



Rascuache Lawyer: Toward a Theory of Ordinary Litigation

Alfredo Mirande

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Alfredo Mirandé, a sociology professor, Stanford Law graduate, and part-time pro bono attorney, represents clients who are rascuache—a Spanish word for “poor” or even “wretched”—and on the margins of society. For Mirandé, however, rascuache means to be “down but not out,” an underdog who is still holding its ground. *Rascuache Lawyer* offers a unique perspective on providing legal services to poor, usually minority, folks who are often just one short step from jail. Not only a passionate argument for rascuache lawyering, it is also a thoughtful, practical attempt to apply and test critical race theory—particularly Latino critical race theory—in day-to-day legal practice.

Every chapter presents an actual case from Mirandé’s experience (only the names and places have been changed). His clients have been charged with everything from carrying a concealed weapon, indecent exposure, and trespassing to attempted murder, domestic violence, and child abuse. Among them are recent Mexican immigrants, drug addicts, gang members, and the homeless. All of them are destitute, and many are victims of racial profiling. Some “pay” Mirandé with bartered services such as painting, home repairs, or mechanical work on his car. And Mirandé doesn’t always win their cases. But, as he recounts, he certainly works tirelessly to pursue all legal remedies.

Each case is presented as a letter to a fascinating (fictional) “Super Chicana” named Fermina Gabriel, who we are told is an accomplished lawyer, author, and singer. This narrative device allows the author to present his cases as if he were recounting them to a friend, drawing in the reader as a friend as well.

Bookending the individual cases, Mirandé’s introductions and conclusions offer a compelling vision of progressive legal practice grounded in rascuache lawyering.

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