

CASE STUDY

What Defines the Washington Legal Clinic for The Homeless?

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Executive Summary

Between July 2016 and July 2017 Dr. Marcia Bernbaum carried out an in-depth case study of the Washington Legal Clinic for the Homeless (Legal Clinic). In order to do so she interviewed 73 individuals from within and outside of the Legal Clinic. She also attended a number of Legal Clinic events.

Of specific interest were the following:

- Identifying the extent to which the Legal Clinic has been able, since it began in 1987, to adapt to the rapidly changing panorama of challenges that DC's population experiencing homelessness faces as well as the organizations that deliver services to this population.
- Identifying the extent to which, over its first 30 years of existence and in the midst of the changes in the external environment, the Legal Clinic has been able to maintain its mission along with the culture and values contained within its mission.
- Identifying the Legal Clinic's strengths and the challenges it has faced and continues to face.
- Identifying lessons learned from the Legal Clinic's experience that are applicable to the Legal Clinic as it continues into its fourth decade as well as for other organizations, within and outside of Washington DC, whose primary objective is to defend the legal rights and advance the interests of low-income individuals and families as well as individuals and families experiencing homelessness.
- Obtaining from the individuals interviewed for the case study their views on what they saw are being the primary areas of focus for the Legal Clinic as it enters its fourth decade.

The methodology of the case study was primarily qualitative: observing at Legal Clinic events and seeing the Legal Clinic through the eyes of a variety of individuals who have in one way or other been related to the Legal Clinic: current and former members of the Legal Clinic's staff; current and former members of the Legal Clinic's Board of Directors; clients who have benefited from the Legal Clinic's services; and individuals from outside of the Legal Clinic who have collaborated with the Legal Clinic over the years. This case study is in no way meant to be an evaluation of the Legal Clinic. Had this been the objective, the methodology would have been different.

The key findings of the case study are as follows:

- Since its inception in 1987, the Legal Clinic has been able to deftly navigate the increasingly complex panorama of challenges facing DC's low-income population and those experiencing homelessness, delivering legal services that have met and continue to meet the needs of these populations.
- The Legal Clinic has remained true to its mission: *use the law to make justice a reality for our neighbors who struggle with homelessness and poverty.*
- The Legal Clinic has also remained true to its culture and values; it is this culture and these values which define the Legal Clinic as it is known today.
- Like all organizations, the Legal Clinic has faced and continues to experience challenges. Some are the flip side of its strengths; others are factors in the external environment outside of its control.
- As the Legal Clinic moves into its fourth decade it is likely that it will continue doing what it is already doing in its four areas of focus: (1) client representation; (2) systemic advocacy with a focus

on affordable housing; (3) program and policy advocacy; and (4) client education and engagement. Those interviewed for the case study would like to see the Legal Clinic expand its services in systemic advocacy with a focus on affordable housing, and client education and representation.

- While it is anticipated that the Legal Clinic will grow in terms of increased staff, it is expected that this growth will be incremental and on a small scale.

The Legal Clinic made me feel like family. They had an open-door policy. I was always able to get in contact with someone. And they have always come through for me, always. They gave me my voice. They showed me what I needed to do for myself. You can't depend on people. You can't just wait for them to fix the problem. I need to find out what's wrong with Donna to fix the problem.

Donna Alston, a single mother who was formerly homeless

As a result of Homeless 101 I look at them differently. It definitely changed my point of view. They need to be respected, I am able to put away that pre-judgment and ask if they need help. Sometimes they have had a bad day.

DC Metropolitan Policy Officer Jason Huang who received Homeless 101 training as a recruit

The Legal Clinic is different from a lot of organizations; they are willing to push the envelope. They don't shy away from taking unpopular positions. Other organizations are risk adverse. They are not willing to put their reputation on line.

Monica Kamen, Co-Director of the Fair Budget Coalition

1. Introduction

The Washington Legal Clinic for the Homeless (Legal Clinic) had its origins in a meeting convened in August of 1985 by then DC Attorney David Crosland of the Ad Hoc Committee for the Homeless under the auspices of the DC Bar. Homelessness was increasing in the District and around the nation. Mitch Snyder and other activists, based in Washington DC, were committed to bringing the issue of homelessness to national attention. In December of 1985 the Ad Hoc Committee held its first recruitment session for volunteer lawyers at the DC Bar. In early 1986 pro bono lawyers began to visit four pilot intake sites weekly in order to meet with people experiencing homelessness and others to see how they could assist them with their legal challenges.

Patty Mullahy Fugere -- a member of the Ad Hoc Committee for the Homeless, one of the Legal Clinic's founders and a member of its Board until becoming the Executive Director in 1991 of what is now the Washington Legal Clinic for the Homeless -- recalls the factors that went into deciding how to best reach out to DC's population experiencing homelessness, one of several factors that have come to define the Legal Clinic and which are embedded in its Mission Statement:

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 on the client's turf and in their comfort zone. We wanted to be more accessible in a low barrier way.

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.

In May of 1987 the Ad Hoc Committee became the Washington Legal Clinic for the Homeless, an independently incorporated non-profit organization whose mission since its inception has been to “use the law to make justice a reality for our neighbors who struggle with homelessness and poverty.”

This case study is the story, told 30 years later, of how the Washington Legal Clinic for the Homeless -- adhering to its founding mission -- has grown and evolved to become the organization that it is today. A key focus in this story is the culture and values that define the Legal Clinic and which have shaped the way in which it has grown and evolved.

The Legal Clinic has among its many admirers clients who have benefited from its services and individuals and organizations that have collaborated closely with the Legal Clinic over the years. Because it is “willing to push the envelope” and it is “not shy from taking on unpopular positions” where they believe that the rights of individuals struggling with homelessness and poverty are being denied, the Legal Clinic also has its share of organizations in both the public and private sectors that believe that they have been unfairly targeted by the Legal Clinic.

As of the time of drafting this case study the Legal Clinic has an annual operating budget of just under \$2 million, 15 staff, 22 Board members, and a cadre of approximately 250 volunteers: lawyers and legal assistants who provided client representation under the Legal Clinic’s Legal Assistance Project, as well as law students and others who do outreach to families seeking shelter.

Since its inception, Georgetown University Law Center students have played a key role in raising funds for the Legal Clinic through organizing Home Court, a basketball game that has taken place every Spring where the “Hoya Lawyas” (Georgetown University Law Center faculty) take on the “Hill’s Angels” (Senators and Congressmen and their staff members on the Hill). In addition to providing a venue for merriment, entertainment, and yes fierce competition between the two teams, the Legal Clinic’s Board of Directors has used Home Court as a mechanism for raising funds for the Legal Clinic. In 2017 the Home Court raised over \$1 million dollars, more than half of the Legal Clinic’s operating budget.

Over the years the Legal Clinic has received a number of awards and commendations. They include a commendation in 1993 from President Clinton in his Volunteer Action Awards Program, and recognition from advocacy partners such as People for Fairness Coalition (PFFC) and Shelter, Housing and Respectful Change (SHARC) Individual staff members have been honored for their efforts, as well.

2. Case study objectives and methodology

This case study is an attempt from a primarily qualitative perspective -- through the words of the individuals interviewed all of whom have been directly benefited from or been involved with the Legal Clinic's activities -- to tell the Legal Clinic's story.

Of particular interest in this story are four themes:

1. How the Legal Clinic has responded over the years to the increasingly complex panorama that defines homelessness and homeless service delivery in the District.
2. The Legal Clinic's accomplishments since its inception along with the challenges that it has faced.
3. How the Legal Clinic has impacted the individuals it has served, members of its staff, and members of the Board of Directors.
4. The extent to which the Legal Clinic has, over the years, remained true to the culture and values that it defined for itself when it began.

This case study is NOT intended to be a comprehensive review of all of the Legal Clinic's programs and activities since its inception. Instead it draws from the Legal Clinic's programs over the years with the objective of highlighting the characteristics that define the Legal Clinic since its inception.

This case study is also NOT an evaluation of the Legal Clinic. Had the author been asked to do an evaluation, she would have -- based on a given set of agreed upon topics -- reached out to a broad swath of clients, DC government employees, and members of DC homeless service delivery community -- some that have had close contact with the Legal Clinic and some not-- in order to obtain their views on the selected topics and carried out a more in-depth analysis of the findings.

Seventy-three (73) individuals were interviewed for the case study. They include: current and former Legal Clinic staff; current and former members of the Legal Clinic's Board of Directors; clients who have received legal and other assistance from the Legal Clinic; lawyers volunteering with the Legal Clinic's Legal Assistance Project; and individuals working in organizations that have collaborated closely with the Legal Clinic especially in the area of affordable housing. Numerous documents were reviewed. The author also sat in on/observed several Legal Clinic events.

Readers interested in a more comprehensive review of the Legal Clinic's activities since its inception are encouraged to access the Reference Document which is available on the Legal Clinic's website. Annex A of the Reference Document provides information on the methodology used to collect and analyze information. Annexes B and C provide a more in-depth treatment of two of the Legal Clinic's programs: the Legal Assistance Project (Annex B) and Education & Client Representation (Annex C).

This case study is organized in nine sections, as follows:

1. Introduction
2. Case study objectives and methodology (this section)
3. The Legal Clinic's birth and evolution: 1987-2017
4. The Legal Clinic as seen from within
5. The Legal Clinic as seen from without
6. Impacts on clients; Legal Clinic staff; members of the Board
7. What defines the Legal Clinic
8. Challenges
9. The Legal Clinic moving forward

3. The Legal Clinic's birth and evolution: 1987-2017

The Legal Clinic came into existence in the mid-1980s in the midst of a turbulent time in Washington DC. In the 1970s individuals experiencing homelessness were beginning to appear on the streets in downtown areas of the District and by the 1980s and beyond their numbers continued to grow. They soon overran the city's limited social support structure.

As a stop gap local faith-based alliances, staffed primarily by volunteers, started delivering emergency services (food and shelter). Several also became involved in non-violent resistance to bring broad attention to the problem.

These organizations were joined by activists from around the country who had come to Washington DC to protest the Vietnam War, environmental issues, and demand social justice. Several joined the DC homeless movement to protest the conditions of the homeless and to push for needed government services

There were gains during the 1980s, thanks to pressure from the activists, such as the establishment of a year-round right to shelter in DC by voter initiative in 1984, and the passage of the McKinney-Vento Act which was the federal government's first comprehensive response to modern day homelessness. However, these gains were in part offset by dramatic cuts in social services under the Reagan administration that came into power in 1981¹. During the 1980s the DC government went into management disarray and, by the mid-1990s, it was in fiscal debt. This further limited the availability of funding to support programs to help people experiencing homelessness in the District.

In 1985 a group of lawyers, concerned about the plight of people experiencing homelessness in DC, convened under the auspices of the DC bar to explore how they as lawyers could contribute using their legal skills. As described in the introduction, this group evolved into the Washington Legal Clinic for the Homeless which was formally established in 1987.

¹ During the Reagan Administration funding for the Department of Housing and Urban Development, which finances low-income housing, was cut by 75%.

The Legal Clinic’s mission, established when it became an independently incorporated non-profit organization, has not changed over its 30 years of existence.

Mission of the Washington Legal Clinic for the Homeless

Our mission is to use the law to make justice a reality for our neighbors who struggle with homelessness and poverty. Combining community lawyering and advocacy to achieve our clients’ goals, our expert staff and network of volunteer attorneys provide low barrier, comprehensive legal services at intake sites throughout the District of Columbia, helping our clients to access housing, shelter, and life-saving services. Rooted in the experiences of this client work, we effectively blend system reform efforts, policy advocacy, community education and client engagement to advocate for long term improvements in local and federal programs that serve the low- and no-income community.

Since starting as an Ad Hoc Committee in 1985, and subsequently becoming the Washington Legal Clinic for the Homeless in 1987, the Legal Clinic’s objective has been to provide legal representation for clients experiencing homelessness “*on their turf and in their comfort zone*” by sending lawyers to places where clients were already connected with services: in shelters, at meal programs, day centers, medical facilities.

At its inception, the Legal Clinic took a conscious decision to not accept government funding, convinced that by so doing it might compromise its ability both to serve its clients in a low- or no-barrier way and, when ready to do so, adopt positions that may be unpopular, including taking on the DC government for not meeting its legal obligations.

When the Legal Clinic began, its exclusive focus was representing clients through its Legal Assistance Project (LAP). As it progressively increased its staff, and in response to needs emerging in the external environment, the Legal Clinic also became involved in “systemic” advocacy seeking program-wide reforms in addition to resolving an individual client’s legal issue, budget and policy advocacy, and community education and client representation. The remainder of this section tracks the Legal Clinic’s activities through the years in each of these four areas.

Client representation

The Legal Assistance Project (LAP) is the cornerstone of what the Legal Clinic 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.

When the Ad Hoc Committee of the DC Bar began providing client representation in the mid-1980s there were few other organizations that provided legal assistance to the underserved. Over the years more organizations have emerged, many of them also supported by volunteer lawyers.

While all provide valuable and needed services, there are a couple of characteristics of LAP that distinguish it from other legal assistance programs: (1) instead of clients having to travel to specific locations where they can meet with lawyers, the lawyers come to the clients -- at dining programs, health clinics, and day centers; (2) because the Legal Clinic will not accept government funding, they do not have to screen clients for financial eligibility or DC residence.

In its early years volunteers did intake and placed clients with other organizations that had the expertise to assist them. As the Legal Clinic added attorneys to its staff, the mode of operation changed, and some staff attorneys dedicated part of their time to serving as a case counselor to volunteer lawyers. Together they began to provide training, mentoring, quality control, and the analysis needed for some cases. Volunteer lawyers no longer only referred clients to other organizations. Rather, under the oversight of their Legal Clinic case counselors, they were able to provide follow up representation to their clients.

As time went on, 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), the Legal Clinic was able to improve its ability to respond to more complex cases while at the same time improving the quality of one-on-one interactions with volunteer lawyers on a timely basis.

Today, thirty years after the Washington Legal Clinic for the Homeless began, LAP has evolved into a robust and well-organized program which continues to reach out to DC's population experiencing homelessness where they are. LAP currently 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.

As of the date of drafting this case study volunteer lawyers were visiting five sites on a weekly basis and one site monthly to do intake. Law firms and several Federal government agencies have each adopted a site thereby increasing the possibility of providing continuity once they take on cases. While volunteer lawyers come and go, there exists a cadre of volunteer lawyers who have been doing intake for 10, 15, 20 years or more.

In 2017 cases centering around shelter issues were the most frequent case matter (211), followed by cash benefits (124), housing subsidies (102), and landlord/tenant disputes (59). 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 people experiencing homelessness are having at that time.

Systemic advocacy

When the Legal Clinic began in the mid-1980s, the District's population was in a steep decline². Following the riots in the District after Martin Luther King's assassination in 1968 upper and middle income families began leaving their homes in downtown DC and moving out to the suburbs. They were replaced by low income blacks and whites as well as immigrants from Central America fleeing violence in their countries. Slumlords purchased housing complexes in the District, many built during World War II to house families coming to DC. They also purchased small apartment buildings and single-family homes located in areas blighted by the 1968 riots biding their time until property values went back up and they could either rehabilitate them and sell them at higher prices or demolish them and replace them with complexes for individuals and families with means. In the meantime, they rented them to low-income individuals often deliberately letting the buildings run down.

Reduced income from taxes, combined with a pattern of years of mismanagement of government funds under the administration of Mayor Barry (1979 - 1991), put the DC government into massive debt. The DC government, in a number of instances, did not appropriately use funds available from the Federal government for housing and homelessness further limiting delivery of needed services to people experiencing homelessness and poverty in DC.

Taking on the DC government for mismanaging Federal funding for programs to support people experiencing homelessness in the District

In the late 1980s and early 1990s the Legal Clinic and other organizations providing legal services to DC's poor decided that "enough was enough". The Legal Clinic reached out to law firms in the District with pro-bono programs to seek their assistance in filing law suits to force the DC government to provide the services that people experiencing homelessness in District rightly deserved under the law. The Legal Clinic served as co- counsel, counsel, or plaintiff depending on the nature of the law suit.

As can be seen in the textbox below, lawsuits addressed a number of areas where the DC government was operating outside the law:

1990 - Judge Richard Levee finds the District's family shelter system out of compliance with DC law in *Fountain vs. Barry*, brought by O'Melveny & Myers

1990 - *Franklin vs. Barry* is filed by Crowell & Moring challenging the District's failure to process emergency food stamps in compliance with the law

1992 - WLCH joins with Hogan & Hartson in filing *Little vs. Barry*, challenging the District's scaling back of the General Public Assistance Program, which provided cash support to individuals with disabilities

1993 - *WLCH vs. Kelly* is filed by Howrey & Simon, challenging illegalities in the District's family shelter intake system and seeking to protect counsel's right of access to their clients

² Between 1970 and 1980 the District's population declined from 756,510 to 638,333.

1999 - WLCH joins with Akin Gump to file *Hackett vs. JMC Associates* on behalf of more than 200 mental health consumers whose benefits had been stolen by a Department of Mental Health contractor.

While there were some decisive wins, the Legal Clinic and other organizations that also filed lawsuits found that a frequent response of the DC government -- when forced by a lawsuit to take action required under Federal law -- was to simply not implement the federally funded program, depriving intended beneficiaries of the funding for the services they were eligible to receive.

Bringing to public attention the deplorable way in which people experiencing homelessness and others were being treated by the District government

In 1993, the Legal Clinic issued "*Cold, Harsh and Unending Resistance: The District of Columbia Government's Hidden War Against its Poor and its Homeless,*" which chronicles the breakdown of government services and programs for low income DC residents. The report shows that, through gross maladministration, there had been a complete breakdown in the District's provision of social services, the result of which was the dehumanization and degradation of thousands of District residents. The report examined these problems through the prism of 30 lawsuits brought by DC residents experiencing homelessness or poverty against the D.C. Government through the Legal Clinic and other organizations. Litigation concerns focused on: homeless shelters, public housing, emergency assistance, Food Stamps, Medicaid, public benefits, school transportation, foster care, prisons, mental health services, and juvenile facilities.

Addressing deficiencies in the District's management of public housing

In 1993 the Legal Clinic, along with Neighborhood Legal Services Program (NLSP) and Covington & Burling, took on the District government in *Pearson vs Kelley*, to challenge the unlawful operation of the District's public housing program. (At the inception of the litigation, the public housing program was operated by the DC Department of Public and Assisted Housing, an executive agency of the DC Government. While the lawsuit was pending, the DC Council passed legislation to make the agency independent.) At that time, a large number of public housing units in the District stood vacant; yet there was a long list of qualified individuals and families who were waiting for public housing assignments. It was clear that DC Housing Authority (DCHA), which is responsible for administering Federal funding for public housing, was not doing its job. In 1995 the Legal Clinic, NLSP and Covington & Burling were successful in getting the DCHA placed under court receivership in order to correct its many administrative deficiencies. The Legal Clinic, along with other organizations provided input to the receiver while DCHA was under receivership, and to DCHA executive directors after the receivership concluded.

Taking on inequities in privately funded affordable housing

In the early 2000s the Legal Clinic decided to also address the multiple challenges faced by tenants living in privately funded affordable housing. Over the years Legal Clinic staff attorneys have represented groups of tenants in litigation, on conditions related to housing, on attempts on the part

of landlords to circumvent housing laws, tenant evictions cases, and efforts by tenants to take advantage of their right to purchase buildings they were living in that were put up for sale, exercising their rights under DC's Tenant Opportunity to Purchase Act (TOPA). A fellowship project from 2002 – 2004 that focused on these issues ultimately became the Legal Clinic's Affordable Housing Initiative.

Since late 2013 the Legal Clinic has been focusing its efforts in the area of affordable housing at two apartment complexes: Brookland Manor in Northeast DC and Congress Heights in Southeast, DC. Landlords at both complexes had set the wheels in motion to demolish the structures on their properties that are currently being occupied by individuals and families of limited means, many on housing vouchers, and replace them with high density, mixed-use redevelopments designed to attract upwardly mobile professionals. As of the date of drafting this case study neither landlord has committed to providing one on one replacement for current tenants once the new structures have been completed.³

The Legal Clinic was approached by the Tenants Associations at both properties and asked to serve as their legal representative at DC Zoning Commission hearings. Realizing that it could not be successful operating on its own, the Legal Clinic teamed up with housing organizers and law firms with specialized expertise in order to assist the tenants associations to take on both developers. Five years later, this work continues.

While the battles are far from over, there have been a number of advances at the two properties as of November 2017 when this case study was drafted:

- The Tenants Associations at both properties have been strengthened: tenants are clear on their housing rights and they have been forceful in bringing to broader attention the conditions they are living under and making their rights known at rallies and at Zoning Commission hearings;
- The Legal Clinic has presented forceful arguments at Zoning Commission Hearings in favor of the tenants at both properties. While not successful in achieving the objectives of the tenants at either property, both have received broad media attention which has, in turn, spurred action both by the District government and non-profit organizations.
- The DC Attorney General brought a lawsuit brought against Congress Heights owner Sanford Capital for severe violations of the District housing code; this led to the court putting the Congress Heights properties under receivership.
- The DC Council in its entirety has resoundingly condemned Sanford Capital for its tactics

³ A major concern at Brookland Manor is that of the 535 apartments, nearly 150 have three, four, and five bedrooms sometimes occupied by multi-generational families. Mid-City Financial's redevelopment plans include a limited number of three bedroom apartments and no four and five-bedroom apartments which means that these families will be split up. (Source : Civic Action No. 16-cv-1723 , filed by two tenants of Brookland Manor and ONE DC against Brentwood Village, Brentwood Associates, Mid-City Financial, and Englewood Management Corporation by Covington & Burling LLC and Washington Lawyers Committee on August 25, 2016).

at Congress Heights and other properties that it owns.

- The Legal Clinic and pro bono counsel from the firm Arnold & Porter are working with the tenants of several Congress Heights properties to protect the tenants' ability to exercise their rights under the District's Tenant Opportunity to Purchase Act.
- Covington & Burling and the Washington Lawyers Committee have brought a class action against Mid-City Financial owner of Brookland Manor charging family discrimination.

Thanks to the combined efforts of the Legal Clinic and its partners, the Washington Post, the Washington City Paper and other local media have been tracking developments closely at both properties, including doing investigative reporting revealing illegal tactics used by the developers to encourage tenants to leave.

Policy and budget advocacy

In the mid-1990's the District of Columbia was on the brink of bankruptcy and Congressional takeover. Facing the prospect of a \$100 million shortfall, city officials eyed programs that served low-income, homeless and other vulnerable communities as good targets for balancing the budget. This underscored the need for the Legal Clinic to be involved in budget and policy advocacy if it wanted to serve its clients well. The Legal Clinic's involvement in such advocacy showcases the importance of collaborating with other key actors.

Challenging unfair DC government budget cuts and advocating for needed increases in funding for specific programs

During the summer of 1994 the Legal Clinic and Legal Services co-convened a large group of District advocates and service providers to challenge unfair budget cuts in the wake of the District's financial crisis. This group became the Fair Budget Coalition (FBC) which has played an increasing role over the years in pressuring the administration and the DC Council to include sufficient funding under lines items serving the underserved in the District's annual budget.

In 1995 the Fair Budget Coalition and other community groups sought to have a "Declaration of Emergency" in the District because of the shredded social safety net and palpable suffering of DC's low-income residents. In 2006 Legal Clinic participated in the Fair Budget Coalition's and the Affordable Housing Alliance's successful efforts to establish publicly-funded Emergency Assistance and Rent Supplement programs. One year later, the Legal Clinic and Fair Budget Coalition's efforts culminated in the restoration of a program to prevent evictions as well as the District's local rent supplement program.

Putting in place standards by which the DC government and homeless services providers deliver services to clients

The Homeless Services Reform Act (HSRA), passed into law in 2005, was the outcome of several years of close collaboration between the Legal Clinic, advocates for people experiencing homelessness, organizations that deliver services to people experiencing homelessness in DC, and the DC Government. This community process was managed by the law firm Hogan & Hartson (now Hogan Lovells), which donated significant time on a pro bono basis to the effort. HSRA addresses the standards by which the District of Columbia and homeless services providers must deliver services to clients. It also revises the procedures for resolving disputes between clients and providers of services for people experiencing homelessness. The Legal Clinic has played a key role in revisions to HSRA, successfully preventing some changes that would have harmed its clients but failing to stop other amendments that would make it more difficult for families to access shelter.

Forcing the DC government to honor the rights of disabled homeless persons as outlined in the American with Disabilities Act of 1990

Another fellowship project focused on the rights of clients with disabilities; it led to some significant improvements in the District's homeless services system. When the project started, none of the District's emergency shelters complied with federal laws protecting the rights of people with disabilities, such as the Americans with Disabilities Act (ADA). The Legal Clinic took on a number of cases on behalf of individuals and families, helping them to secure reasonable accommodations of their disabilities and making it possible for them to be safely and appropriately sheltered or housed. The Legal Clinic began to bring these cases to the attention of the US Department of Justice, which then launched an investigation of DC's shelters that found that the system was in violation of federal law. This ultimately led to a precedent setting consent agreement under which the District agreed to bring its programs into compliance with the law.

Education, outreach and client engagement

By the early 1990s the public outrage of the 1970s and 1980s over people living on the streets had dissipated and was replaced by compassion fatigue. The right to shelter that had been established by voter initiative in 1984 had been overturned by the Mayor and Council in 1990, and advocates' efforts to reverse that action were unsuccessful. Stereotypes emerged about the people experiencing homelessness, many believing that they were homeless by choice. Their increasing visibility made many people uncomfortable. The 1990s also witnessed the emergence of NIMBYism (Not in My Back Yard): individuals and families living in the District, many of whom prided themselves on being welcoming and open minded, became increasingly uncomfortable as housing, meal and health programs designed to assist people experiencing homelessness and other underserved populations were located in their neighborhoods.

Conditions at some of the District's homeless shelters were squalid. Complaints emerged of District police officers – many of whom had limited or no appreciation of who people experiencing homelessness were, what they were going through, and their rights – mistreating people experiencing

homelessness when they found them on the streets.

Seeing that these issues couldn't be addressed just through client representation and advocacy, starting in the mid-1990s the Legal Clinic decided to also become engaged in education, outreach, and client engagement.

Educating people experiencing homelessness on their rights:

Know Your Rights is a series of short trainings that evolved as the Legal Clinic gained an increasing appreciation of the need for DC residents experiencing homelessness to both know their rights and take action to ensure that their rights are honored. The first Know Your Rights training began in the early 1990s. The training have been delivered on a variety of topics -- among them Street Rights, Right to Shelter, Disability Rights, Social Security Disability (SSDI) -- and accompanied by handouts (including a laminated "street rights" card that is durable for someone who stays outdoors and can be placed in a pocket for safe keeping). Each Know Your Rights training is designed to provide individuals lacking stable housing with information about their rights in the area of focus, programs that would be helpful to them, and how to connect with an attorney if their rights are violated.

The trainings, which last about an hour, were delivered at first on an irregular fashion and subsequently more regularly. They are currently delivered at shelters, day centers and other venues where people experiencing homelessness congregate.

Educating those who haven't experienced homelessness to see those experiencing homelessness as individuals worthy of dignity and respect.

Over the years, the Legal Clinic has sought out opportunities to educate the DC community on issues related to homelessness and how to approach individuals experiencing homelessness. Staff from the Legal Clinic have given talks to school counselors, students, congregations and community groups. The Legal Clinic has been invited to be on panels sponsored by Good Faith Communities, the Washington Council of Lawyers, the DC Bar, and many other organizations.

In recent years, the focus has increasingly been on gentrification and its impacts on low income individuals and families who end up on the streets due to having been forced to leave their homes because they cannot pay rising property taxes or where they can no longer afford to pay increasing rents. These trainings often involve a simulation followed by a discussion of what gentrification looks like in DC.

Educating the District police force and others on the rights of the people experiencing homelessness and how to treat them when they encounter them on the streets.

The Legal Clinic has been providing training to Metropolitan Police Department (MPD) recruits for almost 20 years. The training came about due to conversations around the rights of clients, many of whom had been unfairly arrested or harassed by the police. The Legal Clinic wanted to try to ensure

that law enforcement officers understood some of the challenges that people experiencing homelessness face; the causes of homelessness; that the fact that simply because some of the people they engage with are experiencing homelessness doesn't mean they shouldn't be treated with the same respect that everyone deserves.

The training started focusing solely on MPD recruits. Over time it has been adapted for other audiences. In addition to training police officers, the Legal Clinic has trained staff from numerous Business Improvement Districts (BIDs), DC Public Library staff, Criminal Court Judges from the DC Superior Court, staff from DC's Probation and Parole agency, Officers from the National Park Service, staff at DC Protective Services, and the Amtrak Police.

Client engagement

Self-advocacy is implicit in everything that the Legal Clinic does. Around 1995, the Legal Clinic decided to promote self-advocacy for its own sake. The Legal Clinic currently has an individual on staff – its grass roots advocacy coordinator – who devotes a significant amount of her time to helping individuals who are experiencing homelessness to be able to develop the self-awareness and self-confidence to “express their own voices” and to share their stories in settings where they will be listened to: at rallies; delivering testimony at DC Council hearings; speaking to reporters; appearing on radio and television programs. As can be seen in testimonies included in the Reference Document and the side document focusing on this topic, the personal and professional impacts on these individuals has been immense.

4. The Legal Clinic seen from within

By current and former staff

Twelve current Legal Clinic staff members and five former Legal Clinic staff members were interviewed for the case study. Among the questions asked were: what attracted them to the Legal Clinic and what they saw as its strengths. Several common threads emerged:

- A deep commitment to treating clients with respect.
- The strong belief that their principal job is assisting people experiencing homelessness to express their own voices.
- The Legal Clinic refuses to accept government funding giving it freedom to take actions that they believe are important and that other organizations that receive government funding cannot take.
- The freedom that staff have, with encouragement from above, to work on topics about which they are passionate.
- A non-hierarchical work environment that is supportive and collegial.
- A belief that one is most effective when collaborating with others.
- A conscious decision that all staff attorneys must represent clients and be involved in policy advocacy.

In their own words:

Patty Mullahy Fugere, Executive Director since 1991: We all believe that housing is a human right. We all believe in the value of the client voice; we don't see ourselves as a voice for the voiceless. We believe in risk taking and truth telling even when what we have to say is unpopular and we are the only ones speaking out. At the same time, we view collaboration as a value. We generally agree that working in partnership/coalitions is stronger than working alone. When this works it is awesome.

Scott McNeilly, Staff Attorney since 1994: Our objective is to put our clients' needs and interests first. We constantly check to make sure we are doing that, keeping our personal biases in check. In our advocacy, we try to include our clients' voices as much as we can; keep them at forefront.

Becky O'Brien, Staff Attorney since 2008: I like having the balance between direct work with clients and policy work. Doing both together is an important part of the Legal Clinic's approach.

Marta Beresin, Staff Attorney between 2000 and 2016: The Legal Clinic does not accept government funding and therefore attorneys don't have to screen clients for eligibility criteria like income or DC residency. This is quite a contrast to the red tape that clients often face when seeking help from government agencies and sometimes from more traditional legal services programs. It therefore helps build trust quickly with clients. It also means that Legal Clinic attorneys can take positions on policy issues based purely on what will most effectively assist their homeless clients —without the fear of losing public funding.

Lajuan Brooks, Administrative Assistant since 2007: I am part of a team that feels like family.

Nassim Moshiree, Staff Attorney between 2008 and 2017: Patty is completely supportive to staff, she trusts in what we want to do.

Will Merrifield, Staff Attorney since 2011: I appreciate the Legal Clinic's culture; the fact that you are given the ability to do your thing. You are not being reined in by people who are on your board, donors who may have a different perspective. You are trusted to understand and carry out what you need to do. I have never been told to ramp it down.

By members of the Legal Clinic's Board of Directors

One of the characteristics of the Legal Clinic's Board that makes it unusual is that, in addition to serving on the Board, a number of the Board members are also involved directly with the Legal Clinic's operations, in many cases working side by side with Legal Clinic staff as volunteer attorneys. This gives them a unique ability to comment on the Legal Clinic staff in action.

Many of the themes that emerged from the interviews with Legal Clinic staff came up when members of the Board of Directors were asked what they thought the Legal Clinic's strengths were. A few illustrative quotes appear in the textbox below;

Jonathan Abram worked for 30 years with Hogan and Lovells (formerly Hogan & Hartson), an international law firm. He was a member of the Legal Clinic Board and a volunteer in the Legal Clinic's pro-bono client assistance program for 15 years until he moved out West. He and his firm have also collaborated with the Legal Clinic on litigation. Hogan and Lovells has also provided assistance in drafting the Homeless Services Reform Act (HSRA):

The Legal Clinic has created a city-wide cadre of smart, committed lawyers who have developed the skills and experience to handle the problems faced by the homeless and those at risk of homelessness in DC. They maintain a close relationship with the Legal Clinic staff attorneys as they fight for their clients on a wide range of issues, from benefits to shelter.

Unlike other legal assistance organizations that accept funding from governmental sources, the Legal Clinic has no constraints imposed by funders, so they can take on battles that others can't.

The Legal Clinic doesn't just do litigation. A lot is accomplished in meeting rooms with staff from the Department of Human Services, or by getting legislation passed. Over their history the Legal Clinic has worked to achieve many structural changes in the way DC provides for its poorest residents. Those accomplishments have changed the lives of many thousands of people.

Sterling Howard is the Development Director, DC Law Students In Court.⁴ She has been a member of the Legal Clinic's Board of Directors since 2015.

I am impressed with the Legal Clinic's flexibility. The legal landscape has changed a lot over the last 30 years. They have had to deal with different mayors, different versions of agencies, different programs, and they have been able to be nimble and respond to these changes in a timely manner. They are also outspoken and strong advocates for justice, uplifting the voices of their clients to make change possible.

Efficacy trickles down from leadership, so having a strong example of an effective leader in Patty is critical.

Laurie Davis recently retired from a career working as a lawyer in the mental health division of Public Defender Services where she represented individuals with mental health issues at the DC Court. She was a co-founder of the Legal Clinic and has been a board member since its inception, except for several years when she served as general counsel to DC's Department of Mental Health.

The Legal Clinic is a voice that people listen to. We work with people. We're not putting words in the mouth of our clients. Our voice is our client saying "this is what we need" and we help amplify that. The quality of their staff is great. They are all incredibly dedicated.

⁴ When interviewed she was Senior Manager of Fellowships at Equal Justice Works.

5. The Legal Clinic seen from without

By individuals who have benefited from its services

Sixteen individuals were interviewed who have benefited from the Legal Clinic's services: a homeless activist and two formerly homeless activists that have been affiliated with the Legal Clinic for many years; three women who with the assistance of Legal Clinic have found their voices and become activists; two clients who received assistance through the Legal Assistance Project; the President and Vice-Presidents of tenant associations which the Legal Clinic is working to ensure that they not lose their rightful housing; four Metropolitan Police Officer who received Homelessness 101 training from the Legal Clinic when they were recruits.

The following messages emerge from their interviews:

- The Legal Clinic opened their door to me, they treated me like family
- They go all out, above and beyond, to help us
- They encourage us to use our voices
- They helped us to learned about our rights
- We gained a better understanding of, empathy for, people experiencing homelessness.

Robert Warren, who previously experienced homelessness and who is the Director of the People for Fairness Coalition (PFFC): I see the Legal Clinic as a place where individuals work to make sure rights of people in the homeless community are protected. They fight for our rights. The Legal Clinic staff have always been available to us for information, to help us find out what our rights are, to guide us in how to better advocate around issues.

When I first got involved in advocating for the universal right to housing, I had a conversation with Patty and she gave me valuable information and contacts. The Legal Clinic has always been supportive of PFFC. They have engaged with us in trying to work out a plan on how to better advocate in the District. Patty has been one of our biggest mentors and supporters.

La Shawn Woodson, formerly homeless who, thanks to the Legal Clinic, now has the courage to speak out: The Legal Clinic is for the people. They are there to help. They go above and beyond. They try to help you in all aspects of your life. Kristi asked me to testify about my experience. I said to myself, 'Why should I keep my story if it can help someone else? I don't want anyone else to go through what I did.' I started to testify at hearings. I am currently helping Kristi with outreach. I never thought I would be an advocate. I am so extra private. You have to move out.

Donna Alston, also formerly homeless, received assistance from Legal Clinic staff in obtaining housing; she attributes the Legal Clinic to giving her her voice, and helping her realize that she needs to take steps to fix her own problems: The Legal Clinic made me feel like family. They had an open-door policy. I was always able to get in contact with someone. And they have

always come through for me, always. They gave me my voice. They showed me what I needed to do for myself. You can't depend on people. You can't just wait for them to fix the problem. I need to find out what's wrong with Donna to fix the problem.

Officer Jason Huang received training from the Legal Clinic on homelessness when he was a Metropolitan Police Department recruit: *As a result of Homeless 101 I look at them differently. It definitely changed my point of view. They need to be respected, I am able to put away that pre-judgment and ask if they need help. Sometimes they have had a bad day.*

By individuals who have collaborated with the Legal Clinic

In the course of carrying out the case study the author met with 10 individuals who have direct knowledge of the Legal Clinic as a result of having interacted with one or more of its staff. They include: two individuals whose organizations have collaborated closely with the Legal Clinic on many fronts over a number of years; a person who has had contact with the Legal Clinic in the context of its role in budget and policy advocacy; one person who continues to serve as a volunteer lawyer in the Legal Clinic's Legal Assistance project; and five who have interacted with the Legal Clinic in its role in affordable housing where the Legal Clinic has taken on developers.

Themes emerging from the interviews:

- Legal Clinic staff are outspoken; they willing to take on unpopular positions and ask hard questions.
- They walk with the people they serve.
- They are rooted in the experience of their clients; they represent their clients' interests.
- They are dedicated and committed; willing to go the extra mile.
- They are strategic.
- They listen.

Adam Rocap, Deputy Director of Miriam's Kitchen, has close knowledge of the Legal Clinic's activities and has interacted with many Legal Clinic staff over the years:

Scott McNeilly has been involved with the Interagency Council on the Homeless since its inception. He was involved in various governing committees through the years getting them to function. He is highly gifted. To work in the ICH you need a collaborative approach. He is very good at this. He has firm positions. He is willing to be outspoken, take on conflict, translate a given topic into the ICH context. He will be the person asking the hard question.

Monica Kamen is co-Director of the Fair Budget Coalition. In that capacity she has collaborated closely with the Legal Clinic. Monica reflects on Legal Clinic's role in policy and budget advocacy and on the Legal Clinic's roots in the experience of its clients:

The Legal Clinic is different from a lot of organizations; they are willing to push the envelope. They don't shy away from taking unpopular positions. Other organizations are risk adverse. They

are not willing to put their reputation on line.

The Legal Clinic prides itself on being rooted in experience of its clients. They aren't willing to compromise on stands when their stand emerges out of a strong consensus in the homeless community.

Carolyn Perez serves as Council with Akin Gump. She has served as a volunteer lawyer in the Legal Clinic's Legal Assistance Project since 2009:⁵

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 Program 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.

Yasmina Mrabet is a community organizer. Brought in by the Legal Clinic, Yasmina and her colleagues have worked closely with Will Merrifield, staff attorney at the Legal Clinic who was asked to represent the Brookland Manor Tenant's Association.

Will is an amazing human being. People don't realize that the legal strategy and organizing strategy have to be coordinated. Will has a very strong understanding of what happens in the process of organizing.

Will is well respected and trusted by the communities he works in. He comes to meetings. He explains what is happening from a legal perspective. Most importantly, he works collaboratively with tenants and their organizing teams to fight for housing as a human right.

6. Impacts on clients, staff, and board members

There was a wide variation in the responses provided by individuals interviewed when asked how their affiliation with the Legal Clinic has impacted on them professionally and/or personally. A few examples follow:

⁵ Carolyn joined the Legal Clinic staff in June 2018, as a Case Counseling Attorney with the Legal Assistance Project.

On clients who have received assistance from the Legal Clinic:

Nkechi Feaster has become an outspoken and active advocated as a result of her interactions with Legal Clinic staff⁶: *Someone approached me. 'The Legal Clinic is looking for people with a story. Get in touch with someone named Janelle.' I called Janelle and told her a brief snippet. She asked 'Can you come to the office and tell your story?' Being me I have no problem telling it like it is. I explained my circumstances. I was already in a shelter. I went back to school while in the shelter and got a paralegal certification from American University*

I'll never forget her reaction. She said: 'Write it out. You are phenomenal. You have to come to the Mayor's office. We are having a panel discussion and I want you to be on it.' This was the beginning of my advocacy career with the Legal Clinic and the Fair Budget Coalition.

Over the next year I saw a way to help. I saw what was involved: testimonies at budget season, campaigns. I have shared my story at the DC City Council. I wanted to let them know that their idea of me as being homeless is wrong. It's my reality. It's different than that of others. I realized this was not a quick fix. What else can I do? I have the time, opportunity, leverage.

I also always loved how they go the letter with a client to figure out what a client can do to participate. You can protest. 'Call a person at this number'. Testify. This means a great deal for a community that doesn't believe it has power."

Reginald Black, a homeless advocate and reporter for Street Sense, received Know your Rights training focusing on street rights: *One of the things that I learned from the Legal Clinic was my rights on the streets and how to deal with police officers. The general public does not know their rights. Before I knew this information, I would get harassed.*

When I see a friend who I haven't seen for a while I share with them the information I learned. I share with them where they can go, what they should do if a law enforcement officer comes along and tells them they are obstructing pedestrian traffic or trespassing."

On Legal Clinic staff

Patty Mullahy Fugere, Executive Director: *It has allowed me to spend my professional life doing exactly what I hoped to be able to do with a law degree. For me there's a faith element woven in as well. My work at the Legal Clinic has allowed me to live out my values and beliefs. It has made me a better person, and hopefully a better mom. It has given me a chance to work with some amazing colleagues and to meet some amazing clients. How else would I have gotten to know the People for Fairness Coalition? I am so inspired by them. This work lifts up the importance of honesty and integrity, and underscores how vital it is to speak the truth even where there's a cost.*

⁶ Nkechi joined the Legal Clinic board in January 2018.

Kristi Matthews, Grass Roots Advocacy Coordinator: *I try to make sure that my work with community members influences every decision I make. There have been other organizations in the area that have expressed interest in having me join their staff, I haven't left because of my deep connection with the community that my work at the Legal Clinic allows me to create.*

On members of the Legal Clinic's Board of Directors

John Jacob, Board member since 2008, Board President since 2015 and active as a volunteer lawyer in the Legal Assistance Project for 11 years: *I see myself not just as a board member but as a lawyer helping residents of DC with their legal needs. Playing both roles (board member and volunteer) has helped me to internalize on a firsthand basis what the Legal Clinic does; it's not just hearing about the work anecdotally.*

I have practiced law for 23 years. My relationship with the Legal Clinic over the last 8 years or so is a real joy. It's been a lot of work, but I don't mind the time and I wouldn't trade it. It has enriched my personal life and my professional career. The Legal Clinic and the work it does are very important to me. It has become one of my causes. This isn't just a job, another thing I need to do. It is what I want to do.

Jonathan Abram, former member of the Board who left because he moved to Colorado. He has also served as a volunteer lawyer with LAP. He and his law firm have assisted the Legal Clinic with litigation: *I take great personal and professional satisfaction working on things I believe in. The Legal Clinic is at the very forefront of public interest organizations I have worked with because of what it stands for. Quite simply, the Legal Clinic does the best work for the most in need in DC. That is the reason I remained with the Clinic after being in charge of my firm's pro bono work. The Legal Clinic is among the 2 or 3 organizations with whom I have worked that have given me the greatest feeling of accomplishment as a human being.*

7. What defines the Legal Clinic

The quotes cited above, and numerous other testimonies collected in the course of carrying out this case study, show the Legal Clinic's strengths. All are laudable and contribute to making the Legal Clinic what it is today. They include:

- Staff who are smart, strategic and creative;
- Staff who are deeply committed to the Legal Clinic's mission and because of that are willing to take a significant cut in salary in order to be on the Legal Clinic's staff;
- An inspiring Executive Director who has been at the Legal Clinic in some capacity since its inception, who walks the talk, and who supports her staff;

- Board members who are deeply committed;
- A cadre of committed volunteer lawyers who donate their time to assist clients; many have been served in this role for 10 years or more.
- The conviction that you can't go at it alone; close collaboration with others is often needed.

Many grass roots organizations whose mission is to assist the underserved, and specifically to provide legal assistance, share these characteristics. Like the Legal Clinic, these characteristics have been fundamental to ensuring each organization's longevity and its success.

Beyond these, the Legal Clinic possesses several additional characteristics, rooted in its culture and values, which define it. Most are included in its Mission Statement and they are reflected in many interviews and observations.

Culture and Values that Define the Legal Clinic

- A strong belief in the value and importance of the voice of its clients.
- Everything that the Legal Clinic does is rooted in the experiences of its work with clients.
- Meeting its clients on their home turf and in their comfort zone.
- A broad definition of what it means to be a "community lawyer".
- All staff attorneys are involved both in client representation and policy advocacy.
- The Legal Clinic is for the people. They are there to help. They go above and beyond.
- A Board of Directors where many of its members collaborate closely with Legal Clinic staff, through client representation and/or policy advocacy.
- In order to have complete freedom of action in representing clients and engaging in advocacy, the Legal Clinic will not accept government funding.

We all believe in the value of the client voice; we don't see ourselves as a voice for the voiceless

The value of the client voice emerged as a constant theme during interviews with Legal Clinic staff. Legal Clinic staff are adamant that their role is not to provide a voice for people experiencing homelessness. Instead they see the Legal Clinic's role as reflecting the voices of people experiencing homelessness in what they do. This takes many forms:

- Reflecting the voices of their clients when they represent them individually;
- Reflecting their voices in their many advocacy activities;
- Providing their clients with the resources they need along with access to venues so that their voices can be heard directly.

Everything that we do is rooted in the experiences of our work with clients

The Legal Clinic takes particular pride in the fact that everything that it does – be it representing individual clients, doing budget and policy advocacy, doing education and outreach, or being involved in systemic advocacy -- is rooted in the experience of its work with its clients. Examples abound:

- A May 2017 report "Set Up to Fail" which raises concerns about the District's Rapid Rehousing Program, grew out of a staff attorney at the Legal Clinic representing numerous clients who had run into problems with RHH including being unfairly removed from housing.
- The Legal Clinic played a key role in drafting the Homeless Services Reform Act of 2005. They have also been actively involved in negotiating with the District Administration and DC Council to ensure that updates to HSRA reflect the needs of people experiencing homelessness as identified through their interactions with their clients.

We meet our clients on their home turf and in their comfort zone

With very few exceptions, Legal Clinic staff reach out to the underserved where they are rather than having them come to an office. This decision was made very early on when the Legal Clinic decided that intake carried out by volunteer lawyers participating in the Legal Assistance Project (LAP) should take place at homeless shelters, meal programs, day centers and medical facilities frequented by people experiencing homelessness.

- This philosophy and approach also applies to the Legal Clinic's Know Your Rights trainings which are also provided in homeless shelters, meal programs, day centers and medical facilities.
- It is common practice for staff attorneys who also assist clients with housing issues to visit them in their dwellings.
- When providing legal representation to Tenants Associations the point of contact, unless at a rally or a hearing, is in the tenant's turf either at the monthly meetings held on their premises or in a tenant's apartment.

A broad definition of what it means to be a "community lawyer"

Those who know of the Legal Clinic's work are aware that staff attorneys do not limit themselves to the legal aspects of the cases they take on. Instead, when they go out to the communities where their clients are located and identify an issue that cannot be solved legally, they may take one of several actions: (1) refer the client to provider that can assist them; (2) if a complex issue that requires approaching the issues from several fronts, team up with other service providers to provide the assistance needed.

Will Merrifield's involvement representing the Tenants Associations at both Brookland Manor and Congress Heights with the DC Zoning Commission provides an excellent example of the role a "community lawyer" can play in the context of affordable housing. Rather than restricting himself to what a lawyer does when s/he represents a Tenants Association in front of a Zoning Commission, Will has deliberately adopted a holistic approach. Working alongside Housing Counseling Services he visited both properties frequently in order to obtain a first-hand perspective on the challenges the tenants are facing as well as to get to know the tenants and secure their trust. When he saw that the Legal Clinic alone couldn't accomplish what needed to be done he reached out to One DC, a prominent group of community organizers who work in DC, for assistance in organizing the tenants to assist them in having their voices heard.

With colleagues from these organizations and others, Will has participated in rallies outside of the Zoning Commission; he spoken out forcefully on behalf of the tenants at DC Council Hearings; and he has been an active participant in protests. He has made sure that the press provides wide coverage regarding how redevelopment can be both abusive to and violate the rights of tenants at both Brookland Manor and Congress Heights.

Staff attorneys are involved in both community lawyering and policy advocacy

Early on the Legal Clinic decided that all of its staff attorneys involved in advocacy must also do direct client representation. Having on the ground experience serving clients with their legal issues informs its advocacy activities. One prime example is the Legal Clinic's disability rights advocacy, which began with individual representation then evolved into systemic reform. Knowledge and contacts gained through policy advocacy can open avenues for assisting clients with their individual representation needs.

The Legal Clinic is for the people. They are there to help. They go above and beyond

It is not unusual, in organizations providing one-on-one legal assistance, for a lawyer to refer the client to another organization when she/he determines that the client also needs other assistance. What sets the Legal Clinic apart – be it lawyers on the staff or individuals in other roles – is a culture that encourages staff to go the extra mile be it within or outside of work hours to provide additional assistance, especially when it is clear that the individual is in a crisis and cannot wait to get help. As an individual at a tenants' association recently stated, *"We know that if we call Will at 3 in the morning with an urgent problem that he will pull himself out of bed and come to our assistance."*

La Shawn Woodson's experience is one example of many that illustrates this approach. A single mother, La Shawn was born and raised in Southwest DC. Four years ago she found herself homeless and was having no luck getting shelter through the Virginia Williams Family Center which was set up by the DC government to connect families living on the street with suitable housing. In her words:

I contacted the Legal Clinic for assistance. I was going back and forth to the Virginia Williams Family Center looking for housing. I was told that I was Tier 1 but they had no place to put me.

Kristi Matthews told me about the Rapid Rehousing Program. She said to me ‘Go to Virginia Williams and stay there until you are placed’. I returned to Virginia Williams and the caseworker again told me that they had no place to put me. I went back and told Kristi. Ann Marie Staudenmaier, one of the lawyers at the Legal Clinic, called the supervisor at Virginia Williams. In minutes they referred me to a motel. When I received my Rapid Rehousing voucher Kristi took me to different neighborhoods to look at apartments.

The Legal Clinic is for the people. They are there to help. They go above and beyond. They try to help you in all aspects of your life. They found me a lawyer for my son. When I was placed in a hotel I was supposed to get a package with basic necessities but didn’t. I called the Legal Clinic and they arranged to have the package delivered to me.

Members of the Legal Clinic’s Board of Directors are encouraged to collaborate closely with Legal Clinic staff, either through client representation and/or in policy advocacy

Four of the nine Board Members interviewed for the case study have been serving as volunteer lawyers with the Legal Clinic’s Legal Assistance Program (LAP); some nearly since the Legal Clinic began. Either on their own, or as part of an adoption program between the Legal Clinic and a law firm, they visit locations where clients experiencing homelessness can be found – dining programs, day centers, health clinics – on a regular basis to do client intake. They then return to their office and take on cases, in close contact with and under the supervision of Legal Clinic staff lawyers.

Several Board Members have also collaborated alongside Legal Clinic staff attorneys in filing lawsuits against the DC government for violating the law or otherwise providing assistance in ensuring that the DC government has a legal structure in place to guide its delivery of services to the homeless.

Jonathan Abram, a former member of the Legal Clinic Board of Directors describes a case where he and his colleagues at Hogan Lovells, at the request of the Legal Clinic, teamed up with Legal Clinic lawyers to take on the DC government for failing to provide adequate shelter on sub-freezing nights for families experiencing homelessness.

The case had to do with families – people with kids – who were without a home or other shelter on “hypothermia” or sub-freezing winter nights. District law required that the City shelter such families in apartment-like settings or at least in private rooms. Instead, the City was warehousing families on cots in recreation centers. Along with Alison Holt and other colleagues at Hogan Lovells, I worked on this hand in hand with Legal Clinic lawyers for two years. We had ten lawyers on it who were out there in all sorts of weather meeting with homeless families in front of the Virginia Williams Family intake center, learning about their problems, and fighting to get them the shelter they were entitled to. And we sued the District and won class-wide relief assuring that people with kids would be provided proper shelter. The Legal Clinic’s lawyers are a critical substantive resource and are always part of our litigation teams.

In order to have complete freedom of action, the Legal Clinic will not accept government funding

From its inception, the Legal Clinic made the conscious decision that it would not accept government funding, even if the funding was channeled through the DC Bar Foundation or another legal organization. In doing so, they realized that this might put a limit on the funds they could generate. As a consequence, the Legal Clinic does not need to inquire about proof of residency or income and can thus serve some clients whom other providers might need to turn away. When taking on the DC government for actions that they believe are outside of the law, Legal Clinic staff feel free to take on positions that might make them unpopular with the DC government.

8. Challenges

The Legal Clinic's strengths have been amply illustrated through quotes and described in the prior sections of this case study. The Legal Clinic's key strength is that it has been able to navigate in an increasingly complex environment addressing the evolving needs of individuals experiencing homelessness while maintaining its mission, its culture and its values.

Notwithstanding the above, the Legal Clinic -- similar to most non-profit organizations -- has faced and continues to face a number of challenges. Some are specific to the way it has chosen to organize itself; others are and will most likely continue to be outside of its control.

Legal Clinic strengths that can also be challenges:

Deliberate decision not to accept government funding:

The Legal Clinic's decision not to accept government funding gives it the liberty to take on clients who don't qualify for other programs that take government funding. It also gives Legal Clinic staff the freedom to do advocacy that they believe needs to be done, even if it means taking on elements of the DC government. The obvious challenge:

- This limits the resources that the Legal Clinic can reach out to in order to obtain funding, In so doing, it make generating the funds that it needs to operate more difficult.

Doing everything possible to ensure that the legal rights of its clients and the broader population experiencing homelessness are honored.

There have been times where, in order to ensure that a client's rights are met, it has been necessary to take on a non-profit or government agency, a specific DC government agency, or the DC government in general.

- This has, as was observed in the opening of this case study, created friction/hostility among members of the non-profit community whose objective is also to assist the homeless when they are taken to task for violating the rights of individuals that receive their services.
- It has also created friction with some members of the DC government and DC Council.

A horizontal style of management that encourages staff to pursue their own interests:

The Legal Clinic has deliberately adopted a horizontal management style which gives its employees liberty to pursue their own interests. This has been and continues to be effective for a small organization where the individuals hired are self-starters which most of the Legal Clinic's staff are. There are, however, situations where this strength can also be a challenge.

- Were the Legal Clinic to take the decision to dramatically expand its staff, it would be difficult to maintain this management style.
- Individuals coming on board who want more structure may not be comfortable with this management style.

The Legal Clinic attracts lawyers who are deeply committed to helping the underserved and are willing to accept a salary that is below what they would receive in the private sector.

Without an exception, every lawyer that was interviewed for this case study indicated that s/he chosen the Legal Clinic because they were deeply committed to assisting the underserved and attracted to the Legal Clinic's mission, culture, and values. Many remain with the Legal Clinic for many years; some since they began their law careers. However,

- While doing interviews for the case study, one lawyer who was single and didn't have another source of income, sadly left the Legal Clinic because she couldn't afford to live on the salary that she was receiving.
- Another left for personal reasons because, after 10 years, she had become burned out from the constant pressure of living with the traumas of the clients that she served.

Both lawyers, even after they left the Legal Clinic, indicated that they remained committed to the Legal Clinic's mission, culture and values. The author found the same sentiment when she interviewed four individuals who had left the Legal Clinic in prior years. All indicated that they considered their work with the Legal Clinic one of the highlights of their working careers.

Challenges that lie outside of the Legal Clinic's ability to address

Gentrification resulting in displacement has contributed to increasing the number of people experiencing homelessness in DC who require legal and other assistance. There is no end in sight.

Discouragement among Legal Clinic staff at seeing the challenges faced by DC's homeless community, despite years of effort, increasing rather than decreasing.

- Several members of the Legal Clinic staff expressed while being interviewed that it is discouraging that after working so hard for so many years to address the needs of DC's homeless, they are not able to see light at the end of the tunnel.

The need is so great and growing, far beyond what the Legal Clinic can address.

Since the Legal Clinic was established over 30 years ago, other DC based organizations have stepped into address the needs of those experiencing homelessness for legal representation.

- With the increased forces of gentrification resulting in displacement of low-income DC residents, the combined efforts of the Legal Clinic and others is not enough to address the need.

9. The way forward

One of the questions asked of individuals interviewed for the case study was what they saw as the Legal Clinic's trajectory as it enters its fourth decade of existence. The answers to this question are reported in more detail in Chapter 6 of the Reference Document.

They include:

- Agreement among those interviewed on this topic that the Legal Clinic should not drop any of the work that it is currently doing.
- A number suggested that over the next decade the Legal Clinic should strengthen and expand its work in two areas: (1) affordable housing initiative in order to prevent further displacement; and (2) grass roots organizing in order to increase the voice and political power of people experiencing homelessness.
- While there were a number that suggested that the Legal Clinic strengthen and expand its work, most of the individuals interviewed agreed that the Legal Clinic should remain a small organization and only grow incrementally.

As the District further gentrifies over the next decade and the cost of living continues to increase, organizations supporting people experiencing homelessness, including the Legal Clinic, will have their work cut out for them.

Unless the DC government enforces regulations put in place to protect the rights of tenants, and dramatically increases its investment in affordable housing for the lowest income District residents, homelessness is likely to continue to increase.

If the Legal Clinic's trajectory over the past 30 years is any indication, four things are clear for the Legal Clinic's future:

1. The Legal Clinic will continue to adapt to the District's evolving environment and as needed adapt its strategies to help people experiencing homelessness and others whose legal rights are being violated.
2. The culture and values outlined in the Legal Clinic's mission, and which define it as an organization, will continue.
3. The Legal Clinic will continue to hire passionate and competent people who embrace its values and culture.
4. The Legal Clinic will continue to build on its strengths while recognizing the challenges that it faces and where possible addressing these challenges.

About the Author

Dr. Bernbaum is an experienced researcher and program evaluator. During her career as a Foreign Service Officer with the United States Agency for International Development (USAID) she designed and oversaw the implementation of many program evaluations. Since retiring from USAID she has led numerous evaluation teams in Central and South America as well as in North and Eastern Africa.

Passionate about human rights and social justice, one of Marcy's special loves is carrying out in-depth case studies of programs with a human rights/social justice focus that promote leadership and empowerment. This case study is her fifth. The first two were of programs in Peru: the Peruvian Institute for Education in Human Rights and Peace and Transparencia, a program that trained volunteers to observe Peru's tumultuous 2000 presidential elections. The third and fourth were of the Latin American Youth Center and La Clinica del Pueblo in Columbia Heights DC.

Since 2014 Marcy has been a member the People for Fairness Coalition (PFFC), established 10 years ago by individuals who were experiencing homelessness to advocate for an end to homelessness in Washington DC through advocacy, outreach, and peer mentoring. She and three PFFC colleagues advocate for clean, safe public restrooms available for everyone in needed areas of downtown DC through PFFC's Downtown DC Public Restroom Initiative.

Marcy would like to reiterate that there is a difference between designing and carrying out an evaluation and a case study. This is a case study, NOT an evaluation.