PAVING THE WAY FOR JUSTICE

The ABA Commission on Homelessness and Poverty Takes the Law to the Streets

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This year, 3.5 million Americans—including more than 1 million children—will experience homelessness. While a portion of the homeless population suffers from mental illness and/or addictions, many homeless people work but simply can’t afford housing. And many are war veterans.

Homeless people commonly require legal assistance with both civil and criminal issues. Championing the cause of ensuring access to justice for the homeless since 1991 is the ABA Commission on Homelessness and Poverty. Its current priority is to facilitate the creation of homeless courts throughout the United States.

Why the need for homeless courts? Homeless people are routinely issued citations for such minor offenses as illegal lodging, jaywalking and drinking in public. Caught up in a daily struggle for food, clothing and shelter, a homeless person typically has few resources to draw upon in order to respond properly to the criminal justice system.

Consequently, misdemeanor citations and infractions are often not dealt with, compounding the problem as warrants are issued and additional fines assessed, which often preclude the homeless from pursuing desperately needed services such as public benefits and mental health and/or substance abuse treatment—not to mention employment and housing.

Under the leadership of its current chair, William Hoch of Oklahoma City, the commission sponsored ABA policy in support of the creation of homeless courts and developed two related publications, one in connection with a national conference held in San Diego last fall. Since then, the commission has provided technical assistance to several jurisdictions currently establishing homeless courts.

In 1989, commission member Steve Binder, a public defender from San Diego, founded the nation’s first homeless court: a special monthly Superior Court session held at local shelters for homeless defendants to resolve outstanding misdemeanor criminal cases. To counteract the effect of criminal cases pushing homeless defendants further outside society, this court combines a progressive plea bargain system, an alternative sentencing structure, assurance of “no custody” and proof of shelter program activities to address a range of misdemeanor offenses. Homeless courts expand access to justice, reduce court costs, and help the homeless reinte‌grate into society and lead productive lives.

The commission is committed to educating the bar and the public about homelessness and poverty, and the ways in which the legal community can assist those in need. It drafts publications and conducts training sessions across the country to equip the legal community to advocate on behalf of homeless and impoverished people. The commission also works with national, state and local organizations to facilitate the exchange of information and resources, and it reaches out to advocates across the country by hosting roundtable discussions and strategy sessions during each of its business meetings.

A VOICE IN WASHINGTON

Through the ABA Governmental Affairs Office, the commission lobbies Congress to develop and fund programs to address the causes of homelessness and poverty, as well as to enact laws that will protect and provide for those in need of assistance.

In addition to its work on homeless courts, the commission focuses on an often overlooked segment of the homeless population: homeless youth. It recently published a book on the education rights of homeless children and youth, and it hosts educational programs on the special legal issues faced by this population, including access to shelter, education and medical care.

The commission also administers the John J. Curtin Jr. Justice Fund, a permanent endowment in the ABA Fund for Justice and Education that offers stipends to law students advocating on behalf of the homeless and impoverished.

The commission will host two free programs at this year’s annual meeting. The first, “Helping Homeless Families Access Housing and Education,” will be held in the Presidential CLE Center on Friday, Aug. 5, from 10:30 a.m. to 12 p.m. The following session, “Homelessness in 2005: How Lawyers Can Help,” will take place from 1 p.m. until 4 p.m.

The commission’s Web site, www.abanet.org/homeless/home, includes links to a number of its publications that can be downloaded free of charge.

For more information on the commission, contact its excellent director, Amy Horton-Newell, at 202-662-1693 or via e-mail at hortona@staff.abanet.org.

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