

Portland Press Herald

Portland to start legal aid service for homeless

Officials plan to announce the establishment of the free clinic today.

By David Hench | January 9, 2014

U.S. District Judge Jay Zainey, who launched the first Homeless Experience Legal Protection program in New Orleans, told a roomful of idealistic lawyers in Portland on Thursday that they cannot change the world.

But they can use their skills to change a homeless person's world, and the satisfaction that comes from that is priceless. Legal help as simple as a phone call from a lawyer can start the process of getting someone off the street, he said.

"If we change a person's world, I think we've all lived a very good life," he said, as he encouraged lawyers to join a new effort to provide legal services to the homeless in Portland.

Zainey was joined by two Mainers serving on the U.S. First Circuit Court of Appeals, a Maine district court judge and members of the American Bar Association in launching the Maine Homeless Legal Clinic, part of the national program founded by Zainey, which will have local lawyers donate time to help homeless people with legal issues that can contribute to their homelessness.

The private initiative, which is being pushed by the American Bar Association, plans to expand the program from 21 cities nationally to 31 in the next two years. Portland is the first city in the expansion.

"The idea is lawyers volunteering to staff a clinic, where they can meet the needs of homeless people, and ultimately ... we hope to take a chunk of out of homelessness," said David Soley, a shareholder at the law firm Bernstein Shur, who helped organize the project on behalf of the bar association.

The clinic, located at Preble Street, will operate one hour a week. An orientation will be scheduled next month, and organizers plan to have the clinic up and running by April.

The program will help homeless people deal with issues as simple as replacing lost identification, needed for cashing checks, and getting access to social and other services. The program can also help homeless people sort out child support issues so they can get professional licenses restored, or obtain Social Security and veterans benefits they are entitled to, Soley said. Some homeless people may not be aware of the legal protections tenants have against getting evicted on short notice.

The program will offer training for lawyers on those issues, he said.

Some of the questions posed at the clinic may lead to pro bono cases, but the program is not intended to handle criminal cases or some of the recent high profile issues such as people panhandling on the medians of roadways, he said.

The clinic will complement the work of Pine Tree Legal Assistance and the Maine Volunteer Lawyers Project, as well as the University of Maine School of Law legal clinic, which focuses on family law.

Thursday's event was as much recruitment drive as it was a press conference to announce the program.

Soley said the Maine clinic had hoped to recruit 12 firms into the program - one to work each month. But the program has already signed up 17 firms, he said.

U.S. Circuit Judge William J. Kayatta, Jr., encouraged the roughly 80 people in attendance to return to their firms and organizations and encourage young lawyers to get involved in the pro bono work, which can provide valuable experience as well as personal satisfaction.

U.S. Circuit Judge Kermit V. Lipez said the program offers a chance to make an important difference in another person's life.

"For the right person, often a lawyer can begin the journey out of homelessness," Lipez said.

Zainey said he was moved to start the program after volunteering in a soup kitchen and realizing that at the end of the day, he had a warm home to return to and many did not. If the training lawyers have can help get people off the street, it is an admirable use of those talents, he said.

He told a story of one homeless man in New York who couldn't find work because of an outstanding arrest warrant for failing to appear in a California court for marijuana possession. He lacked the resources to travel to California to get it cleared up, and nobody would respond to a homeless man's phone call.

But his volunteer lawyer made one phone call to the California prosecutor for that jurisdiction and the warrant was recalled and the charge dismissed.

"It's not a liberal or conservative thing," Zainey said. "That man now has a job ... He's no longer homeless."

The American Bar Association selected Portland as one of the cities in which to expand the program because it has the infrastructure, both in legal talent and in social service agencies, to make it successful, and the help is needed, an association spokesperson said.

Mark Swann, executive director of Preble Street, said the need for programs that help people get back into housing is urgent, and that the city's homeless population - 475 were staying at shelters in the city on Wednesday night - overwhelms the capacity of existing shelters and even overflow shelters.

"Navigating the legal system is a daunting challenge that will be relieved by a clinic on site at the Preble Street Resource Center," he said. "We are excited about this new partnership with

volunteer attorneys, connecting people who might need just a little help to get them out of the shelters and back on their feet.”