

URBAN LEGAL EDUCATION: BRIDGING THEORY, PRACTICE, AND PLACE
Interview with Nisha Mistry Esp., MSc.*

EDUCACIÓN JURÍDICA URBANA: UNIENDO TEORÍA, PRÁCTICA Y LUGAR
Entrevista con Nisha Mistry Esp., MSc.

EDUCAÇÃO JURÍDICA URBANA: UNINDO TEORIA, PRÁTICA E LUGAR
Entrevista com Nisha Mistry Esp., MSc.

*Álvaro Orbea***

Entrevista realizada de forma virtual, por la plataforma Zoom, transcrita y editada
Septiembre de 2024

* Nisha Mistry, tiene un B.A. en Ciencias Políticas por la Barnard College, es Juris Doctor (J.D.), Law (especializada en derecho y desarrollo económico) por la Northeastern University, y es Máster en Diseño de Ciudades por la London School of Economics. Es una dedicada defensora del desarrollo urbano equitativo, con más de quince años de experiencia, ha trabajado con organizaciones como LISC y Brookings Metro para aplicar estrategias que promuevan las oportunidades económicas en las ciudades. Nisha fundó Fulkee LLC para continuar su misión de crear comunidades prósperas e inclusivas. Desde agosto de 2022 hasta la actualidad es Assistant Professor of Practice en la Cleveland State University. <http://nishamistry.com>

** Abogado por la Pontificia Universidad Católica del Ecuador (2013), máster en Diseño de Ciudades por la London School of Economics (2015), magíster en derecho administrativo por el Instituto de Altos Estudios Nacionales (2023) y cuenta con un diplomado de Transiciones Energéticas para enfrentar el cambio climático por la Universidad EAN (2023). Se desempeña como investigador y consultor jurídico y urbanista, experto en desarrollo urbanístico y gobiernos locales. Ha trabajado como consultor de vivienda y ciudades para el Banco Interamericano de Desarrollo y el Banco Mundial, y fue investigador para la Fundación Konrad Adenauer en temas de ciudades inteligentes y el análisis de retos estructurales del Ecuador. Cuenta con amplia experiencia brindando asesoría técnica sobre gobernanza, derecho urbanístico y planificación urbana a gobiernos locales, así como en el desarrollo de planes de gobierno para campañas políticas de municipios. Correo electrónico: aaorbea@gmail.com. ORCID: <https://orcid.org/0009-0002-5891-2080>

Cómo citar esta entrevista: Orbea, Álvaro. 2025. "Urban Legal Education: Bridging Theory, Practice, and Place. Interview with Nisha Mistry Esp., MSc.". Revista de estudios jurídicos Cálamo, núm. 22: 106-114.

DOI: <https://doi.org/10.61243/calamo.22.442>

Keywords: Urban planning; Law and city; Law teaching; Urban Law teaching; Urban development

Palabras clave: Planificación urbana; Derecho y ciudad; Enseñanza del Derecho; Enseñanza del Derecho urbano; Desarrollo urbano

Palavras-chave: Planejamento Urbano; Direito e a Cidade; Educação em Direito; Educação em Direito Urbano; Desenvolvimento Urbano; Planejamento Urbano; Desenvolvimento Urbano

ÁLVARO ORBEA (AO): In Ecuador, since the 2008 Constitution, constitutional law has become crucial for urban development, with the Constitutional Court ruling on urban planning and municipalities' responsibilities regarding the right to the city. Given that the Court often relies on multiple disciplines due to limited urban expertise among lawyers, how do you teach the relationship between law and urban development to students from various academic backgrounds?

NISHA MISTRY (NM): At Cleveland State University, I teach non-law undergraduate students in the broad and encompassing areas of urban studies and public administration. Many of my students go on to pursue work or further training in a field that is conventionally 'urban' – for example, urban planning, city government, or NGO management. I also have many students whose interests lie in the arts, health services, engineering, or entrepreneurship. And, certainly, some of my students do choose to pursue law after graduation.

I have discovered that, whatever their primary discipline, my students have a natural curiosity about how cities came to be and how billions of people carry on living in cities. They want to explore what 'progress' means to those who live in a city and what isn't going so well. They want to know how cities are managed. Who makes decisions that affect the public buses they take to class? Or their access to fresh food? Or rental housing? Students enter my classroom with an inkling that there are answers to these questions. They know that 'the city' did not pop up like a mushroom out of the ground! It was formed, over time, from human intention and discretion.

What students typically lack –and what lawyers (along with planners, architects, designers, and others)

possess– are methods and tools to investigate their surroundings. The ability to organize and analyze evidence, for instance, is inherent in legal and city making processes.

So, I start with students' observations and experiences of 'place.' I shift their awareness from the seemingly mundane logistics of city life to an analysis of the city writ large, including sites and structures and the practical matter of how things get done. The connection to law is less obvious – it's buried– but it's there. I try to reveal the relevance of law in everyday urban life in a way that is organic and accessible but still systematic.

While interdisciplinarity is fundamental to my teaching philosophy, I try to avoid overusing this term, because on its own, it doesn't mean much. Instead, I begin by defining 'the urban' as human settlement-making, a basic aspect of human existence and our instinct to shape our habitats. Our urban reality, stretching back 10,000 years, emerged from our ability to combine different types of knowledge, from language and caretaking to construction and conflict resolution. Ancient cities like Jericho, Constantinople, Mohenjo-daro, and Teotihuacan were built on 'interdisciplinarity'; it is what has enabled humans to endure. I start my introductory courses with lessons on Earth's oldest cities, examining the parallel tracks of human and urban development. These aren't separate phenomena; they're inherently linked. And law isn't an external force on human and urban development; it has been interdependent with these forces. All this predates our modern academic categories and buzz words. Cities serve as mirrors of humanity, reflecting our needs, values, talents, and contradictions. Students understand and appreciate this.

Lastly, I will say that my teaching philosophy flows from my work as a practitioner and my regard for socioeconomic and spatial inclusion. I spent the first 15 years of my career working to broaden the base of homegrown economic opportunity in urban areas with too few ladders to good jobs and mainstream markets. My hope is that students leave university with practical skills and confidence in their ability to apply urban, legal, and policy concepts.

AO: Given the increasing trend toward specialization in law where expertise in specific areas is highly valued, how does this reconcile with your interdisciplinary teaching approach? How do you balance this tension, particularly in contexts where judges specialize in specific legal subjects yet must engage with multiple disciplines? How does interdisciplinarity interact with the push for specialization in legal practice and decision-making?

NM: Let me address two key points here. First, regarding specialization, for instance in legal practice and legislative drafting: this is technical work that requires precise expression and implementation. Legal drafting specifically shows why specialization matters: terminology can become outdated or inaccurate, timing dimensions can be confused, and models might be inappropriately applied to local contexts; something we often see when people adopt model language without considering human needs and realities.

Specialization makes sense, in many cases, because it means there is an ability to carefully consider and account for *context*; that is, to move from a broader to more contextualized sense of a reality or situation. If you are an individual or community whose grievance is moving through the justice system, you want those with power over the outcome to work within *context*, specifics, not generalities. Shared definitions and specialized demarcations are not just formalistic or symbolic; they can be meaningful for a robust rule of law. Also, there are instances in which a lack of specialization –or a vacuum of contextualized knowledge– can be quite dangerous.

This brings us to the matter of ethics; and, in this instance, judicial ethics. I do believe that a judge's duty to serve

the public good first compels an ethical, not technical, analysis around a set of facts. Ethical norms should dictate the way any knowledge –specialized or general– is applied. So, it is less a question of whether a judge or legal officer should tap different 'expert' opinions. What does the case dictate, in an ethical sense? There may be a duty to be more expansive or more targeted. Also, I want to mention that respect for, and engagement with, embodied knowledge –for example, the knowledge held by someone who's experienced forced housing displacement or a chronic illness– matters immensely.

Secondly, while tension may exist, as I see it, specialization is not an absence of, or counterpoint to, interdisciplinarity. Yes, we need specialists who stay current, who are always 'refreshing' the data. But legal professionals (including judges) can expand on their specialties and diversify their knowledge bases. There are options –such as supplemental training, continuing professional education, and peer-learning circles. It can only benefit legal practice, and therefore society, when diverse competencies are used to develop culturally relevant and ethically grounded frameworks and models– for instance, for rulemaking or drafting.

Again, though, there's an ethical dimension here: subject matter must be expressed with appropriate care. In environmental matters, for instance, law should follow science, keeping pace with both scientific advances and evolving norms. It's a continuous cycle of refining a knowledge base with the goal of enhancing the public good.

AO: What are the strengths and weaknesses in how traditional law is taught, particularly in relation to becoming an urban practitioner? Some lawyers are urban practitioners, while others must deal with urban issues at some point. What do you think are the strengths and weaknesses in dealing with urban issues, regardless of whether one is a judge, attorney, or urban planner?

NM: Drawing from my experience working in city government in New York and New Jersey I've seen how legal activity permeates the workings of local governance, even where legal training is not formally required (for example, consider the role of non-lawyer procurement

officers). At the municipal level, there's a daily dialogue with law across public agencies and departments: planning, housing, transportation, utilities. This circular dialogue between lawyers and non-lawyers moves at a pace and intensity I haven't witnessed anywhere else. I have seen again and again the ways in which this kind of environment is so educational for young lawyers and planners; it's a unique training in law that's arguably harder to get at federal levels, or in centralized systems.

As the first person to attend law school in my Indian immigrant family, I initially assumed that I would practice immigration law. I was a New Yorker in my final year of college during the 9/11 attack and was quite shaken, as a new graduate, about the direction my country was pursuing with respect to immigration policy. Urban development wasn't on my mind. Also, frankly, immigration lawyers were the only lawyers I knew!

Something changed for me as a law student, specifically, while studying Property Law under Professor Rashmi Dyal-Chand at Northeastern. I realized that there was a critical lack of diversity and representation on zoning boards and planning commissions; bodies like these had shaped the multiracial yet segregated communities I grew up in. These professionals quietly set the terms for land use and siting, housing and economic development. Law school offered me a view into these unseen workings of local development and led me to merge my interests in law, planning, and community/economic development.

Legal training –with its distinct analytical tools, methods, doctrine, and vocabularies– is uniquely valuable. It needs to be infused, though, with a civic consciousness. I happened to benefit from an expansive, socially engaged legal education at Northeastern University in Boston. As students, we learned the law in its most technical sense, but we were also required to consider its historical basis and what it means for pluralist democracy (that is, issues of social difference and disparity).

I believe that this gave me a flexible, rather than restrictive foundation for understanding how places are changed by legal decision making. And, as I remind

my students, such change is not easily reversed! The demolition of a blighted building does not undo the effects of that building.

A weakness of traditional legal education is that it can, when too narrow and formalistic, erase the profound role of place in people's lives. The legal imagination –an extension of human imagination– and legal practice are worse off when 'place' is neglected. Civic imagination also takes a hit. For this reason, I am a believer in place-based education across disciplines, including in law school. This approach deals, fully and rigorously, with physical places. It extends the walls of the classroom to the city.

This approach is inherent in many forms of urban training. Landscape architects, for instance, are required to reconcile the parcel printed on a map with the conditions they observe at street level. This is a normal mode of learning for those in subjects such as environmental science or geography. However, law students are too often limited to case and code-based learning. Then, there is the dependence on digital devices, which can flatten urban and legal learning. All of this, together, silently implies that a spatial understanding of the city is not that important for lawyers. I disagree with this premise.

Are there barriers to place-based education in the legal academy? Certainly. It may be seen as unconventional. Also, I know from my experience teaching in Cleveland the time and effort required to design new courses –such as those that utilize the city as a classroom or that involve community partners. Moreover, I realize that sometimes– depending on the setting – some people are concerned about student safety or comfort. Nonetheless, I think that, in most cases, these issues are resolvable, and that even some small, incremental steps in the direction of more place-based learning could benefit law students.

I am eager to see how legal education transforms in the years ahead in Ecuador and whether cities are given a more central and active role in the classroom.

AO: How has your experience in both Global North and South contexts shaped your understanding of

different legal frameworks in urban development? As both professor and practitioner, how do you view the relationship between understanding local legal frameworks versus understanding the places themselves? What role do these legal frameworks play in shaping urban development across different global contexts?

NM: I think law fulfills its highest potential, and lawyers do their best work, when they first face the reality of how life is lived in a place. The same goes for urban planners. I'll borrow words from Jan Gehl, an urban designer from Copenhagen who many years ago found himself disillusioned by architectural practice. Gehl's philosophy –which I subscribe to– is, first, you start with life, and then you move to buildings. Don't start with buildings and then move to life. Norman Krumholz, who led city planning in Cleveland in the 1970s, had a similar outlook: that city development should, in practice, be human centered. I see this approach as universally relevant, as enabling a set of values–values expressed in a 'right to the city.'

Now, building on this values-based approach, legal frameworks for urban development have two basic functions. They need to expand –or at least attempt to expand– options for those residents who have too few options *today*. They must also create practical guidelines aimed at the *long-term* viability of urban systems that are facing all kinds of strain, such as (in the case of Quito) extreme weather events. This is a kind of norm-setting and steering function.

Unfortunately, in parts of the Global North, as well as across the Global South, those holding the elegant city plans and blueprints are, all too often, neither delivering workable short-term solutions nor setting conditions for economic equity and accountability over the long term. The inadequate state of public transit in many cities and metro regions around the world is an example of this fact. That is what I see, as an urbanist following threads across global contexts.

That said, I think it would be wrong to overlook the complexity and nuances within this Global North/South framing. Some residents of areas in the Global South have better life expectancies than Black Americans in

the Global North, reflecting centuries-old structural disparities. Also, returning to the example of public transit: some high-poverty areas are better serviced than other high-poverty areas, due to historical patterns of political influence and public investment. So, wherever possible, frameworks should address fairness even between disadvantaged areas.

Migration illustrates these complexities well. In the Global North, there are competing narratives immigrants as urban revitalizers versus and immigrants and burden-creators. The Global South faces similar tensions, particularly around conflict and climate migration. In some cases, a given 'migration narrative' may influence legal analysis and decision making.

Ecuador's constitutional right to the city is powerful, but enshrining rights differs from operationalizing them. Urban development must include good jobs and equitable mobility to constitute real growth. Urban development without good jobs and equitable connectivity and mobility isn't real growth. We still see many cities benchmarked based on quality-of-life indicators that are explicitly about the location and expansion of multinational corporations. My work has, in part, been about promoting independently owned small businesses in cities; there's a difference between a framework that focuses on promoting homegrown local businesses and one that prioritizes multinational expansion. These frameworks might, for instance, deal with incentives, investment, or the regional workforce. Law has a central role in all of this. Consider the example of procurement: it's a major driver in how a city can support a local economic value and locally supplied goods and services.

Finally, law needs to be clear about what constitutes state action and government action, as the urban reality now involves many third-party actors and partners. We should look to law to be clear and compelling in how it addresses a city's priorities and how a city develops those priorities.

AO: Given that two-thirds of Quito's workers are in the informal economy, how do legal frameworks handle this reality in urban development? While legislation typically focuses on regulating the visible

formal sector (like construction and real estate companies), how do you address the challenge of the informal sector being excluded from both legal benefits and drafting processes? Could you share examples from your experience about how legal structures impact urban development in cities with significant informal economies?

NM: There's no question that the scale of informality in Ecuador speaks to a difficult global reality that is absolutely tied up in urban law. Over the years, I've given a lot of consideration to the conundrum you're describing: law is developmentally necessary but also casts this shadow over the lives of people whose circumstances corner them into 'extralegality.'

My take on this has been shaped by the work of many, many others. I've been influenced by the work of Amartya Sen, law professor Rashmi Dyal-Chand and Justice Zione Ntamba of the High Court of Malawi. My thinking has also been shaped by postcolonial writing on urbanism and 'belonging' and my own time spent in Indian cities; including in Mumbai, where as a law student, I participated in a human-rights fact finding following an unlawful demolition in an area known as Mandala (Mankhurd), where 5,000 households were forcibly displaced overnight.

Hernando de Soto, the Peruvian economist, famously argued that legally formalizing the poor's informal activities in the Global South would unleash capital 'flowing in the streets' –a wealth-generating revolution. However, twenty years later, there's little evidence that widespread property formalization or transitioning workers to the formal sector necessarily improves social welfare. I want to be clear: I am not suggesting that workers who are trapped in casual or irregular employment in the Global South are adequately protected, from a rights standpoint, or that they are 'better off' being informal; not at all. However, there is research that indicates that poverty alleviation is possible in the midst of informality– and, on the flip side, that formalization alone does not drive poverty alleviation.

Consider the United States, a case study highlighted in Professor Dyal-Chand's work: despite evolving from a

frontier settler society (through indigenous conquest and subjugation) to one with widespread formal housing ownership and employment, we haven't yet resolved income inequality. In fact, inequality in this part of the Global North has grown in recent years.

However, there are positive examples globally. In South Africa, informal (extralegal) waste pickers who cleaned streets without formal recognition were able to gain access to government contracts through significant advocacy and participatory measures. So, in this way, municipalities can create legal frameworks that enable informal workers to access formal markets while remaining extralegal.

But we must question the scale of reform we're seeking. It's progress when a waste-collection collective gains market access. However, a community needs to consider the scale and type of social impact it wishes to pursue. Small business entrepreneurship and procurement-market access, while important –and an area I've worked in– still have limitations in creating broader social equity impacts.

AO: Given your work with community engagement in urban planning, what legal structures facilitate more meaningful public participation in urban decision-making processes, particularly for marginalized communities? You've mentioned one example, but are there others from your experience?

NM: Let me address this through the lens of land use and zoning. When it comes to effective land politics and land use law, if we use the methodology of "let's start with life and then introduce the law", we need to ask: what is the relationship between the community and the land? What is it and what does a community want it to be? We understand land in market terms, but all these other dimensions –social value, catalytic value, the sense of long-term security– are oftentimes very contested.

From my years working on urban industrial revitalization strategy, I've seen key challenges. In New York City, for instance, I have seen hotels and retail establishments encroaching on historically industrial areas and threatening good manufacturing

jobs. While warehousing typically offers lower-wage jobs with less local economic circulation, small to medium-scale manufacturing can provide better-paying jobs and shift toward greener processes. This has sparked advocacy for more protective zoning that prioritizes a higher density of good industrial jobs.

I'll share a practice from the discipline of landscape architecture that I love and teach my students: the method of ground truthing. Just last week, I was out in Cleveland with my students studying city-owned vacant sites. This kind of education –site-based, community-engaged project work– is something students of every discipline, including law students, can benefit from. Ground truthing is the practice of matching up what you see in Google Maps and city databases with what you're observing at the street level and on the site. But that's just one part; there also must be conversations with residents, as well as rooted community organizations and institutions. There are many different methodologies that can augment the kind of information you obtain from desk research, which is what I was trained in as a lawyer.

While this might not seem novel or profound to many people, I think we need to be doing more of it. Since my time as a student, it seems there's been more of a shift toward considering law in connection with place and social systems. This is quite positive, I think.

AO: Your emphasis on 'life before law' is compelling and presents unique challenges in Global South contexts like Ecuador. While we've made progress in formalizing informal neighborhoods, these communities often remain excluded from broader discussions about wellbeing and services, even after receiving formal titles. Given that formal data often doesn't exist for informal areas, and cities face significant resource constraints, how can we effectively gather and incorporate information from these communities in planning and decision-making processes?

NM: Yes, the outright absence of resources is a very real problem. Your question brings me back to research I did many years ago on World Bank lending in the Global South. When I was looking at this through a

legal lens, I was particularly interested in the Mumbai Urban Transport Project, which was at that time the largest such transport investment by the World Bank in Asia. I wanted to understand the extent to which they were operationally aligned with local conditions in delivering this money and supporting the project. What I found was a dissonance between the World Bank's operational parameters for the municipality and what was happening in terms of how their staff and field workers did their daily work.

Now, removing World Bank funding from the picture and looking at situations where there's a vacuum of investment, I think there are two key approaches. First, starting with what might be possible or easier given current conditions, there should be better training of municipal workers and local advocates – people who are doing what can sometimes be poorly compensated or unstable work. Through university partnerships and other collaborations, there could be enhancement of abilities or advisory support to existing staff. For example, at Cleveland State University, I supervise projects where student researchers add value to real-time city initiatives. Through these kinds of meaningful and analytically contained projects, there can be some boost to a city in the form of knowledge sharing and peer learning.

My universal concern is that there are often more incentives and better compensation for people to join federal or national government versus working locally. I'd like to see that change. Every city needs to examine how to build better pathways from school systems into local leadership and city management.

Lastly, I believe there is enough capital in the world, even in many Global South countries, but the geography of capital –how it moves and on what terms– often doesn't create cities where most residents feel uplift or change. There's cutting-edge policy work being done, including by the Lincoln Institute of Land Policy, around local revenue generation and legal strategies for financing local infrastructure. Lawyers are at the center of redesigning revenue generation strategies, whether it's land value capture or tweaks to property tax structure.

However, I disagree with situations where most residents have to shoulder this question about resources

and investment. If over one-half of Ecuador's society is working extra-legally for very little, just navigating basic needs while facing numerous obstacles, we need to rethink where we're putting demands on average residents to participate in transforming resource structure and allocation. In that sense, law must do better; but law can't do better unless it starts with life.

AO: In Roman law countries like Ecuador, legal education focuses solely on law without liberal arts exposure, creating lawyers who see only through legal lenses and often serve quick political aims without understanding broader impacts. Given your view that law should follow life, how critical is expanding legal education beyond pure law, especially in contexts where, unlike the Global North, students don't take non-law courses?

NM: Your observation about the value of a 'liberal arts' model raises interesting questions about the relationship between the law and other disciplines. It's a relationship that I've felt strongly about for a long time, especially since my days directing the Urban Law Center at Fordham University in New York. The conditions of our individual and shared lives demand that we get comfortable with diverging ways of seeing and understanding the world.

Again, let's start with life, as it's lived. The liberal arts offer routes into and within all these rich terrains of life: the humanities, social sciences, and natural sciences. I am certain –from speaking with colleagues and students from around the world– that what we're calling 'liberal arts' is in fact valued everywhere on the planet. However, you are correct, there are deeply socialized norms that make it hard to rethink and 'rewire' legal education in many places in the world. I would argue that these norms are less about 'the Global South' and more occupational and institutional in nature. They're shaped by historical currents, tradition and history, as well as legacies of colonialism. In other words, I don't see the Global North/South dichotomy as being the sticking point. Any pedagogical shifts in legal education –any shifts in ethos or approach– will come from within the occupational and institutional structures in

these societies. Not from the UN, or ABA, or anywhere else. And, even if this happens, there's still the matter of legal practice: the culture of the courtroom, the firm, the government office. These can be challenging environments for young lawyers to navigate!

I will point out, that the American Bar Association (ABA)¹ encourages future lawyers (very soundly, I think) to study broad, interesting, and rigorous subjects. The guidance is: Dive deeply into different areas of human knowledge. Challenge yourself. Learn how to conduct quality research. Also –and I see this as vital for all of my students– write, write, and write some more. Writing heightens one's analytical and reflective capacity. It rounds out learning and carves little openings for new ideas to move. So, it is worth putting energy into that, as an aspect of legal training. Writing requires practice, but this practice then bears fruit.

I'd like to share an example of how interdisciplinarity plays out in my classrooms in Cleveland. A particularly rewarding aspect of my job is seeing students approach a technical concept through an ethical lens. For instance, density is a technical concept in law and planning. Density has to do with units of area and the distribution and intensity of various uses. But to reduce humans to 'users' of a city is problematic. We're not battery-operated appliances! It is a humanitarian and civic sensibility that helps students see that a measurable metric like density is sort of empty without an appreciation of the 'togetherness' in a democratic and ethical sense. The COVID-19 pandemic forced us to reflect on these meanings of density.

However, there is also life to be lived outside the classroom. There are countless ways to better understand one's neighborhood and city, and no degree is required to do this. Socialized walls exist and, if we are honest, we can see how people subscribe to them. In doing so, they are in effect shuttering windows onto the world. Limiting what is possible. So, yes, a civic and humanitarian commitment and a motivation to serve the public absolutely enrich legal practice.

¹ https://www.americanbar.org/groups/legal_education/resources/pre_law/

I'd like to think that people can expand their understanding of their own cities first, the places they call home; whether they're lawyers, nurses, accountants, or poets. Place has a certain unavoidable centrality to

our lives. The stakes are too high for urban lawyers to be isolated and civically disengaged. The aim for legal education and practice, I believe, should be to bring life closer to the law and the law closer to life.