

Whose Case is it Anyway?: Collaborative Legal Efforts Among Law Schools. Public Interest/Legal Services Lawyers and Clients to Fight Illegal Treatment of Homeless People

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I. The Problem

a. In 2001, the City of St. Louis, Missouri began to redevelop its blighted downtown area.

b. This redevelopment plan partnered the City with a non-profit association of private business owners called the Downtown Partnership.

c. Among the members of this Partnership were several real estate developers, bar owners and restaurant owners.

d. As the redevelopment efforts intensified during 2002 and 2003, several business owners and new tenants began to complain to the City about the presence of homeless persons and others whom they deemed to be undesirable.

e. In response to these complaints, the City of St. Louis instituted a series of measures designed to force the homeless out of the downtown area.

f. These measures included sweeps of homeless people during civic events, forced community service and the establishment of a privately-funded special court designed especially to punish homeless offenders.

II. The Partnership

a. A social worker at Legal Services of Eastern Missouri had been tracking the systemic mistreatment of homeless persons at the hands of the City of St. Louis and its partners since 2001.

b. She assembled representatives from Saint Louis University Legal Clinic, Washington University School of Law Civil Rights Clinic, the American Civil Liberties Union and Legal Services of Eastern Missouri to determine what, if any, steps could be taken to prevent further harassment.

c. This unique collaboration of lawyers included those who specialized in the areas of housing law, municipal law, criminal law, police misconduct and civil rights.

d. Both short-term and long-term strategies were discussed over a period of months until consensus was reached on an approach to the problem.

e. Regular meetings were scheduled at a church that was easily accessible to the plaintiffs in the downtown area to ensure that all interested persons had access to the decision making process.

III. Gathering Evidence

a. Strength in numbers-the group decided to gather as many affidavits from potential plaintiffs as feasible to gain as full an understanding of the issue as possible.

b. Students from Washington University and Saint Louis University along with their faculty supervisors sought to collect evidence of police mistreatment of the homeless by visiting soup kitchens, homeless shelters and service agencies.

d. Out of the affidavits, a clear pattern of illegal treatment of the homeless and homeless appearing persons by the Police Department and the City of St. Louis emerged and provided the basis for an action pursuant to §1983.

e. Lawyers and students also gathered independent evidence to verify the accuracy of the affidavits and support the anecdotal evidence.

f. Lawyers and students conducted discovery depositions of the named plaintiffs and officials within the City and police department in order to establish a viable claim of state action.

IV. Challenging the Downtown Community Court

a. In 2002 the City entered into a contract with a private non-profit entity, the Downtown Partnership, to start a new court designed specifically to target “quality of life” offenses in downtown St. Louis.

b. Only homeless and homeless appearing persons charged with these offenses were arrested and processed through this “homeless court”.

c. The Downtown Partnership provided money to the City of St. Louis to pay for the judges, prosecutors and marshals in this specialized court.

d. A Petition for Writ of Prohibition on behalf of a homeless client was filed in state equity court to prevent the operation of the private municipal homeless court.

e. The petition alleged that the homeless court was privately funded and as such was an illegal court.

f. The state court judge delayed a ruling on the writ for several months until the a local newspaper broke the story of the preliminary hearing on injunction in federal court. The judge then granted the petition and disbanded the court.

V. The 4th of July Sweeps

a. During the 4th of July weekend in 2003, the City of St. Louis sought to improve the image of the downtown area during the annual Fair St. Louis celebration.

b. The city and police department used a combination of sweeps and harassment to keep homeless person out of sight of the tourists and visitors.

c. Special facilities were assembled at the downtown police station to accommodate the expected influx of homeless persons from the weekend sweeps.

d. Many of those persons were required to perform community service as a condition of release from custody prior to the adjudication of the charges upon which they were incarcerated.

VI. The §1983 Action

a. The collaboration sought relief in federal court in the form of a temporary injunction against the City of St. Louis and the St Louis Metropolitan Police Department.

b. In September of 2004, a complaint was filed in the U.S. District Court of the Eastern District of Missouri on behalf of our clients 14 homeless persons against defendants: the City of St. Louis, the St. Louis Board of Police Commissioners, the St. Louis Police Department and the Commander of the 4th District of Metropolitan St. Louis Police Department .

c. The complaint was later amended to includes several more plaintiffs as well as individual police officers acting in their official capacity.

d. The suit alleged violations of the United States Constitution Amendments 4,

13 and 14 in that the plaintiffs suffered the wrongful search and seizure of their person and their property, were denied due process and were subjected to involuntary servitude.

e. The suit requested that the court issue a temporary restraining order, preliminary and permanent injunction and damages.

f. The court held a two day hearing at which twelve of the plaintiffs testified. A preliminary injunction was granted.

g. After a lengthy discovery process, the parties reached a settlement through mediation.

V. Observations

a. The collaboration was formed by the efforts of a person who was able to get all of the parties excited about the case.

b. The clients must be treated as equal members of the collaboration.

c. The collaboration needs someone on the ground who can articulate how the issue is a part of the bigger picture.

d. Media efforts must be handled by a designated member of the group in order to present a consistent message to the public.

e. A successful collaboration requires the disbursement of power among the various partners and reliance upon one another's abilities.