

# Daily Journal

## Law Firms 'Adopt' Skid Row Residency Hotels

Unique Pro Bono Approach Underscores Debate Over How to Help Los Angeles' Poor

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LOS ANGELES - The cases were overwhelming. Hundreds of evictions, thousands of citations and countless arrests. Grassroots organizations working on Skid Row could no longer make do with the few loyal attorneys they had counted on for years.

They needed a legal strategy to address the new situation - a strategy that would harness the resources of big law firms providing free services for the poor.

But downtown activists said they could not get pro bono organizations to listen, let alone ask the private law firms to lend a hand.

So they decided to approach the firms on their own.

With the help of a handful of legal aid attorneys and academics, the community groups went directly to the private law firms and asked them to "adopt" downtown residency hotels, long home to the city's poorest. They asked firms to represent individual tenants and, if necessary, sue hotel owners or the city to enforce tenant protections.

And the law firms agreed.

"There's a pattern of gentrification downtown, and the people who have been long-term residents are being squeezed out," said Stroock & Stroock & Lavan's Deborah Drooz, whose firm is representing residents at the Roslyn Hotel on Skid Row.

"Their available housing is evaporating," she said.

So far, the community groups have managed to get law firms to adopt some of downtown's largest residency hotels. Besides Stroock & Stroock's work on the Roslyn, McDermott Will & Emery attorneys are representing tenants at the Alexandria, and Fulbright & Jaworski attorneys are working with tenants at the Cecil.

It's an approach legal scholars call focused case strategy - combining direct representation of individual tenants with larger issues, such as preserving affordable housing.

"You handle cases in a way that aims to solve the underlying problems and not just the consequences for the individual," said UCLA law professor Gary Blasi, who helped Skid Row activists mount the effort.

According to Esther Lardent, executive director of the Washington, D.C.-based Pro Bono Institute, focused case strategy is one of the most effective ways to utilize pro bono services.

"You can do individual representation so that each engagement is thought through and building on systemic change," Lardent said. "But there is less of that kind of work in Los Angeles than in other cities."

Lardent said Los Angeles law firms might be taking their cues from pro bono organizations.

"You see a lot of big firms in D.C. taking on these cases," she said. "But some of what's going on there is the availability of public interest organizations that focus on that work. Having structured support from these organizations is very important. Otherwise, firms feel leery."

Community advocates suspect that's what's happening in Los Angeles.

They say powerful nonprofits, such as Public Counsel, offer private firms pro bono work on Skid Row that requires minimal commitment, has little impact and is out of touch with the needs of the poor and homeless downtown.

"The services they're talking about just aren't relevant," said Becky Dennison, co-director of the Los Angeles Community Action Network and one of the architects of the hotel effort.

"They don't partner with any grassroots organizations in the community, and they have no sense of the issues,"

she said. "They participate in the outsider's view that this is not a community, that people here are all transient. And you can see that in their most recent project."

That project, a quarterly clinic Public Counsel kicked off last year with Manatt Phelps & Phillips, O'Melveny & Myers and the Los Angeles city attorney's office, has drawn sharp criticism from many organizations on Skid Row.

Service providers working with the homeless said most of their clients would be screened out of the clinic, which is geared toward people who have overcome addiction, been treated for mental health issues, haven't been on the street for very long and want to leave Skid Row.

Public Counsel Director of Litigation Paul Freese, one of the clinic's architects, said the clinic was designed to help homeless people with such issues as identity theft, back tax problems, bankruptcy, parking tickets, family law matters, record expungement and reconnecting with family members.

But the issues that need legal attention, advocates said, are the mass evictions and controversial policing that came on the heels of rising property values downtown.

"There's a clear crisis in the community with thousands of people being displaced, arrested, evicted and ticketed every month," Dennison said. "To set up a clinic that excludes the most common issues in the community is just unacceptable."

The cases that touch on systemic problems are often the most difficult to place with private firms doing pro bono work, Drooz said.

"The homeless community and the Skid Row community, they aren't the fuzziest objects of big firm largesse," Drooz said. "It's the least served community because in many ways it's the least attractive. Everyone wants to say they helped battered women or children."

Drooz said the tenants she has been working with downtown "are aware of all the issues surrounding gentrification. They know when there's been an injustice. They just need a little help."

Lardent said it's easier than it used to be to get big firms involved in tough issues.

"We're seeing more of an appetite on the part of private firms to do systemic work and undertake matters that are more controversial," she said.

But that appetite, she said, depends on what the pro bono organizations are putting on the menu.

Public Counsel's new executive director, Hernan Vera, said his organization has for decades been working on Skid Row, often behind the scenes.

"We have been committed to working with the homeless and with providers," he said. "We have supported the institutions providing services on Skid Row, including the health clinics and social service agencies."

But providers say the Public Counsel clinic is screening out the people who need the most help. They point to the fact that Nathaniel Ayers, a homeless man whose relationship with Los Angeles Times columnist Steve Lopez served as the inspiration for the Public Counsel clinic, would have been ineligible for services because of his untreated, debilitating mental illness.

More than 70 percent of those living on the streets of Skid Row suffer from some form of mental illness, county estimates show. Those people would be ineligible for legal services at the clinic unless they are being treated for their illness.

The only proven treatment for this population, according to providers across the country, is permanent supportive housing, where people with debilitating mental illnesses can receive on-site services in a supportive environment.

But caseworkers said they were told the clinic was not intended to help people in housing on Skid Row, but rather those who want to leave the area.

"It's a Catch-22," said Evette Nelson, a caseworker for the Skid Row Housing Trust, an organization providing permanent supportive housing on Skid Row.

Nelson attended a caseworker training for the Public Counsel clinic to learn how to screen clients for services. She said she realized none of her clients could benefit from the clinic, despite the myriad legal issues they are facing.

"I said, 'We house the homeless. Can our clients utilize the services?' But no one got back to me on that."

Freese said the clinic will not turn anyone away.

"But part of this is focusing on people who have decided they don't want to be here," Freese said. "It's such a dehumanizing environment, we think."

Offering assistance primarily to people who want to leave the area, activists said, reinforces the commonly held belief that Skid Row is not a community.

"In this environment of gentrification and vilification, when the favored view is that the poor should leave

downtown, these uninformed projects validate the falsehoods that are used to promote displacement," Dennison said.

A handful of Legal Aid lawyers who have been working in the area for years said a significant percentage of those who need legal assistance on Skid Row are facing eviction. They said people fighting to keep their homes in some of downtown's residential hotels will be ineligible for services in a program focusing on those who want to leave.

"I've been running a clinic in Skid Row for five years, and the folks we are seeing increasingly need help with evictions," said Legal Aid Foundation of Los Angeles attorney Barbara Schultz, who has been working with the Community Action Network on protecting residency hotel units for the poor.

"Because we've been successful in getting these hotels recognized as affordable housing and getting people tenancy rights, we're increasingly seeing landlords use eviction proceedings," Schultz said. "Folks in the hotels need legal representation even more now."

David Lash, pro bono director for O'Melveny & Myers and one of the clinic's organizers, said the program could address systemic issues in the future.

"But right now we're really focused on individuals and families in need," he said at a clinic earlier this year. "What we'd like to do is see if we can get these attorneys to take on an individual or a family to address the legal barriers preventing them from returning to permanency."

Lash said the clinic is focused on people with a support network in their "community of origin."

"Our efforts have the greatest chance of success when our clients have their own support system," he said. "Sadly, we have found that people who have that support system as opposed to people who are alone have the greatest chance of success. It increases the likelihood that our efforts will have a positive impact on their lives."

Public Counsel's David Daniels, who helps run the clinic, said he doesn't have exact numbers on how many cases have been placed thus far. But he estimates that 20 percent of the people who sought help received long-term legal services. Many of those were dealing with family law issues, he said.

Daniels said he realizes now that Public Counsel was "over-orchestrating the client base."

"We're seeing the limitations of that approach," he said. "And we're definitely looking at broadening the net."

Critics contend the Public Counsel clinic was designed around the needs of the law firms, which are increasingly concerned with racking up pro bono hours, rather than around the needs of the Skid Row community.

Dennison said the effort is siphoning limited pro bono resources from more effective projects. She points to the success of the hotel effort downtown as proof that lawyers are willing to undertake more challenging pro bono work.

"I don't think any of these lawyers think that these issues are easy," she said. "They're complicated and frustrating. But that also makes them interesting and challenging."

McDermott partner Matt Oster said lawyers at his firm were searching for work that would lead to systemic change when the activists approached them about adopting a hotel.

"We made a decision in the last few years to try to do bigger impact cases rather than clinic work, which we still do," Oster said.

McDermott attorneys, working with attorneys from the Legal Aid Foundation, won a preliminary injunction last month on behalf of tenants at the Alexandria. A federal judge found that the city allowed owners to improperly evict more than 100 poor and disabled tenants from the hotel. The judge ordered the city to pay evicted tenants relocation funds and ordered the owner to make the building habitable for the remaining tenants.

"This work offers our attorneys more than the basic adoptions clinic that you see lawyers do," Oster said, referring a clinic also run by Public Counsel.

"Adoptions are great, and it's important work," Oster said. "But it doesn't offer the same opportunity as a sophisticated case like the Alexandria does."

"It's not that often in our lives, especially as lawyers, that a great opportunity comes in the guise of doing some good. So why not? It doesn't make sense to me [not to]."

Fulbright & Jaworski partner James Evans said his firm's work on the Cecil hotel is "the best work I do, day in and day out."

"The rest of it just pays the bills," he said.

"We wouldn't have been able to do it if we hadn't been involved with community groups who had their ear to the ground."