

Volunteers provide legal help for city's homeless

By Malcolm Gay Special to the Daily Planet (10-23-01)

When Kalief LaHutt saw his tattered green and white RV released in front of the impound lot, he was overwhelmed.

"It's like getting a whole new lease on life," said LaHutt, who has lived in the camper for more than two years. "I feel like I can get on with my life."

LaHutt, 44, is unemployed. Since the city impounded his camper on Aug. 24 for lack of registration and five outstanding parking tickets, he has been sleeping on roofs and under bushes. The release of his RV was the first success of the student-run Suitcase Clinic, a pilot program, which uses attorneys from the East Bay Community Law Center and law students from UC Berkeley's Boalt Law School to offer legal advice to the city's homeless. With the clinic's assistance, LaHutt got the City Council to pay the \$1,600 to get his camper back last month.

Working out of Berkeley churches and shelters, the Suitcase Clinic has offered a number of services to the area's homeless during the last 13 years. Staffed by undergraduate volunteers, the clinic offers on-site services ranging from medical exams and social worker services, to foot washing and haircuts.

"Suitcase Clinic is run by undergraduates," said Tirien Steinbach, a lawyer with the EBCLC and the driving force behind the project, in a six-month testing period. "It just seemed like a natural expansion of services would be to have law students involved."

While the clinic has long provided biweekly legal advice through lawyers of the Homeless Action Center, Steinbach said, homeless discussion groups expressed a need for expanded legal counseling. After a six-month assessment, Steinbach, local lawyers and legal interns from Cal's law school began offering legal advice last month at all three of the Suitcase Clinic's weekly clinics. And while the EBCLC is not officially involved in the project, its lawyers and interns are working overtime to make it a success.

At the clinic's service sites eight or so undergraduate volunteers are there just to talk with the scores of homeless milling about. Lawyers and interns now set up tables to provide legal counseling. The interns are accompanied and advised by local attorneys who have volunteered their services - "keeping in mind that we're law students," said second-year student Margaret Richardson. "We don't necessarily have the answers, but we can search for them with people."

Program administrators say if a legal question cannot be resolved in one session, students research the case further.

Steinbach said the new services are tailored to the needs expressed by homeless people. Some clients need help filing for divorce, while others have questions involving copyright protection for their writings.

"The issues that come up every week run the gamut," she said.

"I always now ask: 'Well, what do you want to happen?'" she said. "And it might be the sun, and the moon, and something that I cannot do, but at least I'll have some sense of what they think is what needs to happen. Sometimes I'm there to say: 'Well, this is the parameters of what is a legal solution,' and unfortunately there's not a lot. A lot of what I have to say is that there are not a lot of options."

Still, she said, there are many things they can help with, including police citations, civil rights, and bench warrants.

Citation defense is particularly important for the homeless, Steinbach said.

“Once you’ve become involved in this swinging, revolving door of arrest and citations, and warrants and jail, and arrest and citations, and warrants and jail, it’s very hard to get out of it,” she said.

Few homeless people can afford to pay fines for citations, Steinbach said, and one of the project’s main objectives is to help people navigate and defend themselves within the legal system.

“The bottom line for me is empowering people to advocate for themselves, and, when we need to, advocating on their behalf,” she said.

But Steinbach stressed that the clinic’s legal services cannot provide formal legal representation. Its primary focus, she said, is to give legal advice and refer clients to groups such as the EBCLC or individual attorneys to represent them.

With that in mind, the Suitcase Clinic attempts to address the interplay of homeless clients’ legal, health, mental and housing problems. “Maybe you have to talk not just about getting a warrant cleared up,” said Mark Davey, an intern with the EBCLC, “but also about getting drug and alcohol treatment.”

Steinbach said without formal consent of the client, they do not discuss cases.

Project coordinators say they do not pressure clients to do anything they’re not ready to do.

“Some people are working very hard not to be homeless,” Steinbach said. “Others simply want their rights enforced.”

No two cases are alike, she said. And with each case, the program will not push clients into anything - it just provides services.

In the case of LaHutt, he didn’t want to get off the streets. He just wanted his camper back. For years, he said, he had parked it in five or six spots throughout the area, but when he lost his job as a sales associate for the San Francisco Weekly a year ago, he said he thought he’d lost his ability to get it out of impound.

“I had an idea of what I wanted to do,” said LaHutt, whose legal name is Gregory Hayes. “What I needed was advice. I needed to know legally what kind of action I could take.”

Steinbach assisted LaHutt in putting the issue before the City Council. On Sept. 13, the council voted to pay for his camper’s release. Since the vehicle had not been registered, LaHutt said, the tickets could not be attributed to him.

“It just seemed like it was such an absurdity that we were having a person that was using their vehicle as their residence and that the vehicle was taken from them.” said Councilmember Kriss Worthington, who voted to pay for the camper’s release.

It was a great moment for LaHutt, the EBCLC and the Suitcase Clinic. Still, it was a small victory in what Steinbach says is the much larger battle of creating a community more sensitive to the needs of the homeless.

Worthington said working on an individual's case is not enough. "I don't think we've really addressed the issue of people in their vehicles. It's a tiny positive step for a small number of people who appear to be homeless."

"The city plays the important buffer role between community service providers, local businesses, the homeless population, and homeowners," said Jane Micallef, a community services specialist for the city. "From the city's standpoint, we have to take into account both where people without homes sleep, and how that impacts the rest of the community."

While LaHutt may have his camper back, nothing ensures it will not be impounded another time, or if it is impounded, that the city will bail him out again. And LaHutt continues his battle with the system. A few hours after he received his camper, police arrested him for not paying a ticket he received for "disturbing the peace" while he was playing music outside the Ashby BART station flea market.

"(Berkeley is) a city, and it's got a lot of big city issues," Steinbach said. "You only have to walk down Telegraph Avenue a few times to see that."