RAISING ISSUES OF PROPERTY, WEALTH AND INEQUALITY IN THE LAW SCHOOL: CONTRACTS & COMMERCIAL LAW SCHOOL COURSES

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INTRODUCTION

Raising the subject of the rights of the poor and under-represented in the law is a discussion that law school professors have engaged in for years. Most recently, this question was given considerable attention at the 2001 Annual Meeting of the Association of American Law Schools. In a day long workshop, law school faculty members were given the opportunity to consider the impact of wealth inequality in society and how it affects the goal of pursuing and achieving equal justice under the law.[1] The inaugural plenary session of the workshop raised the consciousness of participants about the great wealth disparity between whites and African-Americans and the role that housing segregation has played in perpetuating economic and social disparities between whites and African-Americans.[2]

As lawyers we find ourselves confronted with the reminder that this unfortunate disparity was made possible, and consequently relegated to a kind of perpetuity, through our legal systems and laws. At the same time we can take some comfort in knowing that it has been and will continue to be possible for the socially committed and conscious lawyer to challenge the discriminatory housing and lending practices to lessen the divide.[3] As legal educators, the challenge

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1. The Association of American Law School's Annual Meeting for 2001 was held in San Francisco, California. During this meeting a workshop on Property, Wealth and Inequality was held on January 4, 2001. This topic was highlighted in a smaller forum at the Association's annual meeting in 1993 which included a program on "Hardship Visible: Teaching About Poverty and Class Through the Law School Curriculum."

2. The plenary session of the program included presentations by Melvin L. Oliver, co-author of *Black Wealth/White Wealth: A New Perspective on Racial Inequality*, and Nancy A. Denton, co-author of *American Apartheid: Segregation and the Making of the Underclass*.

3. Federal laws have been in effect for over thirty years to prohibit discrimination in the housing and mortgage lending markets. *See* Fair Housing Act of 1968, 42 U.S.C. §§ 3610-3619 (1994); Equal Credit Opportunity Act of 1979, 15 U.S.C. §§ 1691-1691(f) (1994); Home Mortgage Disclosure Act of 1975, 12 U.S.C. §§ 2801-2810 (1994); Community Reinvestment Act of 1977, 12 U.S.C. §§ 2901-2905 (1994). Unfortunately, the problem of discrimination in housing and mortgage lending remains prevalent and seems far from cured. *See* Anne P. Fortney, *Fair Lending Law Developments*, 54 BUS. LAW. 1329 (1999); Fred Galves, *The Discriminatory Impact of Traditional Lending Criteria: An Economic and Moral Critique*, 29 SETON HALL L. REV. 1467 (1999); Charles L. Nier, III, *Perpetuation of Segregation: Toward a New Historical and Legal Interpretation of Redlining Under the Fair Housing Act*, 32 J. MARSHALL L. REV. 617 (1999); Mark Seitles, Comment, *The Perpetuation of Residential Racial Segregation in America: Historical*

remains for us to prepare our students to be ever vigilant in questioning our legal system that perpetuate inequality among members of our communities who have been and continue to be systematically disenfranchised from the enjoyment of wealth benefits and opportunities in our society.

Accordingly, one of the questions law professors were asked to consider in this workshop was how to raise student consciousness about the unequal treatment of individuals under laws that appear to be neutral in application and effect, but in reality are often disparate in the treatment of the "haves" and the "have-nots."[4] The importance of raising this question with law students has not gone ignored and has prompted many law professors to take the challenge of raising these questions directly in their courses. Fortunately, several of these professors have been very thoughtful in reflecting on their experiences and observations about the benefits and risks of pursuing these questions in law school courses.[5]

In reviewing the different experiences shared by these professors, several common objectives and observations were found in their assessment as to why issues of poverty, inequality and diversity need to be presented in law school curriculums. It has been noted that most law students come to law school with the assumption that the law is always neutral and just, regardless of differences in class, economic status, race, and/or gender from one individual to another.[6] A corresponding benefit in bringing these issues to the classroom discussion is that the students' "intellectual capacit[ies]" are challenged, and they are pushed to become more empathetic in their representation of clients, as they become aware of the specific and individualized needs of a client to form effective

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Discrimination, Modern Forms of Exclusion, and Inclusionary Remedies, 14 J. LAND USE & ENVTL. L. 89 (1998).

4. The workshop included a series of concurrent break-out sessions on "pedagogy" so that workshop participants could discuss ways to raise issues addressing property, wealth and inequality in law school courses.

5. Several articles offer significant insight about the value and need for raising issues about poverty, wealth, race, age and gender in traditional law school courses. *See* Okianer Christian Dark, *Incorporating Issues of Race, Gender, Class, Sexual Orientation, and Disability into Law School Teaching*, 32 WILLAMETTE L. REV. 541 (1996); Howard S. Erlanger & Gabrielle Lessard, *Mobilizing Law Schools in Response to Poverty: A Report on Experiments in Progress*, 43 J. LEGAL EDUC. 199 (1993); Bill Ong Hing, *Raising Personal Identification Issues of Class, Race, Ethnicity, Gender, Sexual Orientation, Physical Disability, and Age in Lawyering Courses*, 45 STAN. L. REV. 1807 (1993); Lois Johnson & Louise G. Trubeck, *Developing a Poverty Law Course: A Case Study*, 42 WASH. U. J. URB. & CONTEMP. L. 185 (1992).

6. In an Antitrust course taught by Professor Dark, she provided her students with an example of how a consideration of the differences in the business practices and motivations of Japanese manufacturers from those of American or Western businesses could have resulted in a different outcome in the Supreme Court's application of Sherman Act anti-predatory pricing regulations in its decision in *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574 (1986). *See* Dark, *supra* note 5, at 548-49.

arguments in the advocacy for appropriate relief for each client.[7] Additional benefits accrue in bringing the face of diverse clients to the attention of students and requiring them to consider how to provide effective representation for different clients with different circumstances and needs. One is able to stretch student development of lawyering skills in the areas of client counseling and interviewing as well as their analytical and advocacy skills.[8] Another observation made by these professors was that in discussing ways to help clients who are at economic or other social disadvantages, students are given an opportunity to see the different "roles lawyers have played and should play in trying to bring about social change to benefit disadvantaged or subordinated groups."[9]

While there were common observations between these law professors, it is important to note one distinction in experience, their reflections regarding student responses to having these issues being a part of a law school course. In courses that were specifically designed to focus on these issues, such as courses

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7. *Id.* at 544.

8. Professor Bill Ong Hing wrote about his experience in the Stanford Law School's Law and Social Change Curriculum which he described as "intended to attract students who wanted to work with subordinated or disadvantaged communities or in public interest law." Hing, *supra* note 5, at 1807. This program is mostly skills centered with a live clinic component. He provides an interesting assessment of how a program focusing on the problems of the poor can challenge and enhance the overall lawyer skills of law students. *See id.* at 1808-11; *see also* Dark, *supra* note 5, at 553-54.

> [S]tudents must maintain their ability to use their alternate problem-resolving systems, including personal experience and perception, in tandem with the legal analysis. Discussions about diversity issues help students to learn how to integrate their personal experience and resolution strategies. . . . A multiple-perspectives approach enables students to develop more effective arguments on behalf of their clients.

Id.

9. Hing, *supra* note 5, at 1807. Professors Erlanger and Lessard describe the experiences of law school participants in The Interuniversity Consortium on Poverty Law, which was created to increase and improve "law school scholarship and teaching about the relationship of the legal system to poor, disadvantage, or marginalized persons." Erlanger & Lessard, *supra* note 5, at 199. They noted:

> Working from the premise that legal forms constrain the ability of community organizations to improve their neighborhoods, [the program sought] to help the organizations become more adept at manipulating the forms. In practice, that aim requires an understanding of corporate and tax law, and of the way business advisors deploy their knowledge in the service of their clients. The hope is that, with this experience at their disposal, community organizations will be able to achieve socially valuable goals.
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> The project aims to show students how lawyers can make a difference as advisers rather than litigators; to make a meaningful difference for the client groups served; and to help persons within the university understand how community groups work, and how the law can help them pursue their goals.

Id. at 212.

on poverty law or law and social change, students came into the courses expecting these issues to be central to the course and were not as resistant.[10] However, the student receptivity to such issues in traditional law school courses, where there is no expectation on the part of students that questions regarding wealth and inequality, race, gender or class differences would be raised, was not necessarily positive.[11] Having noted this outcome, however, is not to suggest that these issues should not be raised. To the contrary, the integration of these broader and diverse issues has been recommended to broaden student experiences and understanding of the law, how the law affects everyone and how lawyers can be a greater part of achieving equal justice under the law for all.[12]

I. RAISING ISSUES OF WEALTH AND INEQUALITY IN A CONTRACTS/COMMERCIAL LAW COURSE

A. Introducing Wealth and Inequality in A Contracts/Commercial Law Course

Having reached the decision to raise the face of the poor, under-represented and disenfranchised persons throughout the law school curriculum, the next question is how to do it effectively and in a way that enhances one's course objectives. In preparing for the workshop session on contracts and commercial law courses, I was able to draw on some of my own course experiences and observations in raising these questions in the Creditors' and Debtors' Rights course that I teach at my law school.

This course provides students with a survey of state laws and remedies that are used by creditors and debtors in the enforcement of debt obligations through remedies such as prejudgment attachment, judicial liens, writs of execution,

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10. *See* Hing, *supra* note 5, at 1822-26.

11. *See* Dark, *supra* note 5, at 554-75 (offering a description of challenges one faces in raising these issues in traditional law courses, as well as advice and actual student responses to her courses); *see also* Erlanger & Lessard, *supra* note 5, at 207-09 (including a description of student reactions to a required course entitled Legal Theory and Practice that was offered at the University of Maryland which was designed to "construct an understanding of legal process, inseparably coupled to a conception of responsibility to the poor").

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> Students need to hear all professors address diversity issues. Typically, only a few implicitly or explicitly designated spokespersons for 'special interests' will raise these issues. Everyone, however, is responsible for changing society so that it is far more inclusive and fair to all members of the community. In addition to teaching students substantive law, professors, willingly or unwillingly, are role models for our students. We should take that role very seriously and model for our students our vision and concern for legal and social change. More importantly, while we all certainly do not share the same vision, we can demonstrate that we have visions and that our own visions and consciences play vital roles in our lives as lawyers.

Dark, *supra* note 5, at 556-57.

statutory and consensual liens, garnishment and equitable liens, and various remedies and special collection rights under Articles 2 and 9 of the Uniform Commercial Code (UCC), the Uniform Fraudulent Conveyances Act and state law exemption rights. Because this course is only offered for two credit hours, the professor is always in a race to meet course coverage demands for a wide range of very important collection remedies. In order to meet these coverage objectives through an intensive and critical study of both relevant state laws and decisional law, with a very significant amount of problem sets to reinforce student understanding and application of these remedies, the added objective of raising the question of fairness and equal treatment under these laws for the low income and economically disadvantaged individuals is a challenge.

My approach in raising the plight of economically disadvantaged individuals in a course where students are predisposed to learning the nuts-and-bolts of collection remedies available to lenders and other creditors was to be direct and to do this in the first class of the semester. The decision to do this in the first class, as opposed to waiting until the conclusion of the course, was both pragmatic and strategic. It was pragmatic because the large volume of substantive issues to be covered would delay raising these issues later so that there might not be enough time for meaningful discussion of the disparate treatment of the poor under collections law and its system. It was strategic because planting the seed to think about these issues of fairness in the beginning of the course would give this discussion a place of prominence throughout the course.

The students were forewarned that while the course was entitled "Creditors' and Debtors' Rights," they would find that state law rights and remedies available to creditors and debtors to enforce debt obligations were primarily creditor-centered and creditor-friendly. Without getting on a soapbox to raise this issue, I was able to find some video presentations produced by consumer credit advisory organizations that were very effective in introducing struggling consumer debtors and their various plights to my students.[13] The videos included interviews with individual debtors who told their personal stories of how they had become overburdened by their debt obligations, and how they were unable to pay all of their debts.

Most of the debtors in the video presentations were women and minorities. They included a single mother of young children with little or no professional training who had been laid off due to her employer's decision to relocate. Her limited savings quickly depleted, and her new job did not pay enough to both cover debts and support her family. There were retired widows whose social security benefits were insufficient to meet their needs and indebtedness. A divorcee, who during her marriage had stayed home to raise her family, was profiled as she struggled to find ways to make ends meet. There was also the young adult recently graduated from college who had not used credit cards wisely

13. Videotape: Consumer to Consumer: Good Ideas for Tough Times (Rutgers Cooperative Extension 1997) (on file with author); Videotape: Going Broke in America: Bankruptcy and Your Alternatives (Consumer Credit Education Foundation 1992) (on file with author).

and had accrued credit card balances in the thousands of dollars and was sinking further and further in debt as interest quickly accrued on credit card balances.

These individuals were eloquent and powerful in explaining their paths to their current situations. The relief they found would not be in the law as much as in credit counseling assistance, where the consumer counseling agencies would intervene on their behalf with their creditors to restructure debt payments and interest charges. These counselors also helped the individual debtors to identify ways to readjust purchasing and spending practices as well as new lifestyles to make much needed financial rehabilitations. The videos also showed individual debtors gathering together to share personal stories and advice on surviving with less and finding their way out of these financially distressful periods.

After viewing the video, the students were moved by these powerful stories.[14] The debtors immediately became real people and not simply defendants. The plight of the poor or financially distressed person was given a place in the course that would be considered at different times throughout the semester. This almost certainly changed the student attitudes about defaulting debtors; no longer were they viewed as deadbeats, but they became individuals in need of help.

B. Discussions of Wealth and Inequality in the Contracts/Commercial Law Course

While coverage of the different substantive topics of the course was a primary objective for me during the semester, several opportunities arose that allowed the class to consider how the various collection remedies studied might have different or more adverse effects on the low income consumer debtors as opposed to business debtors or more economically secure debtors.[15] One such occasion was found in the study of the course unit on prejudgment attachment

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14. Although the video was a wonderful resource for presenting the plight of the consumer debtor to my students, effective sources can also be found in newspaper articles or current media events, consumer reports, empirical studies on consumer debt and consumer credit lending practices, as well as students sharing relevant personal experiences. *See* Hing, *supra* note 5, at 1808, 1831-32; Dark, *supra* note 5, at 555; Erlanger & Lessard, *supra* note 5, at 207.

15. The consideration of unequal treatment of low income consumer debtors was not addressed in every class or with the study of every unit in my course. Professor Dark's article provides advice to others thinking about how to raise issues of diversity or inequality in traditional courses such as her anti-trust course:

> The usual advice to anyone who is about to begin a new journey or project is to take it slowly. Do not feel that you must raise these issues on a minute-by-minute basis in your classes to be successful. Planning, thoughtful preparation, consultation with others (to the extent possible), and developing a way to evaluate the success of your efforts are key. Of course, as with any new skill, it does help to have these discussions as often as possible to gain more experience and comfort in incorporating diversity issues into the classroom.

Dark, *supra* note 5, at 543-44.

remedies.

The class was assigned appellate cases to review involving the constitutionality of such remedies, including the Supreme Court case *Connecticut v. Doehr*,[16] which considered whether the Connecticut prejudgment attachment statute violated a debtor's right to due process under the Fourteenth Amendment of the Constitution. In our discussion of this opinion and what the Court identified as lacking in terms of due process protections in the Connecticut statute, students began to review the selected state prejudgment attachment statutes assigned for class discussion. One student had volunteered to look at the prejudgment attachment and garnishment law for the District of Columbia[17] and suggested that the D.C. statute might be in violation of the due process rights of D.C. residents.[18] This student was particularly interested in the D.C. statute because he had witnessed the use of the prejudgment garnishment remedy against low income clients in our law school's clinic.

This observation allowed the class to engage in a critical analysis of the D.C. statute and also raised the question of why a creditor would use such a remedy against a low wage income debtor. This question reaffirmed a prior conversation about the leverage effects that collection remedies like garnishments have for creditors who know the remedy will not yield much in terms of payment, but will cause the debtor to find other resources to pay the creditor quickly in order to get the creditor off the debtor's back. Accordingly, this exercise allowed the class to think about the plight of the low-income debtor who faces the consequences of a prejudgment garnishment remedy, and it sparked a willingness in the students to question existing statutes and scrutinize them as possible violations of due process protections.

Another opportunity that arose allowing the class to see the diverse impact that commercial laws can have on the low-income debtor was our study of the unit on lender liability. The study was based on common law theories such as breach of fiduciary duty, duress, negligence, breach of duty of good faith, as well as lender-liability under Article 9 of the UCC. [19] In studying lender liability under the UCC, students were assigned cases where the debtors had attempted

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16. 501 U.S. 1 (1991).

17. D.C. CODE ANN. § 16-501 (2000).

18. It is worth noting that in *Connecticut v. Doehr* the Supreme Court consulted a survey of the requirements of various State attachment provisions, including the requirement of the District of Columbia. It indicated that unlike the Connecticut law, the D.C. statute only permits the remedy of attachment when some exigent circumstances are present. It does not require a pre-attachment hearing but a post-attachment hearing is required, and a bond must be posted. *See Doehr*, 501 U.S. at 17-18. Although the survey was consulted by the Court to compare the prejudgment attachment statutes in the fifty States, it stated that "the statutory measures . . . surveyed are [not] necessarily free of due process problems or other constitutional infirmities in general." *Id.* at 18.

19. *See* BARKELY CLARK, THE LAW OF SECURED TRANSACTIONS UNDER THE UNIFORM COMMERCIAL CODE ¶12.05 (2d ed. Supp. 1993) (offering a thorough review of the distinctions drawn in the law regarding lawful consumer credit foreclosure practices and commercial foreclosure practices).

to win damages against creditors on the grounds that creditors had failed to comply with repossession and/or liquidation requirements under sections 9-503 and 9-504 of the UCC. When determining whether there has been an improper repossession under section 9-503, one must demonstrate that a breach of peace occurred in the creditor's attempt to repossess.[20] When determining whether there has been an improper liquidation under section 9-504, one must have evidence that the sale was conducted in a commercially unreasonable manner and that the debtor was given reasonable notice of the sale.[21] In determining whether there was a breach of peace in a repossession, or if a sale was not conducted in a commercially reasonable manner, or that notice of the sale was reasonable, the question is determined by the facts of each case.

Accordingly, an analysis of different factually-sensitive lender liability cases gives students an appreciation of the importance of having a deep understanding of the individual perspective of each client in developing the client's best argument. By creating an exercise for students to develop arguments for both a business debtor and a low income consumer debtor who wants to bring actions against the same lender for failure to comply with UCC requirements for a repossession and a resale of the collateral, the students are able to contrast the outcome of such cases. In addition, the students can appreciate the fact that the lawful collection practices a creditor employs with respect to a business debtor may not be lawful collection actions against a consumer debtor.

As indicated by other law professors who have introduced client diversity in their courses, this kind of exercise heightens the student's appreciation of the particular circumstances of each client. Again, such an exercise raises student consciousness about the low-income client's plight, sharpens their advocacy skills, helps them to appreciate the importance of client interviews as an essential

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20. Section 9-503 of the UCC is a self-help remedy of repossession for secured creditors and provides:

> Unless otherwise agreed a security party has on default the right to take possession of the collateral. In taking possession a secured party may proceed without judicial process if this can be done *without breach of the peace* or may proceed by action.

U.C.C. § 9-503 (1998) (emphasis added).

21. Section 9-504(3) of the UCC lists the requirements that secured creditors must satisfy when they elect to resell repossessed collateral:

> Disposition of the collateral may be by public or private proceedings and may be made by way of one or more contracts. Sale or other disposition may be as a unit or in parcels and at any time and place and on any terms but *every aspect of the disposition including the method, manner, time, and place and terms must be commercially reasonable.* Unless collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market, *reasonable notification of the time and place of any public sale or reasonable notification of the time after which any private sale or other intended disposition is to be made shall be sent by the secured party to the debtor*, if he has not signed after default a statement renouncing or modifying his right to notification of the sale.

U.C.C. § 9-504(3) (1998) (emphasis added).

part of preparing for a case and teaches them that this process needs to be more than a perfunctory task. It also gives the professor an opportunity to emphasize the importance of making legal services available to these individuals, who are in most cases less likely to have access to legal representation other than through community legal services organizations or through pro bono services.

C. Wealth and Inequality Issues from a Clinical Perspective

Another way to bring the problems of low income consumers into a traditional contracts/commercial law course is to invite faculty from law school clinical programs to share some examples of challenges they have encountered in their representation of low income clients. What is particularly attractive about this source is that cases handled through the clinic are often very topical, reflect current business practices that victimize low income consumers and show where legal representation is most needed.[22]

Examples of such cases might include predatory lending cases involving elderly, low-income homeowners who enter into loans with sub-prime lenders to finance home repairs, often offered by a contracting company that also serves as a sales agent for the sub-prime lender. These cases can involve facts whereby the debtor has signed an equity mortgage contract, the terms of which are extremely complicated and difficult to understand. In addition, it is common to find that in filling out financial statements, the borrower has been encouraged by the sales/lending agent to make misrepresentations about the financial condition of the borrower to help in qualifying for the loan. Accordingly, the debtor becomes implicated in a fraud. Over time these high interest rate mortgages may have to be refinanced due to the debtor's inability to pay the monthly installment payments. Often these mortgages are sold to large lenders who will ultimately foreclose against the borrowers' home.

A case like this will provide the class with an opportunity to raise commercial law questions both about the validity of the contract as a contract of adhesion and the impact of the holder in due course doctrine as a defense for the assignee bank who purchases mortgages from sub-prime lenders. In addition to the opportunity to discuss the legal issues this kind of case raises, students can be informed about the financial and time costs associated with litigating these cases, the importance of securing legal representation for such clients, and the need to obtain additional regulation at both the state and federal level to curb predatory lending practices.[23]

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22. In my own effort to find current topics regarding contracts and commercial law related to problems affecting the poor or low-income clients, Mr. Michael McGonnigal of the Columbus Community Service Legal Clinic at the Catholic University of America was most helpful in describing some of the troubling cases he has observed or participated in as counsel. His observations were most appreciated and very revealing concerning the need to make legal representation and counsel available to the poor and low-income members of our communities.

23. Several recent articles discuss the challenges of litigating predatory lending cases. *See, e.g.*, Julia Patterson Forrester, *Constructing a New Theoretical Framework for Home Improvement*

Consumer contract fraud cases are often seen in the clinic and are an effective way to address the plight of the low income client in class discussions. Other contracts/commercial law cases that involve victimization of low income clients have included individuals who receive telephone solicitations by credit card companies selling a variety of insurance policies such as accident, burial and credit card insurance. For an elderly client who does not understand that such insurance is not term-life insurance, but believes that in acquiring such insurance they are getting additional life insurance for beneficiaries, the financial costs of such insurance can be devastating given their fixed income level.

In a case that came before our clinic, such a client paid for the insurance on her credit card, the balance of which increased significantly with the monthly premiums and the high interest rate of the card. Eventually the client was unable to make the payments on the insurance and the credit card issuer canceled the card and subsequently sued the client for the balance. Our clinic attorney reported that in representing the client, a countersuit was brought against the credit card issuer for consumer fraud, which under D.C. consumer fraud laws allows for treble damages. The countersuit prompted the credit card issuer to settle the matter.

Consumer fraud cases are particularly prevalent in home repair contract cases. One such case handled in our clinic involved a roof replacement contract between two contractors and an elderly woman who owned a home in a low-income neighborhood. The roofing job was unsatisfactory, leaving the client with leaks. The contract included a choice of law and choice of a forum clause so that any resulting litigation would be brought in a jurisdiction in which the consumer fraud statute did not allow for treble damages. Apparently, the part of the contract with the choice of law clause was not given to the consumer, and it was unlikely she understood its implications. Our clinic attorney brought suit against the contractor on the client's behalf. The lawyer for the contractor cited the infamous *Carnival Cruise Lines, Inc. v. Shute*[24] decision by the Supreme Court upholding a choice of law clause in a cruise line passage contract ticket. Our clinic prepared to appeal the trial court dismissal of its case and our clinical interns prepared a brief distinguishing the *Carnival Cruise Lines* case from this case. After seeing the brief, the contractor settled and repaired the roof, probably recognizing it was cheaper to fix the roof than pay additional legal fees in an appeal.

Having practicing attorneys who regularly represent low income clients provide examples of the kinds of contracts/commercial law issues they typically see gives students understanding that while many of the contracts and commercial law cases they study in law school are often presented to them from a business client's perspective, these laws also impact non-business clients and poor clients. It also demonstrates that not every case will require a full-blown trial for resolution. Rather, challenging lenders or business creditors regarding

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Financing, 75 OR. L. REV. 1095 (1996); Frank J. Lopez, *Examining the Viability of Bringing a Predatory Lending Class Action*, 9 J. AFFORDABLE HOUSING & COMMUNITY DEV. L. 258 (2000).

24. 499 U.S. 585 (1991).

the fairness or legality of their transactions with a low income client might be sufficient to cause them to reconsider debt enforcement actions against the client. Accordingly, students can see that not all legal services for poor clients have to be extremely time consuming and costly to be effective in getting a desired result for a deserving client.

CONCLUSION

The benefits of raising issues of poverty, wealth and inequality in law school courses can be manifold. By introducing the face of poor, under-represented and diverse individuals throughout the law school curriculum, we challenge our students to take a more critical look at the fairness and equity that is meted out through our legal systems for all members of our communities, the powerful and the powerless. As noted by others who have embraced the need for such issues to be integrated in all law school courses, the students are further benefitted by the intellectual stretch required to provide effective advocacy for diverse clients. A companion to the intellectual challenge is the opportunity to appreciate the importance of client interviewing and counseling skills necessary for effective lawyering.

Perhaps the most significant benefit is raising student compassion for the disadvantaged client who is ignorant about the law, who lacks knowledge about what is fair and unfair in business practices and who has limited or no ready access to legal representation. Perhaps through such an experience in a law school course, students will embrace the importance of making their services available to those who might not otherwise have such access. This might be manifested by our students becoming lawyers who will make career commitments to providing pro bono services to the low income client or by participating in community programs where lawyers can provide information for low income community groups on how to be better consumers when seeking services, purchasing goods, obtaining credit and knowing their rights under the law.