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NEGOTIATING JUSTICE: PROGRESSIVE LAWYERING, LOW-INCOME CLIENTS, AND THE QUEST FOR SOCIAL CHANGE, by Corey S. Shdaimah¹

SEHER GODERYA

MUCH OF THE LITERATURE in the field of progressive lawyering tends to deal with the potential for disempowerment within lawyer-client relationships. Such literature, for the most part, neglects to take into account the practical realities and experiences of lawyers and clients. In *Negotiating Justice: Progressive Lawyering, Low-Income Clients, and the Quest for Social Change*, Corey S. Shdaimah breaks new ground by exploring not only the lawyers', but also the clients' understanding of the work that these lawyers do within the legal system—a system perceived by both to be inequitable.

During 2002 and 2003, Shdaimah conducted over fifty interviews with lawyers and their clients at Northeast Legal Services (NELS), a non-profit legal services organization located in a de-industrialized urban center in the United States. The author uses four common themes that are most prolific in traditional progressive lawyering literature to contextualize the experiences of the lawyers and their clients as revealed through this study.

In chapter three, the author reveals a unique dimension of the lawyer-client relationship by exploring the notion of social change. Although lawyers may recognize the inequities and faults within the legal system, they use the tools provided within this system to bring justice to their clients. Similarly, clients assist their lawyers in a way that allows them to work within the system. Both these groups view working from within the system as a necessity to achieving change, however, this should not be mistaken as their acceptance of the legal system. This perspective of social change is often overlooked in progressive

1. (New York: New York University Press, 2009) 225 pages.

lawyering literature, and the author suggests that ignoring this view of the lawyers' work might actually inflict a further injustice on their clients.

Progressive lawyering theories tend to assume that clients are autonomous and as such should be entitled to make their own decisions. These theories suggest that the lawyer should play a less authoritative and more facilitative role, instead of impeding client autonomy. However, many lawyers struggle with the task of balancing this autonomy with other values that inform their practice, such as care and compassion. A discussion of this second theme of autonomy, in chapter four, examines the client perspective and how clients see the need to revise this traditional notion of autonomy. The clients tend to view autonomy as not just making their own decisions, but also recognizing the need to seek professional help in making those decisions. In doing so, they not only make informed decisions, but can also use their free time to handle more pressing issues.

The collaborative lawyering model is discussed as the third theme in chapter five. This model requires lawyers and clients to collaborate in ways that enable them to work together and support each other by allocating certain tasks according to the specialty of each. There are many ways in which lawyers and clients apply the collaborative lawyering model that are often ignored in progressive lawyering literature. In this chapter, the author discusses how the lawyers and clients that participated in this study tend to work together in ways that allow them to articulate and understand the individual problems in a much broader context.

Last but not least, perhaps the most significant and unique theme, explored in chapter six, is the interaction between lawyers and clients through their quest for justice. The lawyers and clients interviewed throughout this study tended to form special relationships. Clients found a connection with the lawyers and felt that they were being acknowledged and heard—feelings they rarely encountered during their struggles with the legal system. In contrast, lawyers found their relationship with clients to be inspiring and motivational in the face of working within a system that had imposed inequities on these same individuals. This chapter in particular emphasizes the importance of lawyers providing empathy and compassion to their clients.

Overall, Shdaimah leaves the reader with a renewed appreciation of the lawyer-client relationship within the context of low-income assistance and the ways in which both lawyers and clients negotiate with the legal system to achieve justice.