

***Case Study of the Washington Legal Clinic for the Homeless  
with a focus on the***

***LEGAL ASSISTANCE PROJECT (LAP)<sup>1</sup>***

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The Legal Assistance Project (LAP) is the cornerstone of what the Washington Legal Clinic (Legal Clinic) for the Homeless does. It is the reason why the Legal Clinic came into being in 1987. Today, 30 years later, it remains fundamental to the Legal Clinic's mission and it informs the organization's systemic advocacy agenda.

The objective of this attachment to the case study is to bring this program alive based on interviews carried out with the Director of the Legal Clinic; the Legal Clinic Volunteer Coordinator; five attorneys on the Legal Clinic staff who have taken on their own cases and serve as case counselors for volunteer lawyers; one staff attorney who spends time at all intake sites; twelve volunteer lawyers who do client intake and take on cases; two individuals at a location where client intake is carried out; and two clients.

This document is divided into five sections:

- The Legal Assistance Project in its early years
- The Legal Assistance Project today
- The Legal Assistance Project in action
- Perspectives on the Legal Assistance Project
- What can be learned from the Legal Assistance Project

***1. THE LEGAL ASSISTANCE PROJECT IN ITS EARLY YEARS***

***The Washington Legal Clinic for the Homeless starts in 1985 as an Ad Hoc Committee for the Homeless under the auspices of the DC Bar***

What is now the Washington Legal Clinic for the Homeless started informally in the summer of 1985 when DC Attorney David Crosland convened the Ad Hoc Committee for the Homeless under the auspices of the DC Bar. Homelessness was becoming an increasing problem in DC. Mitch

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<sup>1</sup> When the case study is completed this will appear as an attachment to the case study Reference Document. A summary will appear in Chapter 2 of the Reference Document. All quotes have the prior approval of each individual quoted.

Snyder and others, based in Washington DC, were committed to bringing the issue of homelessness to the nation's attention. By December of 1985 the Ad Hoc Committee had held its first recruitment session for volunteer lawyers at the DC Bar. In early 1986 pro bono lawyers began to serve at four pilot intake sites.

In the summer of 1986 the DC Bar Foundation made its first grant to support the Ad Hoc Committee for the Homeless. The DC Bar leadership and its Office of Public Service Activities (now known as the DC Bar Pro Bono Center) lent their full support to the project. In the fall of 1986 the Ad Hoc Committee hired its first staff person as coordinator.

Patty Mullahy Fugere -- a member of the Ad Hoc Committee, one of the Legal Clinic's founders and a member of its Board until becoming the Executive Director of what is now the Washington Legal Clinic for the Homeless in 1991 -- recalls the factors that went into deciding how to best reach out to DC's homeless population:

*We explored different options about how lawyers could provide value added. What rose to the top was the need for lawyers to do direct representation for clients experiencing homelessness in a way that would break down barriers that were preventing homeless clients from getting a lawyer.*

*To overcome these barriers we designed a program to get lawyers out to the communities where our clients were already connected to other services: shelters, meal programs, day centers, medical facilities. We wanted to be in the clients' turf and in their comfort zone. We wanted to be more accessible in a low barrier way.*

In the early days the Legal Clinic focused primarily on doing intake and then linking clients with other programs – legal services providers and law schools. However, its founding members soon realized that this approach was not viable. There were not enough referral resources, and making those linkages was presenting additional barriers, given that the providers were not set up to address the unique legal issues that confront DC's homeless population.

### ***The Washington Legal Clinic for the Homeless is born in 1987***

In May of 1987 the Ad Hoc Committee became the Washington Legal Clinic for the Homeless, an independently incorporated non-profit organization. The Mental Health Law Project (now the Bazelon Center for Mental Health Law) served as fiscal sponsor until the Legal Clinic received tax-exempt status.

In the fall of 1987, Georgetown University Law Center (GULC) students, led by Jeff Schwaber, hatched the idea of holding a basketball game pitting members of Congress against Georgetown Law Faculty to raise money for the Legal Clinic. The event, known as Home Court, generated \$42,000, making it possible for the Legal Clinic to hire its first full-time staff attorney in 1988.

Patty observes:

*That's when we got serious about volunteers taking cases and providing follow up representation, rather than doing intake and placing our clients with other organizations. This got us into a*

*better position to begin to provide training, mentoring, and quality control, and the analysis needed for some of the cases.*

The Legal Clinic soon added a volunteer coordinator to its staff, to leverage more effectively the pro bono support offered by members of the DC Bar.

### ***The Legal Assistance Project grows and evolves***

Scott McNeilly was hired as a staff attorney in April of 1994. He was initially responsible for some of the individual casework related to litigation being carried out in collaboration with local law firms. When the staff attorney responsible for the Legal Assistance Project left six months later, Scott took on his responsibilities as well.

Scott recalls:

*At that time case counseling was more superficial, far more reactive. We would diligently try to return calls from the volunteer lawyers. Since we didn't have email back then, we would provide our best advice over the phone and send a sample by fax. I spent time with new volunteers at their first intake. However, our experienced volunteers were pretty much on their own.*

*Over the years we saw our intake sites ebb and flow as some closed down and others opened. As we hired new staff attorneys each took on their own cases, and we increased the number of lawyers providing case counseling for our volunteers. That direct exposure to our client's issues, in turn, informed their other activities in advocacy or litigation.*

*As time went on our cases became more complicated. With increased staff, experience, and the acquisition of new tools (an electronic case management system, accumulation of specific materials/guidance, and the advent of email), we were able to improve our ability to respond to more complex cases while at the same time improving the quality of our one-on-one interactions with volunteer lawyers on a timely basis.*

Marta Beresin, who was a staff attorney with the Legal Clinic from 2000 until 2016, after working with the Homeless Persons Representation Project in Baltimore (which delivers services that are similar to those of the Legal Clinic), reflects on her dual role doing both client representation and policy advocacy.

*I joined the Legal Clinic because I wanted to work in my own community -- DC -- and I liked several aspects of the Legal Clinic's approach to lawyering.*

*Each attorney is engaged in general practice, which enables us to represent clients holistically. I can assist a family struggling to enter shelter, then help them access benefits, and also represent them later if a housing issue arises. This helps us form long-term relationships with clients and makes them feel more comfortable seeking assistance. This approach is especially essential for clients in crisis.*

*Because the Legal Clinic doesn't accept government funding attorneys don't have to screen clients for financial eligibility or DC residence. This goes a long way towards building trust with clients and breaks down barriers homeless folks often face to receiving assistance from more traditional legal services organizations and from government agencies.*

*And most importantly, I liked the fact that all staff engage in policy advocacy, which we can engage in more freely because we don't receive government funding. And nobody is doing policy work without speaking to clients and being directly informed by their perspective. Our policy advocacy is directly centered in the lived realities of our homeless clients.*

## **2. THE LEGAL ASSISTANCE PROJECT TODAY**

By 2017, thirty years after the Washington Legal Clinic for the Homeless began, the Legal Assistance Project has evolved into a robust and well-organized program that reaches out to DC's homeless population where they are. In 2016, Legal Clinic staff and volunteer attorneys opened 966 client matters. Cases centering around shelter issues were the most frequent case matter (270), followed by cash benefits (133), housing subsidies (122), and landlord/tenant disputes (72). Other cases ran the gamut from civil and police/criminal cases to employment, immigration, medical/health, and client IDs. The nature and frequency of cases on a given year in large part reflects the legal challenges that the homeless are experiencing at that time.

LAP has a full-time volunteer coordinator, a staff attorney who is present at all intakes, and a team of four staff attorneys who provide case counseling to the volunteer lawyers in order to ensure that they are well-equipped to handle cases that are outside of their day-to-day practice areas.

### ***Recruiting and training new volunteer lawyers***

Every three months, anywhere between five and forty lawyers and legal assistants who are interested in becoming a part of the LAP program participate in a 5-hour training program for new volunteers. The location rotates among participating law firms that typically provide a large conference room for the training and make arrangements for refreshments and lunch. Following the session, and once each trainee has selected a site at which he or she will do intake, the staff attorney assigned to that site will accompany the new volunteer lawyer to his or her first intake session to orient them to the site and the intake process.

The training includes a sequence of presentations and interactive activities designed to provide participants with insights into the client community they will be assisting (why people fall into homelessness, an appreciation for the fact that this often happens due to circumstances outside of their control) and the multiple challenges that people experiencing homelessness face. In addition to equipping trainees with important basic information on homelessness in DC, the training includes presentations from Legal Clinic staff on topics related to substantive issues they are likely to encounter once they start conducting intake: Shelter and Supportive Housing, DC Housing Authority & Public Housing and Vouchers, Intake and Case Handling, Social Security Benefits, and Program Logistics & Scheduling.

At the training, each trainee receives an Intake Guide – generously printed by the host firm. The Intake Guide is an approximately 230-page manual that has been developed over the years, and is updated annually. In addition to hardcopies being distributed at New Volunteer Trainings, the Legal Clinic makes the Intake Guide available on its website.

Susan Bender, a lawyer in private practice who has been volunteering her services with the Legal Clinic for 3 years at Thrive DC, reflects on the training she received in June 2014:

*The training took place at a law firm near Dupont Circle. There were a lot of [federal] government attorneys along with lawyers from the private sector. Patty gave an inspirational speech. She also took us through an exercise addressing the challenges faced by many homeless persons who lack a safety net. Other senior staff attorneys gave substantive presentations. They also gave us manuals that provided guidance on how to do intake as well as substantive information on cases we were likely to encounter.*

*I found the training to be inspiring and helpful.*

### **Selecting and staffing intake sites**

Washington, DC has an extraordinarily generous pro-bono culture, from which the Legal Clinic has been privileged to draw. Volunteer lawyers who have stepped up to the plate come from law firms, federal government agencies, and other organizations that have pro-bono programs.

Some clients contact individual Legal Clinic staff members directly, based on referrals. Others have heard about the Legal Clinic and call the main line for assistance. They may be referred to an intake site if the legal issue is a matter that volunteers can handle, or in urgent matters needing immediate attention, to a staff attorney who is assigned as Attorney of the Day. In some instances, the Legal Clinic may refer callers to another legal services organization that is better situated to provide the needed assistance. For most, the first point of contact with the Legal Clinic takes place at an intake site – a day center, dining program, or health clinic. Intake sites have evolved over the years in keeping with the opening and closing of locations where services are offered to DC's homeless population.

Some volunteer lawyers have been conducting intake faithfully for years, on a very regular schedule. Others come when their workload permits. Some come for a short time and leave due to new job opportunities elsewhere. Intake sites located in areas near where lawyers work tend to be the easiest to staff. The number of law firms, government agencies, and lawyers drawn from other sources varies by year. In 2016, twelve law firms, two government agencies, and two private groups or associations adopted specific intake sites; these adoption partners commit to staffing an intake site on a regular basis.

Each site adoption partner approaches its relationship with the site they have adopted in its own way. Some have a large pro bono program staffed full-time by a lawyer who coordinates all pro bono activities including intake for the Legal Clinic. Some law firms encourage all lawyers to provide a certain number of pro-bono hours a year. At others there is not a strict hour-per-year policy; however the firm leadership usually has made it very clear that pro-bono work is a

priority. Staff members at each site provide a range of supports to the Legal Clinic volunteers. While the support that the lawyers receive from each site varies from site to site, it can include: identifying a specific confidential space for the intake, lining up individuals at the site who would like to receive assistance with legal issues, and other miscellaneous logistical issues. In 2017, the Legal Clinic has added a lawyer to assist volunteer lawyers with intake triage, referrals, and provide other types of support.

At the end of each intake the volunteer lawyer or lawyers sends a list of the cases they have identified and how they propose to address each to their Legal Clinic staff case-counseling attorney. As needed, the lawyer receives advice from the case counseling attorney on how to proceed, along with any forms, samples, or contacts that may help with the client's issue. When the case is closed, the lawyer handling the case sends the client a closing letter summarizing the representation and sends a copy of that letter to the Legal Clinic case-counseling attorney.

### ***How the intake process works***

John Jacob, President of the Legal Clinic Board of Directors and a volunteer lawyer since 2006, reflects on how his law firm, Akin Gump Strauss Hauer & Feld, approaches intake, case assignment, and case management. Akin, Gump is a large law firm based out of Washington DC with offices around the world. The firm has been doing intake once every other month at Miriam's Kitchen since 2006.

*Our Chair is a huge advocate of pro-bono work. While Akin Gump does not mandate **pro bono** work, attorneys average 100 pro-bono hours per year.*

*I was on the pro-bono committee. The partner in charge of **pro bono** asked me if I was interested in leading a team that would do periodic intakes for the Legal Clinic. I went with Scott to Miriam's Kitchen where we sat down and met Catherine Crum (former Executive Director of Miriam's Kitchen) to learn a little more about what Miriam's Kitchen does. We talked to Catherine about everything they do with clients. We saw where they do intake in the back hallway. We had never done anything like this.*

*From that point on we began doing intakes at Miriam's Kitchen every other month. At the beginning, I asked Scott to sit in to make sure we were providing appropriate counsel and advice. Within a short period of time we had a team of 12 attorneys. We are a constantly evolving team of people. Some move away. Some get involved in other projects.*

*We do intakes from 7:30 – 8:30 am on Wednesdays. We always schedule a 10 am meeting back at Akin Gump after the intake. The two people doing intake return and present the cases. We figure out who will help from whoever shows up that day. Once we assign the case we always have two people: a senior person and a more junior attorney, with the senior person providing oversight. If the case is relatively small, a couple phone calls, we may have one attorney do it.*

*At the end of each meeting I collect the intake documents and prepare and send an email to Scott that includes all intakes, names of clients and who at Akin Gump will work with them. If we have questions for Scott he responds within 24 hours and I share his responses with*

*relevant members of the team. At the end of each case there will be a closing email that goes to Scott.*

Some federal agencies have a slightly different approach. Jay Owen has been a lawyer with a federal agency for 10 years. Almost immediately after he was hired he looked for volunteer opportunities. He found the Legal Clinic, took the training which he really enjoyed, and started doing intake, first at Miriam's Kitchen and subsequently at the Unity Health Clinic at CCNV.

Jay reflects on the experience:

*My agency is incredibly supportive of having its lawyers and paralegals do pro-bono work. The limitation is that we cannot take on cases that are averse to the United States. This means that, when we encounter a Social Security of Social Security Disability case when we do intake, we are obligated to pass it along. Most of us do intake during our lunch hour.*

*We have a core of 10 lawyers, sometime more, who are involved in intake and follow-up; and some 20 paralegals. One lawyer comes to each intake accompanied by two paralegals. The lawyer and paralegals who do intake usually follow the cases.*

*After intake, we send a summary of each case to our case-counseling attorney at the Legal Clinic describing the case and our recommended course of action. Usually within 24 hours we receive a response telling us whether the case-counseling attorney agrees with the proposed course of action providing additional guidance along with forms that we will find useful.*

*Many of the cases we take on at Unity Health Clinic are housing related. Sometime the case leads to a hearing. More often what is involved is relationship counseling, telling clients what their rights are, helping them file an appeal. Other cases involved issues that aren't technically legal. We have clients who need help understanding the system. Some come with banking issues.*

Rachelle Rafael works part time for a small law firm and devotes the rest of her time to her private practice, which gives her flexibility. For Rachel doing pro bono work provides her with an opportunity to learn. She has a passion for social justice. Rachelle does intake once a month or once every other month at one of the LAP community intake sites.

*The DC Bar put out a notice of the Legal Clinic's quarterly orientation in 2014. It just popped up, so I called and signed up.*

*My first case was someone thrown out of a shelter. The procedure is that within 24 hours after intake I email everything to Becky, my case counseling attorney at the Legal Clinic. She gets back to me and goes over it. We agree what will we do. Becky is extremely helpful. If she doesn't know she will get the answer or refer me to someone*

*else such as Scott.*

*My most frequent cases are people who have lost their benefits: housing vouchers, or SSI. I have been able to help with more success than failures. I also get other kinds of cases. Sometimes I get people who I can't help. I get a fair number of non-English speakers; Jessica [from the intake site staff] has been able to help and Gabriel [also from the intake site] helps a lot.*

### ***A new role is added to support the Legal Assistance Project.***

In January 2017, and as a result of reflections among staff attorneys about ways to improve LAP programming, the Legal Clinic hired an additional staff attorney, Akela Crawford. Having served as a volunteer lawyer, Akela was already familiar with the LAP program. Unlike other staff attorneys who are responsible for overseeing one or two intake sites, Akela is responsible for attending each intake session. While at intake, she has four roles: (1) assist the volunteer lawyers as needed with intake; (2) look for opportunities to involve clients in ongoing Legal Clinic advocacy efforts; (3) observe the intake process from a cross-cutting perspective and, in the process, detect trends; and (4) help facilitate referrals in instances where the problem is best addressed by another entity.

Akela describes what she has done to date:

*I help the volunteer lawyer by making intake a more efficient process. I do triage, ascertain what the prospective client's legal issue is before each client meets with the volunteer lawyer. I'm also there to answer any questions the volunteer lawyer has and as needed assist with the intake process.*

*After intake, the volunteer lawyer and I discuss whether there have been any cases that day that go hand in hand with the Legal Clinic's advocacy and policy work. I suggest that the volunteer attorney send their case counseling attorney an email summarizing intake for guidance on next steps. I also help connect clients who want to share their stories.*

*With regard to the latter, I recently met a client who has received extremely poor treatment from the Virginia Williams Family Intake Center. The client felt very strongly that it was important to share her story broadly so that others won't have the same experience. I was able to connect her, through a connection provided by another staff attorney at the Legal Clinic, to a journalist who wants to interview families to learn about their experiences at the Virginia Williams site. She is ecstatic to have this opportunity.*

*Finally, as the only Legal Clinic staff lawyer who goes on a regular basis to all intakes I am in a position to detect issues and trends across intake sites that we may want to consider within the context of our ongoing effort to constantly improve the program.*



### **3. THE LEGAL ASSISTANCE PROJECT IN ACTION**

While the primary role of the volunteer lawyers is to provide legal advice it is the expectation of the Legal Clinic that its lawyers will assist individuals seeking services even if what the client needs doesn't always involve legal advice and assistance.

To illustrate what the lawyers do, four cases are described below:

#### ***Sometimes you have to be patient, determined, and convinced that eventually you will win your client's case***

Some cases are quickly resolved, some take several years to be resolved. The fact that Scott McNeilly has been providing legal support to a client for 9 years, and the case still hasn't been resolved, doesn't stop Scott from continuing to try to prevail.

G.W. was a homeless veteran when he connected with Scott 9 years ago. He had diabetes, sciatica, and other health issues. With the help of a prior lawyer he was able to get interim disability assistance (IDA) that paid him \$233/month. He was, however, making no progress in receiving Social Service Disability Insurance (SSDI) along with the back benefits he deserved. When Gary's lawyer moved out of town, he connected Gary to Scott.

Mr. W. reflects on his experience with Scott over the years:

*Scott didn't understand why they kept turning me down. He suggested that I file for SSI, which would increase my income to \$731 a month, which I did. Scott kept fighting. He sued for SSDI back pay. He sent my case to an appeals judge, who determined that Scott was right, that I should have gotten disability. The appeals judge sent his determination back to the judge who had denied my disability and he turned me down again. We kept appealing.*

*Scott continued to fight. We got further positive determinations: you do qualify for SSDI but always there is some technicality that makes my judge turn it down. Scott filed more paperwork. We went in front of the judge. We are still filing for disability including back payments.*

*Scott goes the extra mile; he is determined to get things done. He's adamant about his job. He wants to win the case. This case is crazy but he still wants to continue to get it done.*

#### ***It makes a world of difference when your case counselor connects you to the right government employee to cut through the bureaucracy for a client.***

Claire McGuire has been volunteering with the Legal Clinic for more than 15 years. She was among the first group of lawyers employed by the Federal Government to do pro bono work after Attorney General Janet Reno implemented President Bill Clinton's 1996 Executive Order permitting lawyers to do pro-bono work. Although federal government attorneys have some

restrictions on the types of cases they can handle (they must avoid cases that involve the federal government as a possible adversary), there are many pro bono matters they can effectively handle.

Claire retired from the Federal Government in 2009 and the World Bank in 2014. She now does consulting work with the World Bank. When she is in DC she takes on cases. She reflects on a recent case she received where a client's Social Security payments suddenly stopped and Social Security was trying to collect an alleged overpayment from the client's representative payee, his mother.

*A young man, who had been getting Social Security since he was a child through his parent's Social Security, turned 18. His mother was his representative payee and received notice from the Social Security Administration that there had been an overpayment on his account and that they would have to collect the overpayment made. He came to one of the Legal Clinic intake sites and asked for assistance in getting the alleged overpayment waived.*

*He came to intake with quite a bit of correspondence. The case was very complicated. I was eventually able to connect with the Social Security office in Southeast DC. I sent them an email and they assigned someone to his case.*

*The young man was confused by the correspondence from Social Security which was not at all clear as to the basis of the determination that an overpayment had been made. I accompanied him to the Social Security office. A helpful staff member there had gone through his file. She said, 'Let me explain what happened. Your mother got a letter'. The young man said his mother never told him about this particular letter and he was quite sure she would have. We were given a copy of the letter so that he could add it to his file.*

*As it turned out his mother had checked a box saying he was not using the Social Security income for rent. This was because he lived with his mother, his representative payee, and she used that money to pay for his living expenses. Somehow Social Security interpreted his mother's checking of a box in response to an ambiguous question as proof that the money being sent to him was not being used to support him anymore.*

*He and I looked at each other. I said to the woman at Social Security 'Who would have understood this?' The staff member worked on getting the revisions. Ultimately Social Security wrote to him and said they would not be collecting back payment.*

*The key was finding the right person. At the end of the day it got resolved because my case counselor at the Legal Clinic, Ann Marie, knew someone I could email at a Social Security office with responsive and helpful staff. That is what I want from my case counseling attorney.*

***There are times where you have to go all out to fight the system, and other times when the most effective thing you can do is simply listen.***

Larry Tanenbaum served faithfully as a volunteer lawyer at the Miriam's Kitchen intake site for more than a decade until he retired from Akin, Gump, Strauss, Hauer, and Field in 2016. The clients who came to him for assistance were homeless, many were from other countries, and many needed help with issues as basic as obtaining identification. Many also suffered from mental health issues, which often required Larry to also assist them with enrollment in appropriate programs.

In one case Larry took on a challenging issue that took him beyond the confines of the assistance usually provided through the Legal Assistance Project.

*There was a deaf gentleman from Ethiopia who was homeless and came to me with a unique (in my experience) and challenging problem. Through our discussion, which was aided by an interpreter, I learned that the client had been arrested while sleeping in Ronald Reagan Airport because someone accused him (falsely, as it turned out) of stealing an iPad.*

*After being arrested, our client was taken to the Arlington County jail where he was held for six months without being provided the benefit of a sign language interpreter. Consequently, our client was unable to effectively communicate during the time he was in jail, which resulted in injuries and damages that we tried to recover by filing suit in federal district court in Alexandria against the Arlington County Sheriff Department and others.*

*Once the assistant US attorney in the Eastern District of Virginia learned of our case, he initiated a separate DOJ investigation of how our client was treated. Ultimately, all parties agreed to settle the controversy through a settlement agreement, which included a substantial monetary payment for our client.*

And, as Larry reflects below, there were times when one of the most important things he could do was listen.

*I paid special attention to those with issues of mental illness. Often they didn't have a legal problem. The biggest service I could do was listen to them. When they go through their day, they are frequently shunned by the public. People won't listen to them; they dismiss our clients' attempts at conversation as unwanted intrusions on their time....*

*There was one gentleman who would frequently come in and say he had a legal issue to discuss but, when we went over his issue, it was clear he had no legal problem at all. He really just wanted to talk. So I came to an agreement with him – when I am at intake, just sign up and come in and talk for ten minutes; you don't have to pretend you have a legal issue. We can talk about whatever you want (but only for 10 minutes because there were many other people for us to see.)*

***There are cases where time is of the essence: you must act quickly and decisively to resolve the client's immediate issues.***

Until his 2017 retirement, Wes Heppler was a senior partner at Davis Wright Tremaine and a long-time member of the Legal Clinic's Board of Directors. He has volunteered his services at the Legal Clinic since the Legal Assistance Project began. He also served as President of the Legal Clinic Board for sixteen years.

Wes reflects on a recent case where he was able to defuse a situation where a family of five would have been thrown out on the street had he not intervened immediately.

*A family of 5, with a Section 8 voucher, were evicted from their house and put in a motel room until they could find other housing. After living in the motel for 5 months the family had not been successful in finding a landlord willing to take a Section 8 voucher.*

*The Legal Clinic, through its Legal Assistance Project, became involved when the family had a heated discussion with a case manager from the Department of Human Services (DHS). She found that they were cooking using a hot plate in their hotel room and went to tell them that they couldn't use it. The husband threw the hot plate on the bed, it fell off, and accidentally hit the case manager in the leg. The case manager called security who arrested the husband and turned him over to the DC police for assault and battery. The case manager submitted a report to be used as a basis for terminating the right of the family to temporary shelter.*

*In order to address the case manager's attempt to terminate the family's right to temporary shelter, I met with the family, a DHS representative, and a mediator. I argued that the case was an example of a misunderstanding. The family was frustrated. What happened was not a basis for termination of temporary shelter since the alleged act was not violent. I threatened that if the decision was to evict the family we would challenge such a decision through a formal hearing and beyond.*

*The mediator suggested that the family be moved to another motel so that they won't have to deal with the case manager. I countered that this was not appropriate given that the children would have to transfer to another school. DHS ultimately agreed to find a new case manager for the motel and we achieved a settlement. Fortunately, the family was able to secure new rental housing through their Section 8 voucher two months later.*

## **4. PERSPECTIVES ON THE LAP PROGRAM**

This section provides perspectives from:

- A partner in a large law firm who has been volunteering for many years
- The Legal Assistance Project volunteer coordinator
- A staff attorney at the Legal Clinic who serves as case counselor
- Counsel at a large firm
- Staff at one of the intake sites

### **A partner in a law firm who has been volunteering for 25 years**

Jim Rocap is a senior partner at Steptoe & Johnson. He is highly regarded by his peers and by the Legal Clinic staff for his extraordinary legal skills, commitment to doing intake and taking on difficult cases. Jim reflects on what he likes about volunteering his services:

*A lot of lawyers would prefer to do the bigger stuff, the more significant stuff. For one of my Legal Clinic clients, though, what I am doing for him or her is extremely important, even life altering. In the larger scheme of things, it may appear to be a small matter, but not for the client.*

*My one-on-one contact with my clients keeps me humble. I see people struggling in ways in ways that I don't think I could survive. I want to help them with some very direct issues they are dealing with.*

### **The Legal Assistance Project volunteer coordinator**

Renata Aguilera Titus joined the Legal Clinic as the Volunteer Coordinator in early 2016. In early 2017 she was promoted to Communications Manager. While in her position as Volunteer Coordinator, Renata introduced a number of improvements to the Legal Clinic's quarterly training program for new lawyers.

*There is a lack of ego; we don't approach issues with the mentality of 'we know best, this is the way to do it.' It's more about being creative, and figuring out the best ways for us to be present and of service to our community.*

*We bat ideas around collectively, some of which are used, and some not. Depending on the context, ideas that are used might not be implemented right away – we might have to build toward them. I think there is always openness to new ideas as long as the goal is to provide good quality services.*

### **A staff attorney at the Legal Clinic who serves as a case counseling attorney**

Becky O'Brien reflects on the support she receives from Thrive DC, one of the intake centers she oversees:

*I currently case counsel cases that come through intake at Thrive DC. Thrive DC staff has been remarkable and extremely supportive of our legal program and our clients. It is a unique relationship where lawyers and social service staff can be in the same space working together to meet the needs of our shared clients.*

*The volunteer attorneys who I supervise are inspiring. They seek ways to say yes to clients and tirelessly work to advocate for what our clients want. My role is to supervise and guide volunteer attorneys who take on legal takes through intake, but I am constantly learning from them.*

*Among my biggest satisfactions working at the Legal Clinic is the people who I have been able to meet, to work side by side with, and represent. I am constantly in awe of our volunteer attorneys, our social service partners, and our clients who are some of the most amazing people that I will meet.*

### **Counsel at a large law firm**

Carolyn Perez joined Akin Gump directly out of law school 9 years ago. One of the things that was attractive to her about Akin Gump is that they encourage pro bono work. Carolyn reflects on her experiences with the Legal Assistance Project.

*To me the Legal Clinic is the gold standard for pro-bono legal services organizations. I have worked with many of the leading legal services organizations in the D.C. Metropolitan area, and I keep coming back to handling cases for the Legal Clinic. My work with homeless clients at the Legal Clinic represents some of the most rewarding work that I have done as an attorney. I believe there is no better use of an attorney's time and talents than to advocate for perhaps the most vulnerable of populations—our homeless clients.*

*I have benefited both professionally and personally from participating in the Legal Assistance Project. Professionally, volunteering with the Legal Assistance Project has provided me with terrific opportunities to build my legal skills. Junior attorneys in large law firms can greatly benefit from working with the Legal Clinic because there are opportunities to do substantive work that often do not exist with our billable clients when you are just starting out.*

*Through my involvement with the Legal Clinic, I learned so many substantive skills that I was able to translate to my billable work. For example, I learned how to interview clients and witnesses, manage a case from start to finish, take and defend depositions, collect evidence and build a legal argument, present oral arguments at hearings, put on direct and cross-examinations, write briefs, learn new areas of substantive law, and find solutions for clients on complicated legal issues.*

*Personally, I have learned so much from the Legal Clinic clients that I have worked with. Our clients face unimaginable challenges--losing their jobs, sexual abuse, being abandoned by their parents at a young age, bankruptcy as a result of medical bills, being raised in a cycle of drug addiction and violence, losing their home, living out of their car, and struggling with untreated mental illness. Yet, despite these challenges, our clients persist. They find the strength to keep going. Whenever I go to an intake, everything that matters in the world is put into perspective. I*

*have gained so much more than I have given through my work with Legal Clinic clients, and I am constantly inspired by our clients' hope and perseverance.*

### **Staff at one of the intake sites**

Catherine Crum recently retired from Miriam's Kitchen where she served as director of social services and executive director. She reflects on the Legal Assistance Project:

*They are smart and super resourceful. They are rock stars because they have such a history here in the dining room. They will go the extra mile for our guests and for what is happening in our organization. For me it's the consistency: you know they are coming at 7:30 am on Wednesday.*

Bob Glennon, who is directly in charge of operations of Miriam's breakfast and dinner program, adds:

*What impresses me most is how the Legal Clinic orients the volunteer lawyers. Every time a lawyer comes for the first time Scott comes and they shadow him. Shadowing is very important. If two attorneys come, one is a veteran and another is newer.*

## **5. WHAT CAN BE LEARNED FROM THE LEGAL ASSISTANCE PROJECT**

The Washington Legal Clinic for the Homeless is currently the only program in Washington DC specifically designed to provide legal services for the District's homeless population. There are many programs in DC and around the United States that provide legal services to the homeless; however, with some exceptions, these services are often part of a larger program.

The Legal Clinic's 30 years of experience and its philosophy, manifested in the operation of the Legal Assistance Project, provide important lessons learned for organizations that currently provide legal services to the homeless or are considering similar programs:

- **Meeting clients where they are.** When it was founded the Legal Clinic made the deliberate decision to serve clients where they are: at dining programs, at day programs, in shelters, at health clinics. Bringing lawyers to existing sites where people experiencing homelessness already go to receive services ensures individuals receive assistance in an atmosphere they trust and where they are comfortable.
- **Not accepting government funding.** By not accepting government funding, the Legal Clinic has no restrictions on the individuals it serves. A person who is homeless and needs legal assistance can participate in intake regardless of his/her income, background, or legal status in the United States. The Legal Clinic can also take advocacy positions on policy issues based purely on the impact on their clients, without considering the potential effect on funding sources.
- **There are advantages to having staff attorneys work with clients at the same time that they do policy and budget advocacy.** It is not unusual for an organization to work with

clients as well as engage in policy/budget advocacy. However, it is less common for the same staff attorneys to be engaged in both aspects of the work. At the Legal Clinic, what is learned from taking on individual cases informs policy and budget considerations. Similarly, what is learned from policy and budget advocacy can be of use in resolving cases.

- **Having a volunteer coordinator who takes on a comprehensive set of roles.** The Legal Clinic's volunteer coordinator takes on multiple roles: she is in charge of recruiting lawyers, organizing quarterly training programs, staffing the intake sites, and managing the data base for the Legal Assistance Project. This increases the efficiency and flow of activities and it makes new volunteer attorneys feel welcomed and supported.
- **The value of having each volunteer lawyer assigned to a Legal Clinic staff attorney who serves as case counselor.** In addition to receiving training, each volunteer lawyer is assigned a staff attorney who serves as the individual's case counselor. When the volunteer lawyer opens a case, s/he sends the case and plans for addressing it to the staff attorney to whom the volunteer lawyer is assigned. The staff attorney approves the course of action and provides advice along the way. Whenever the volunteer lawyers run into problems or need advice they have a place that they can go for assistance and with a quick turn-around.
- **Arranging to have law firms, government agencies, and others adopt intake sites.** Having law firms, government agencies, or other entities adopt a specific site and visit that site on a regular basis makes it easier to staff the site. It also facilitates the ability of the law firm to recruit lawyers, distribute cases to a team, and form on-going relationships with social services staff at the site.
- **Being agile and flexible when it comes to selecting intake sites.** Service delivery programs for the homeless come and go. Some move their location and some, for various reasons, find they have to close their doors. It helps to be constantly keeping an eye out for service delivery programs for the homeless that have potential to be future intake sites.
- **When staffing a new intake site, select times that are convenient for both volunteer lawyers and clients.** Some lawyers prefer to conduct intake early morning before going to work. Others find it more convenient to come over lunchtime. Others prefer to come toward the end of their workday. It goes without saying that the selection of the time for intake has to coincide with when clients will be present and that a variety of different possibilities will ensure all volunteers have a reasonable option.
- **Geographical location is a big factor in scheduling volunteer lawyers to staff intake.** The volunteer coordinator faces little difficulty in scheduling volunteers for intake at Miriam's Kitchen, which is located in Foggy Bottom near a number of large law firms, and the Unity Health Care Clinic at CCNV, which is situated close to the US Capitol, the US Department of Labor, and the US Department of Justice. However, it is an ongoing challenge to staff intake sites in areas of DC that involve a longer commute or are difficult to access by public transportation from the downtown area. Five Legal Assistance Project sites are currently in the Northwest quadrant of Washington DC, and one is in the Northeast quadrant, east of the



Anacostia River. As this chapter is being written the Legal Clinic is beginning to take steps to set an intake site in SE DC, and is working to address logistical challenges.

- **The need to constantly assess the program and make improvements.** The Legal Assistance Project has undergone many changes over the years: in the locations of sites, in the design of its training program, in the way case management is carried out. And it will continue to grow, change, and improve its response to the needs and struggles of DC residents experiencing homelessness for many years to come.