is instructive, but it requires some explanation.

I arrived in Alaska with some basic understanding of trails and backpacking and navigation, but no training on, say, how to use a chainsaw or build a retaining wall. So I had a lot to learn, and it was the kind of learning that required *doing* more than *thinking*. As one national park ranger told me, “The rocks don't move by looking at them”; you have to fiddle with them until they fit right. We worked and lived in teams, and while we had crew leaders overseeing us on a day-to-day basis, real decisions about what projects we worked on came mysteriously from above them from people in Juneau and Anchorage, and we could only speculate on whether those decisions were made well. With no electronic entertainment for five months, we had plenty of time to reflect on what we had done and learned. We also stumbled upon some amazing sights, like bears taking a siesta at our work site one day. Because weather, broken machinery, insufficient food, and other unforeseen variables often disturbed our plans, we adopted the motto “Be flexible.” As a crew, we were all rather different from each other, and often struggled to get along (this one is unlike the Clinic), but we learned a lot about how to make do interpersonally. We also had to accept criticism of our work frequently, as we were all novices.

Almost all of these factors map on to my Clinic experience, and in a way that I think fit together. While Laurel worked hard to ensure that the work the [nonprofit partner] needed done from [the attorney] but could easily have been influenced by the mysterious Litigation Committee,

did not make tremendous sense. They used us to create a long memo on international law, but then declined to use the memo as part of the complaint or even the website. [The attorney] seemed won over by the others at [the coalition meeting], and started leaning away from the use of international law. As the people who were highly interested in applying international law to this problem, and the people who had spent considerable time doing so, operating under the assumption that our work was important and useful, this could have frustrated us and made us unwilling to work as hard for the remainder of the semester.

And while some of us were perturbed by that series of events, we pulled it together and ended up accomplishing something this semester that I hope will be more useful than the international law memo would have been. How did we do that? First, obviously, good leadership from Laurel on several fronts. But also, we came to understand that human rights activism is an iterative process, like any other kind of design. You can't just read *The Dark Side*, think really hard, sketch out a plan of action, and implement your plan. That's like trying to arrange rocks into a rock wall by looking at them. Instead, you have to dig into the material, get dirty, try out a tactic or two, solicit feedback, and either move forward with the plan or, if it doesn't look like it will work, *ditch it*. Try something else. Lawyering for a human rights cause is complicated and none of us can figure it out *a priori*, so writing a memo that is not ultimately used is not a failure, but a lesson, one that will make your next attempt more likely to succeed.

That understanding of the iterative process tells us something about how to make decisions. But there is another side to it, about how to feel about your own work product.

in the protection of someone's human rights someday, the only reasonable attitude to take toward shifting understandings and events is to be flexible. If you have to change tactical course

midway through a campaign, it is senseless to bemoan the unnecessary work you did. The useful advocate moves on happily to give the next attempt the fresh attention it requires. I think I managed this well, abandoning the memo without regret and getting to work wholeheartedly on interviews, clips, and my short piece.

Our team's interpersonal dynamics were surprisingly smooth. Toward the beginning of the semester [Teammate One] was taking on more administrative-type tasks than [Teammate Two] and I were, and we noted this, letting her know it didn't always have to be that way. Laurel and I talked about this some at the mid-semester review, about how it was nice for me not to always have to feel that I needed to be in charge, since [Teammate One] is a take-charge sort of person. Later, [Teammate One] indicated it would be nice if [Teammate Two] and I could start doing more of these little things, and we obliged, and all ended up more or less on equal footing, I think. If anything, I did less work over the course of the semester than [Teammate Two] and [Teammate One] did. They each worked on two short pieces, whereas I had only one. And [Teammate One] really went all-out, in page length at the very least, on the first draft of our big memo. I tried to pick up the slack and be useful with the audio clips, and no one complained that I wasn't working hard enough for the team, so in the end our contributions were at least equal enough not to cause any overt group-dynamics problems. I certainly have no complaints.

Given how much we had to work together, and given my intense experience with other groups, I still find our comity surprising, and wonder whether anyone secretly thought I was a stress can turn into irritation, which can morph into a more general frustration, turning on bad days into anger, which can rapidly devolve into downright hatred, if you aren't careful. So the real question is: How did we get along so smoothly?

First and most obviously, we have learned, to some extent, how to act like professionals. This is in direct contrast to my Alaska crew, for example, which included some serious juveniles. What does it mean to act like a professional? It means, in part, you know that word gets around about your negative actions. So when you act poorly, you can expect that others in your professional circle will eye you with suspicion. They will be less likely to trust you or grant you favors. Over time, with consistent negative behavior, this means that your reputation suffers. In law school, as (I expect) in the legal field, reputation is currency. It earns the respect of others, which makes you better able to lead others, which makes you eligible for higher positions, enabling you to accomplish more things you care about. If this seems obvious, forgive me, but you have been a professional for a lot longer than I have, and this took me some genuine reflection. It's the kind of thing I can imagine my father telling me with condescension, which makes it *prima facie* false. Yet the fact that the crew members in Alaska did not particularly care what anyone thought of them, as they were escaping the program within five months and many had little professional ambition anyway, probably contributed to the loudness of their pride.

The other half of the professionalist equation is that law students seem to self-select for harmony. We are basically a conversationally conservative bunch. We don't see much value in getting in each other's faces, at least at Boalt, at least most of the time. I think it's because, probably like law students everywhere, our egos are really big, but we're the kind of people who assured destruction; we don't lash out at anyone because we know they're smart enough to be able to counterattack and hurt our feelings too. Instead, we have developed the restraint to avoid this embarrassing scenario. Also, to put it more tritely, just about everyone here is a plainly nice person, which is why I wanted to come here in the first place.

Secondly, we communicated well. We knew what each other were up to, we made it clear who was responsible for what, and we stuck to our commitments. We knew which tasks required collaboration and which required delegation. These bits of knowledge, I think, are simply the product of our collective experience that communication lapses in a fast-paced work environment are deadly. Still, it's fantastic that we were able to use that knowledge in practice.

What this teaches me about teamwork, when examined alongside my Alaska experience, is that communication and attention to the future make for much better group dynamics than passive-aggressiveness and a devil-may-care attitude. Again, to me this wasn't obvious. I had wanted to believe that volunteers, with few material interests at stake but with big social goals at heart, would be effective team players. It turned out that I was mostly wrong about that, not only in Alaska but with similar jobs in Maryland and Utah. Leading volunteers is just extremely difficult, even more difficult than leading students. Why? Because, apparently, what makes for a good team player is professionalism, experience, goals for the future, time management, and communication. A socially activist mentality might or might not help. So when I am looking for people to fill roles in the future, raw talent and commitment to the cause should be concerns, but not always the highest concerns. For me this is revolutionary, and explains why I have had such difficulty landing a good job in the past – even though I would have been great at them, I must

In Alaska, my work experience was punctuated by a certain greatness, the beauty of wilderness. For me, if I am not engaging with the big picture, my work will not sustain my interest. Our project in the clinic has had its flirtations with greatness also, in that it touches on some great issues of the day. The question of what to do about these psychologists raises questions about democracy, imperialism, tyranny, culpability, impunity, conspiracy, war, and peace. We sometimes confronted these questions openly and directly in our group, and more constantly dealt

with them individually. One time they did come up was at the seminar class our group led, during [Teammate Two's] section, when we talked about the meaning of John Yoo teaching here. One thing that stuck in my mind was something Roxanna said: It's common at law school to be sucked into a culture where only reasonable-sounding dialogue is respected as intelligent and worthwhile, but sometimes protest, steeped in emotion, is what's really called for. This is something I've actually struggled with all year, with regard to John Yoo, and it's part of the reason I was so eager to work on the Guantanamo project.

Last semester I enrolled in Professor Yoo's civil procedure class, because I wanted to see for myself what all the fuss was about, confront it, and make up my own mind about him. When the protesters in the orange jumpsuits started showing up and screaming, I felt drawn to them. I wanted to understand them. So I started talking to them every chance I got, realizing quickly that they were all more than willing to have lengthy conversations with me. Their fundamental beliefs made sense to me. John Yoo made torture happen, he works here, everyone should be doing everything they can to hold his feet to the fire. That sounded good, and I would thank them for being there and drawing attention to the issue. But every one of them had another Yoo's crime. They did not hesitate to point their fingers at me, telling me that as a student in his class I had a solemn moral responsibility to stand up in the middle of class and give him a piece of my mind, and then drop the course. They told me that when I went to sleep at night, I should think of Yoo's atrocities and feel ashamed. I must just have a sick fascination with him, they said.

This pretty thoroughly disturbed my mental peace for a while. I'm pretty liberal, and pretty strongly against human rights abuses, and not at all averse to protests generally, so I assumed these protesters would understand my point of view. After all, had I not taken Yoo's class, I never would have been so invested as to stop and talk with them in the first place. When I

explained to them that I would be in the clinic, which had worked on detainee issues in the past, and that I really agreed with them on the treatment of detainees, they did not care. If I did not stand zealously with them on their platform that the law school should investigate Yoo itself, then I was a part of the enemy.

I lay this out to explain the complexity of what it meant for me when we talked about this in seminar. The need to put aside inhibitions about looking un-lawyerly, looking partial, and joining a protest to do your best to further a cause you believe in—I really do believe in all of that. My friends and I took plenty of flak this year for our involvement in the student “strike” against fee hikes and furloughs, for example.

I have come to understand our project as an act of protest. It is ostensibly created for [a professional] licensing board, but no one in that conference room at [the coalition meeting] (except possibly [one]) saw the boards as the true audience. I thought [another] was closest popular opinion about torture over the course of decades. That is the battle I think we have been fighting this semester, notwithstanding that we hold out hope for a faster, more tangible victory. We have formed and fulfilled part of a carefully orchestrated plan to stage a public appeal based on tangled facts but just a few simple ethical notions. Our protest differs from the Yoo protesters' in only a few important ways: ours is more sophisticated and so requires more education and planning; ours involves a different tactical route, using law rather than direct physical confrontation; and ours puts experts at center stage, rather than ourselves. These are all just levels of remove from the atrocity, distance cleaving us in form but not in purpose from the Yoo protesters. We are simply targeting a different audience, more the kind that listens to NPR and reads The New York Times. Rather than suit up in jumpsuits and harass the Boalt administration and UC Police—which, of

course, it is sometimes necessary to do—we gamble in this instance that our time is better spent doing less obvious things. Our divergence is in tactic, not in underlying principle.

But what controlled my choice of tactic? Was it only because I wanted education on the legal side? Or because I found the screaming distasteful? Or because I considered the townies to be less worthy colleagues? These probably all capture slivers of truth. But more centrally, I think, was that Roxanna had me pegged. I am a creature that likes to interact through reasoned, trusting dialogue and objective-sounding argument, even *while* doing something as confrontational as protesting. It's a strength and a flaw. If you pile enough people like me together into a school like Boalt, you can end up with a lot of talk and no action. But without enough people like me, you end up with a lot of noise and no action. We and the Yoo protesters, care if they don't see it like that. For my part, I'll be looking for good opportunities to shout, and build up that not-obviously-reasoned part of myself. Noise and direct pressure are good tools, so I need to say “fuck looking professional” sometimes. (But not when saying so would hurt teamwork!)

One of the most difficult things to do in Alaska was to accept criticism of our work, because when you're talking about something as simple as pulling vegetation off of dirt with a pick, the only real criticism you hear is that you are not working hard enough. This can go deep, and change your perception of yourself. Am I a hard worker, or aren't I? In the best case, it makes you reflect on the kind of worker you want to be, and try to achieve that.

What does it say about us law students that we feel similarly about *writing*? Your ears need not be particularly attuned to hear the special anxiety and sensitivity we reserve for ourselves when we are not sure whether we will be able to write a paper good enough to meet our own standards. Such is our insecurity that any criticism of our writing, even the most minute edit, feels like a small

affront to our dignity. Professors, for the most part, do not feel this way. They love edits and seek them out from colleagues. Why? Because a professor realizes that her success depends not on the indulgence of her inhibitions but on the paper actually being the best it can be, and edits make papers better. Obviously. And yet for students accepting criticism still seems to be a problem. I had my own little brush with the problem just yesterday, on the fifth or sixth round of edits of my short piece, wondering whether I would ever be able to get the piece in a shape that people would find acceptable, whether I would be able to respond to the edits intelligently, and whether the edits were even making it better at all. The lesson *has* to be to suck incorporate the edits that much more experienced professionals are giving me. There is no other logical response. As I continue to receive critical edits of my writing in the future, I will remember this, smile, set the piece aside for a while, and then tackle it gladly, grateful for the improvements I have been freely handed. After all, I became a much better worker over my five months in Alaska, too.

The final comparison to Alaska is the copious time we spent reflecting on our experience. For me, this was essential. I agreed with the strategy when I read it in the Quigley piece (pp. 2324), and it was invaluable to me as the readings and discussions unfolded. As Quigley says, “Reflection allows the body and mind and spirit to reintegrate. Often, it is in the quiet of reflection that insights have the chance to emerge.” I really tried to make use of the opportunity the seminar provided to reflect. Honestly, the readings alone would not have done much for me. I'm scattered and busy enough that reading is something to *get through*, not something I have time to enjoy and consider. The seminar, however, opened a forum for discussion where I could make use of my fellow students' thought and come to conclusions for myself. So now I am pleased to present a short montage of my reflections from the semester:

- The system of international law is a framework that predictably supplies only bureaucracy. Justice and human rights advocacy require the targeted use of this bureaucracy, not only through legal advocacy but through political organizing, legislation, and media campaigns. And time. And luck.
- The ABA and other bodies have not been much concerned with the ethics of cause lawyering, and have provided us no clearly applicable rules. For us, ethics is an activity, of conflict between cause and client, which is often tricky.
- Human rights advocacy is a team sport. The measure of your success is the measure of your ability to strategically join causes and projects and attract others to them.
- Fieldwork has epistemological pitfalls. Where you stand dictates what you see. You can't change this. Instead, you must recognize it, acknowledge it, and carry out fieldwork with self-interrogation, honesty, and the utmost respect for your subjects.
- The trauma that victims of human rights abuses have faced can be utterly beyond my comprehension. My job is to respect the victim, work hard to ascertain what they need from me, and attend to my own internal responses.
- Sometimes you just lose.

So for me all this time devoted to reflection was highly worthwhile. Quigley recommends spending 5% of your work time reflecting; for me, I think the optimal ratio is much higher. In Alaska, it was around 50%, and I flew back to the lower 48 with all kinds of new ideas about existence, Taoism, water, purpose, harmony, work, etc.

So why all these comparisons to Alaska? What am I getting at? Yes, every new challenge produces a set of educational experiences about one's relation to one's team, one's work, one's world, one's leaders, and oneself. And yes, Alaska was an embarkation, it was me trying

something new and (for me) bold. But even more fundamentally, my experience in Alaska was one I had to throw myself into, not fully knowing what to expect, not at all knowing what I would learn. I didn't try to force anything out of it, but took it as it came.

In my goals memo, I compared my hopes for my clinic semester to a yoga practice. I wrote, in part:

In yoga at first you think you are learning technique, which you are. But in the background, what you are really learning is balance, attention, breath, peace, rest, and emptiness. So beyond the fine legal points of torture, what I really hope to learn from the clinic is work ethic, professionalism, how to focus on law and facts that are terribly disturbing, how to do that in a team, and how to balance an extremely busy life. . . . I will bring the same attitude to this clinic that I bring to yoga or any creative endeavor. I will put the work in. That is a commitment. But what I get back out of it is not up to me. . . . My goal is to practice attention to the daily dilemmas of the work

What I did not say, because I did not recognize it, is that this has been my attitude since leaving North Carolina for Alaska. In Utah, I took a job leading the same sort of crew I had worked on in Alaska, and learned that leadership was a whole different ballgame than simple labor. I then turned that leadership development toward the political, working as an organizer in Montana. I turned the political leadership back again toward the scholarly, by coming to Boalt. And in the clinic I attempted to turn the scholarly back once more to the politically effectual on the grand timescale. What's clear from this reconstruction is that it would be a mistake to call this path a career path; it is much more properly considered a development path. The way I have made it work is by seeing something I care about, looking for an excellent educational opportunity, finding one, throwing myself into it with every bit of attention I have – just like yoga – and reaping the rewards of that attention, of reflection, and of the subtle change the experience works on me.

Looking back at that goals memo, it turns out that I learned everything I was hoping to learn, not by grasping for it or even thinking about it, but by paying attention and doing my best to

achieve effort without effort. At each turn of my path, I learned things about both the external world and the world internal to my own mind. After a couple years of manual labor, I noticed that I needed more politics in my life. After a couple years of politics, I noticed I needed more scholarship. And so development is a series of sets of education and course correction.

Where do I go from here, then? I don't think I'm cut out to be primarily an international human rights lawyer. I'm too impatient; the arc of global change is too long, and injustice is too rampant. I think I would burn out early, angry and cynical, like Kennedy. I see myself taking on international human rights issues as a volunteer, but in my primary professional life, I see myself working on issues with more concretely defined law and more recognizable victory. So the clinic has given me a minor course correction, along with what I believe is a productive new accumulation of habits, dispositions, and understandings. I'll use these as best I can in throwing myself into my next endeavor. Thanks to you both.