



11-1-2017

Martin Luther King, Jr. Lecture - An Eternal Return: Centering Community, Creativity, and Temporality in Public Interest Lawyering

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Recommended Citation

Rasheedah Phillips, *Martin Luther King, Jr. Lecture - An Eternal Return: Centering Community, Creativity, and Temporality in Public Interest Lawyering*, 62 Vill. L. Rev. 829 (2017).

Available at: <https://digitalcommons.law.villanova.edu/vlr/vol62/iss4/6>

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2017]

Martin Luther King, Jr. Lecture

AN ETERNAL RETURN: CENTERING COMMUNITY, CREATIVITY, AND TEMPORALITY IN PUBLIC INTEREST LAWYERING

Editor's Note: On Thursday, January 20, 2017 Rasheedah Phillips gave the following keynote address as part of Villanova University Charles Widger School of Law's annual commemoration of Dr. Martin Luther King, Jr.'s legacy.

RASHEEDAH PHILLIPS*

GOOD afternoon everyone. Thank you very much for your kind and wonderful words. As both a former Martin Luther King, Jr. intern and fellow with Pennsylvania Legal Aid Network, I am honored to be here and to have the opportunity to speak to the next generation of public interest attorneys as part of your week of service in Martin Luther King, Jr.'s honor. Even though most of you in the room are still students and still have time to decide the directions that you want to take your careers in, you are already reflecting on what it means to make a commitment to helping impoverished and underserved communities.

I often ponder whether we choose these career paths, or whether they somehow choose us. There are days when I feel like I was fated to do public interest work because of the inextricable connection that it has had with my own life experiences. I was born and grew up in Trenton, New Jersey: a very small city with a largely African-American population affected by poverty, segregation, violence, and educational inequality, much like Philadelphia and not unlike places like Ferguson or Flint.¹ I was born to a young mother—my mother had me at the age of fourteen, and her

* Rasheedah Phillips is an artist, author, and managing attorney of the Landlord-Tenant Housing Unit of Community Legal Services, where she advocates for clients facing eviction. Rasheedah began her legal career as a 2008 Pennsylvania Legal Aid Network Dr. Martin Luther King, Jr. Fellow, and from 2008–12 she directed the Childcare Law Project, which provided legal support to child care providers, including non-profits and small business owners, and advocated on legislative issues that affect child care businesses. Rasheedah is also the creator of Community Futures Lab, a performance space and community center located in the Sharswood area of North Philadelphia, where she and other local artists and advocates are documenting the histories of the rapidly changing neighborhood. Rasheedah's work was recently referenced in *The New York Times* and *Art in America*, and she is the recipient of numerous awards, including the 2013 Next Generation of Women Leaders Rising Star Award and the 2016 Blade of Grass Fellowship for Socially Engaged Art.

1. See *Trenton, New Jersey*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/trentoncitynewjersey/PST045216> [<https://perma.cc/AV9A-SF8J>] (last visited Oct. 3, 2017) (indicating that the median household income in Trenton, New Jersey, is below the federal poverty line).

mother had her at seventeen. Despite my mother's own conscious efforts to lift us out of poverty and to shift our family cycle, I still ended up becoming a part of that cycle—I became pregnant at the age of fourteen.

During my pregnancy and for several months after giving birth to my child, I became extremely discouraged by the stigma of being a young mother. I was on the verge of dropping out of high school, though I had always been a good student prior to getting pregnant. However, with support from my mother, counselors, and caring people who recognized that I still had potential despite my circumstances, I managed to graduate high school with honors and decided to pursue a degree in law.

Prior to entering Temple University's Beasley School of Law as a first-year law student in 2005, my views on my career options as an attorney were relatively narrow. Motivated in part by the inequalities and miscarriages of justice that I witnessed growing up in a poor neighborhood and in part by my own experiences as a young mother, I applied to law school with the goal of becoming a prosecutor. At the time of forming that goal, and even upon entering law school, I believed that my only viable career choices were to become a personal injury lawyer, a corporate lawyer, or a criminal lawyer.

The belief in this limited range of options as an attorney had been cultivated by television courtroom dramas and personal experiences of family members touched by the justice system. I majored in Criminal Justice as a Temple undergraduate and applied to law school with the conviction that becoming a prosecutor would allow me the opportunity to provide increased access to justice to marginalized communities, like the one that I come from. In my law school application personal statements, I talked about witnessing inequitable justice in my community and race being a factor that often determined how one is treated within the justice system. In retrospect, I essentially described wanting the type of career that I would eventually come to have as a civil legal services attorney; and yet at the time, I had no awareness that such an ideal area of law existed.

After I entered law school and began to take classes, it eventually occurred to me that my decision to pursue a career as a prosecutor no longer resonated with my goals, nor was it the type of work that would allow me to effectively address the issues of poverty, gender, and race as they intersected with the law. And to be honest, during my undergraduate studies I changed my mind so many times about pursuing this career and its ultimate utility. My experiences in college helped to develop my sense of cultural identity and agency. As an undergraduate at Temple, I took classes that splintered open my consciousness around the complexity of Black identity and its multifaceted existence across racial, cultural, gender, social, and institutional lines. My college courses reshaped my perspective on the world, forcing me to take a more critical approach to how I viewed the experiences of Black women and the Black community as portrayed in broader culture and society.

I spent the first semester wondering if I had made the wrong decision to come to law school. I had not adequately prepared myself for how different the experience would be from my undergraduate education and admittedly experienced a sense of “culture shock” in such an unfamiliar, rigorous, highly competitive academic environment. For many reasons, I did not fit in with my day program classmates. It also did not help that I looked so different from all of my other law school classmates, as a young mother, and one of few Black students. There were policies that were prohibitive—such as not being able to work the first year of law school, which was reasonable given the workload, but financially challenging for me as a single mother with a young child. I was dubbed the non-traditional law student by some professors, while others made sly remarks like “I didn’t think you could write this well, because, well, you know.” Hurricane Katrina had just happened and I was also completely devastated by that, especially after having been in New Orleans just months before, celebrating my graduation from undergrad with friends. With rigid first year courses and a style of engagement that was completely foreign to me, I was depressed and on the verge of dropping out in my first few months as a 1L at Temple Law.

It was during my second semester that a chance encounter with a public interest attorney introduced me to the concept of public interest lawyering. I had not yet begun interviewing for jobs and I was feeling anxious and unmotivated by what seemed like a career services focus on summer associate jobs at firms and clerking positions, neither of which interested me. However, in March of that year, Temple Law held a symposium entitled “Law and Adolescence: Legal Status, Rights and Responsibilities of Adolescents in the Child Welfare, Juvenile, and Criminal Justice Systems.”² One of the panels was on the topic of teen parent legal rights, and one of the panelists had to cancel their appearance. My Legal Research and Writing professor, familiar with my background and story, asked me if I would sit on the panel and discuss my personal experiences with the law as a young, single parent and former teen mother. I had the opportunity to sit on the panel with other legal services attorneys working in the Philadelphia area, and was there exposed to the concept of public interest law and legal services.

One of the attorneys on the panel was Sarah Katz, who worked at Community Legal Services (CLS) in the Family Advocacy Unit at that time. I exchanged information with her and networked with other public interest attorneys at the symposium. A few weeks later, I was able to secure interviews with Juvenile Law Center and CLS for a position as a summer legal intern. I ended up interning for both organizations during my 1L and 2L summers respectively, and during the school year I worked on a

2. See generally Laval S. Miller-Wilson, *Law and Adolescence: Examining the Legal and Policy Implications of Adolescent Development Research for Youth Involved in the Child Welfare, Juvenile Justice, or Criminal Justice Systems*, 79 TEMP. L. REV. 317 (2006).

joint project between the two agencies to create and present teen parent legal rights workshops to young parents and advocates at various agencies in Philadelphia. For the first time, I felt like there was a place for me in the world of law, and that perhaps I had not made the wrong decision in pursuing law as a career.

In the context of public interest lawyering, everything I was learning in law school took on a new meaning and could be applied with renewed value. From that point forward, I knew that I wanted to be a legal services attorney and I immediately began to gear the remainder of my law school career toward this end goal. But more than that, becoming a part of the public interest community allowed me to recognize what I stated earlier—how deeply connected legal services work is to my own life experiences growing up as a poor, young Black mother, and the experiences of family, neighbors, and communities in ways that went beyond contact with the criminal justice system.

And I don't say that figuratively—there are many examples that I can give, starting with the fact that my first internship involved me developing and presenting workshops on teen parent legal rights, such as welfare, custody, and topics that touched on so many questions I had as a youth, but had no idea who to ask or where to go.

As a young mother and student, I went through many periods of transiency where I often had to move and relocate around the city to find affordable housing for my child and me. Moving meant needing to switch daycares often. Because of this, I had to develop my own methods of ensuring that the daycares that I sent my daughter to were affordable, quality, and licensed. I also had other experiences with daycare, such as receiving a scholarship that funded my child care expenses while I was in college, and at one point, I so happened to move into an apartment that was right over top of a child care program. I could go on and on about these little full circle moments, but little did I know, these events and experiences were all conspiring to prepare me for areas of law that I would come to specialize and build expertise in.

Upon graduating law school in 2008, I was awarded a two-year fellowship at CLS³ through the Pennsylvania Legal Aid Network Martin Luther King, Jr. Fellowship, which is designed to increase diversity in the legal services field by placing attorneys of color at legal services agencies throughout Pennsylvania.⁴ I began my work as a CLS staff attorney in the Community Economic Development unit, where I managed the Child Care Law Project.⁵ In the CCLP, I represented and provided education to

3. See generally COMMUNITY LEGAL SERVICES OF PHILA., <https://clsphila.org/> [<https://perma.cc/KZC6-9VD9>] (last visited Sept. 30, 2017).

4. See generally *Martin Luther King, Jr. Fellowship Program*, PA. LEGAL AID NETWORK, <http://www.palegalaid.net/martin-luther-king-jr-program> [<https://perma.cc/2ECL-G36K>] (last visited Sept. 30, 2017).

5. See *CLS's Child Care Law Project Helps Low-Income Child Care Providers*, COMMUNITY LEGAL SERVICES OF PHILA., <https://clsphila.wordpress.com/2010/10/06/cls->

low-income child care providers in need of legal assistance to maintain their child care businesses. I also engaged in policy and broader impact work in the unit. When Philadelphia revised and updated its zoning code, a process which took approximately four years,⁶ I worked with the Zoning Code Commission and other child care interest groups to make extensive policy recommendations which would make the code more accessible and friendly to childcare providers. Several of the recommendations made were adapted into the new Code. I also spent time in the Consumer Housing Unit where I represented homeowners at threat of foreclosure due to abusive and illegal lending practices.

Currently, I am Managing Attorney in the Housing Unit at CLS, where I assist low-income tenants living in private and subsidized housing on issues of repairs, disability accommodations, and illegal evictions, as well as survivors of domestic violence seeking transfers into safer housing. As part of my work in this unit, I not only have the opportunity to represent clients directly, but I also engage in local, state, and national policy advocacy to improve access to safe and affordable housing for low-income tenants. For example, working in partnership with local domestic violence agency, Women Against Abuse (WAA), I helped advocate for a formal emergency transfer policy for survivors of domestic violence, sexual assault, dating violence, and stalking living in Philadelphia Housing Authority (PHA) housing, allowing survivors to secure quicker transfers to safer housing.⁷

But for the opportunity of sitting on the panel and connecting with an attorney from CLS, I may never have realized—or perhaps I would have realized far too late—that the perfect career path existed. Realizing the ways in which my life experiences have come full circle for me brings a certain amount of charm to my work. It's what allows me to consider my work as time travel and to see time as more cyclical than linear—to know that I am always in contact with my beginnings, and that those beginnings shape and strengthen the relationship that I have to my work. I am able to find ways to marry the wonder about the world that my interest in science and science fiction provides me, to my work in thinking about the future of housing. As was mentioned [in my biography] I write science fiction and have self-published a lot of my work. For me, reading and writing speculative fiction was not only a means of escape, but in many ways, a means of survival—of envisioning futures for myself outside of the limited

child-care-law-project-helps-low-income-child-care-providers/ [https://perma.cc/YAT5-U7TY] (last visited Oct. 3, 2017).

6. See *Zoning Matters Website*, PHILA. CITY PLANNING COMMISSION, CITY OF PHILA., http://www.phila.gov/CityPlanning/projectreviews/PDF/Zoning_Matters_website_CONTENT.pdf [https://perma.cc/YU55-P2UT] (last visited Sept. 30, 2017); see also *Zoning*, DEP'T OF LICENSES AND INSPECTION, CITY OF PHILA., <http://www.phila.gov/li/Pages/Zoning.aspx> [https://perma.cc/6FW9-AEP8] (last visited Sept. 30, 2017).

7. See generally *WOMEN AGAINST ABUSE*, <http://www.womenagainstabuse.org/about-us> [https://perma.cc/5A5L-9JD8] (last visited Oct. 3, 2017).

options presented to me by my environment. And I think in so many ways the dystopian worlds that I read about and sometimes write about have prepared me in odd ways for the reality that we are currently in. Late speculative fiction writer Octavia Butler's 1998 dystopian novel *Parable of the Talents* set in the year 2032, for instance, eerily anticipates Trump's "Make America Great" slogan, nearly word for word.⁸

I also gained a superpower of splitting myself into at least two or three people during my first few years in my career. There was the lawyer me, and there was the creative me who I had kept locked away for three years during law school, ready to get out and create. Maybe a week or two after starting at CLS, I started taking creative writing classes at the local community college, and would visit PhilCon meetings and conventions. I was soon reminded of my feelings of frustration with the sci-fi genre, my frustration with being the only Black girl in the room who liked sci-fi, or not being able to find books and resources that reflected my social identities as a queer, Black woman or single mother. Those experiences led me to create my own community of writers and to find support for publishing my own first book of speculative fiction works. In 2011, I created The AfroFuturist Affair, a grassroots organization dedicated to celebrating and promoting Afrofuturistic culture, art, and literature through creative events and creative writing.⁹ In 2012, I became a founding member of Metropolarity, a queer speculative fiction collective, and co-created Black Quantum Futurism collective with my partner in 2014.¹⁰

I did all of this not because I don't like to sleep, but because I really wanted—no, needed to be a part of a community of creatives who were actively engaging what the future can look like for a community of people who have been marginalized, not as a mere reinforcement or evolution of the same social structures we are presently oppressed by.

From this standpoint, you can engage the speculative future from the imagination of Octavia Butler, envision the future formed from the liberation philosophies of Marcus Garvey, or even disrupt the structures of systemic racism, law, and social policy through the short science fiction stories of attorney Derrick Bell.¹¹ The power of speculation, futurism, and

8. See generally OCTAVIA E. BUTLER, *PARABLE OF THE TALENTS* (Warner Books ed. 1998).

9. See AFROFUTURIST AFFAIR, <http://www.afrofuturistaffair.com/> [<https://perma.cc/DR5P-YUCE>] (last visited Sept. 30, 2017).

10. See METROPOLARITY, <http://metropolarity.net/> [<https://perma.cc/N6VB-7KBX>] (last visited Sept. 30, 2017); Black Quantum Futurism, <https://www.blackquantumfuturism.com/> [<https://perma.cc/VY5E-P734>] (last visited Sept. 30, 2017).

11. See, e.g., Karen Grisby Bates, *Octavia Butler: Writing Herself into the Story*, NPR (July 10, 2017, 06:25 AM), <http://www.npr.org/sections/codeswitch/2017/07/10/535879364/octavia-butler-writing-herself-into-the-story> [<https://perma.cc/DY3U-EXBV>]; *Marcus Garvey (1887 – 1940)*, BBC (2014), http://www.bbc.co.uk/history/historic_figures/garvey_marcus.shtml [<https://perma.cc/UP7C-EKSM>]; Fred A. Bernstein, *Derrick Bell Law Professor and Rights Advocate Dies at 80*, N.Y. TIMES

envisioning something different and better for oneself should be accessible to anyone. The ability to create the future you want to live in, the ability to interact with your past and history to create better versions of the future for yourself and your community, should belong to us all.

It took me many years to give myself permission to be creative with my work and the way I think about my work and to not silo or compartmentalize it from my artistic and cultural work. I think this career often suffers from taking itself too seriously. It took me a long time to see the positive in being considered non-traditional. Tradition isn't always good or sensible. It took me a long time to understand how creative thinking and creative interests could benefit me in this profession.

One of the ways I've been able to marry the two, actually not so different worlds of science fiction and law is through a project I am doing in North Philadelphia called Community Futures Lab.

Community Futures Lab is a year-long oral history and oral futures recording lab, and pop-up community resource library, workshop space, and gallery located in the Sharswood neighborhood of North Philadelphia.¹² The area is currently undergoing a multi-million-dollar plus redevelopment project.¹³ Longtime homeowners, businesses, and tenants were temporarily and permanently displaced or relocated as PHA, in partnership with Philadelphia government entities, demolished blighted and deteriorating high-rise and low-rise public housing, and executed eminent domain upon 1,300 properties.¹⁴ "Community Futurisms" is documenting the redevelopment of the Sharswood neighborhood through an interdisciplinary community art project that explores the intersections of futurism, literature, visual remixing, sound, and activism as art. We think about this project in the context of memory and time. Recorded social history often undermines personal history, personal experience, and communal memory, particularly if you come from a marginalized community. The digital divide further impacts upon the ability of impoverished and marginalized communities to share their own real-time stories and art, in a world where mainstream media regularly distorts and misrepresents them. The future has become a threat to families and individuals who cannot afford to spend money on smart phones, laptops, and other electronic devices to

(Oct. 6, 2011), <http://www.nytimes.com/2011/10/06/us/derrick-bell-pioneering-harvard-law-professor-dies-at-80.html> [<https://perma.cc/34XG-55L6>].

12. See generally Community Futures Lab, FACEBOOK, <https://www.facebook.com/communityfutureslab/> [<https://perma.cc/2MGS-5QHL>] (last visited Sept. 30, 2017).

13. See Hyunjee Nicole Kim, *An Afrofuturist Community Center Targets Gentrification*, HYPERALLERGENIC (June 22, 2016), <https://hyperallergic.com/307013/an-afro-futurist-community-center-targets-gentrification/> [<https://perma.cc/G6EX-HBH7>].

14. See Max Marin, *Council Approves Eminent Domain of 1,300 Properties in Sharswood*, AL DIA NEWS (June 18, 2015), <http://aldianews.com/articles/politics/housing/council-approves-eminent-domain-1300-properties-sharswood/39421> [<https://perma.cc/AC4H-8S2U>].

access or create and share news, books, pictures, and stories. The digital divide is also connected to lower literacy rates in low-income communities, which is itself a reflection of trends in decreased funding for public education, public libraries, public art and culture activities, and other social services across the country. This is particularly true in the City of Philadelphia, which ranked highest among the top ten most impoverished big cities in America for several years.¹⁵

I also use Community Futures Lab as a way to think about how law and time are connected. The time dimension plays a daily and crucial role in how people—particularly people of color and poor people—are valued, treated, punished, or underserved by and within the justice system. Also under-scrutinized are the ways in which individual, subjective temporalities and communal temporalities are often at odds with the linear, Western temporality embedded in the American legal system. Such tensions between subjective time and the so-called objective temporality offered by the legal system can cost one their livelihood, home, children, or freedom.

I am beginning to focus my work on how time shows up in the legal process, and how subjective or communal temporalities should be taken into consideration as a part of the decision-making process in the legal system. Thinking through these issues has informed my advocacy work around advocating for long-term protections and other policies that protect the rights of tenants affected by redevelopment, displacement, and gentrification.

Becoming a part of the public interest community and in particular, working at a place where I can adopt a model of lawyering that allows for direct representation and advocacy, creative and community lawyering gives me an unparalleled level of job happiness. If I am going to be an attorney, this is definitely the work that I want to be doing. For me, there is no greater feeling than watching it come full circle again and again, witnessing an immediate return on the investment the community made in me as a young mother, the investment I give back to it as an artist, homeowner, attorney, community member, and mother. There is nothing that can replace that personal experience, intersection, connection, and empathy. This is work that I want to return to, day after day, and which I can go home every night feeling good about.

But, that's not to say that there aren't struggles. I also wake up every day as a queer, relatively young, Black woman with natural hair and tattoos. These are things I can neither hide nor turn off when I step into the same world that discriminates against and systematically oppresses the people who walk through the doors of CLS every day, many of them shar-

15. See Alfred Lubrano, *Of Big Cities, Philadelphia Worst for People in Deep Poverty*, PHILA. INQUIRER (Mar. 19, 2015, 03:01 AM), http://www.philly.com/philly/news/20130319_Of_big_cities_Philadelphia_worst_for_people_in_deep_poverty.html [<https://perma.cc/Q7DP-DT4Y>].

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ing my same physical characteristics or similar backgrounds. I have struggled with discrimination in the courtroom, in the same way I've experienced it in the classroom.

These are the reasons why it is absolutely essential to have programs such as the Pennsylvania Legal Aid Network's Martin Luther King, Jr. internship and fellowship programs, and why it is important that we make consistent efforts to increase diversity in legal services by placing more attorneys of color in public interest positions. It is necessary for the legal community to reduce the challenges that attorneys face when choosing to embark on a public interest career path, such as repaying student loan debt and being compensated in a manner that allows us to live comfortably, so that we do not have to make the difficult choice between working for what we believe in and what can change the world, over doing otherwise. I have found that public interest lawyering allows us true opportunities to shape the world as we envision it should be, not as it has been passed down to us.