STORIES FROM THE FRONT LINES: HOW A LEGAL CLINIC FOR THE HOMELESS CHANGES LIVES

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The woman was frightened. She came to the clinic with a folder full of papers from her landlord. She was old enough to be everyone's mother.

The student attorneys, with the ink still damp on their certificates from the Florida Supreme Court,[1] treated her courteously. They puzzled over the legal significance of the notice from her landlord, analyzed the terms of her lease, pulled out the statute books, and fired up the Internet connection to do some preliminary research. They were searching for a legal solution to a problem that could have come out of a casebook or appeared on a law school exam.

And then one of the student attorneys found a connection—her Philadelphia accent. Suddenly, she was not a walking, talking legal problem. She was a person with shared memories of cheesesteaks and the kids' television show *Chief Halftown*.

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During three semesters as acting director of clinical programs at Florida A&M University College of Law, Ms. Dowd established the Homelessness & Legal Advocacy Clinic and also supervised the Housing Clinic. Ms. Dowd thanks the founding members of the homeless clinic for their outstanding work in establishing the clinic; they are: D. Scott Baker, David Bass, Michael Clelland, Jason Daniel, Timothy Dave, LaVonne Harmon, Sherri Hubbard, Arlene May Hutchinson, Peyton Keaton, IV, Siobhan O'Donnell, Suzanne Peters, and John Rasmussen.

1. Rule 11 of the Rules Regulating the Florida Bar, commonly known as the student-practice rule, allows students in "a credit-bearing clinical program" to represent clients in court under the supervision of an attorney. R. Regulating Fla. B. 11-1.2(a)–(c) (2005). The student must be certified by the Florida Supreme Court and must obtain the client's consent before appearing in court on the client's behalf. *Id.* at 11-1.2(e), 11-1.4.

Then, the woman's story began to flow. On the last day of the month, her roommate abruptly left their apartment and moved in with a boyfriend, giving our client no notice and no time to scrape up enough money to pay both her and her former roommate's share of the rent. Our client had her share of the rent money but could not come up with the rest.

The student attorneys thought they had meritorious defenses, as well as a sympathetic, real-life story of a responsible woman who had been treated unfairly. They then discovered that the company that sued her for eviction was not the company that signed her lease and that neither company was the record title-holder of the apartment complex.

However, none of these facts changed the bottom line. Even though this client had valid legal defenses, she did not have the money to pursue those defenses and the clinic could not afford to help her pursue those defenses either. Ultimately, the judge entered a default judgment against her.[2] At first, the student attorneys were outraged. Later, they felt helpless. Through their experience with this client, students learned that sometimes good law and hard work are not enough. In the end, the client sent us a Christmas card as a thank you for trying to help.

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The Florida Legislature requires that Florida A&M University College of Law offer a "program that is . . . structured to serve the legal needs of traditionally underserved portions of the population by providing an opportunity for participation in a legal clinic program or pro bono legal service."[3]

Florida A&M University College of Law, working with the Central Florida Coalition for the Homeless, established the Homelessness and Legal Advocacy Clinic in the fall semester of 2005.[4] The clinic provides legal assistance to homeless families

2. *Infra* nn. 16–30 and accompanying text (discussing how the application of rent-deposit statutes in Florida often results in many poor and homeless people losing their eviction cases).

3. Fla. Stat. § 1004.40(4) (2005).

4. The clinic works with the Central Florida Coalition for the Homeless, which operates two facilities in Orlando. Coalition for the Homeless of C. Fla., Press Release, *Coalition for the Homeless and Florida A&M University Law School Partner to Provide Unique Legal Services* (Orlando, Fla., Mar. 16, 2006) (available at http://www

and individuals with problems such as public benefits, family law, consumer law, and the criminalization of homelessness.[5] The students that participate in the clinic provide full legal representation to the homeless by negotiating on their clients' behalf with debt collectors, employers, and government agencies, and sometimes by representing them in court.[6]

The Housing Clinic, which was also brought in-house during the fall semester of 2005, provides legal assistance to poor families and individuals regarding such issues as evictions; housing code violations; terminations of government assistance, such as Section 8 rental assistance;[7] return of security deposits; and violations of the fair-housing laws.[8]

In both clinics, student attorneys interview potential clients, make an initial determination of the merits of each case, and determine the ability of the clinic to provide meaningful assistance. This initial investigation typically involves both legal research and an additional investigation of the facts. Potential cases are reviewed in a weekly staff meeting and the group decides whether to accept each particular case. Although the clinic director reserves the right to veto any group decision, the goal is to have the students evaluate each case and make a principled decision as to how to make best use of the clinic's resources.

After the semester's first visit to the homeless shelter, one student attorney was surprised by her teammates' reaction to the two very different clients each had interviewed. One client was a fairly young man who was staying in a shelter with his wife and children. The teammates described him as very organized, and they felt that he did not look like the type of person who would have the kind of criminal record he wanted expunged. They were eager to help him and quickly divided up the legal research and other work on his case.

.centralfloridahomeless.org/news_archive11.html).

5. *Id.*; *see generally* Maria Foscarinis, Kelly Cunningham-Bowers & Kristen E. Brown, *Out of Sight—Out of Mind? The Continuing Trend toward the Criminalization of Homelessness*, 6 Geo. J. Pov. L. & Policy 145 (1999) (explaining that "anti-homeless" ordinances, or rules that seek to force the homeless out of a city by making loitering and various other common homeless activities a crime, are making it a crime to be homeless).

6. Coalition for the Homeless of C. Fla., *supra* n. 4.

7. 42 U.S.C. § 1437f (2000). The commonly used term "Section 8" refers to Section 8 of the revised United States Housing Act of 1937.

8. *E.g.* 42 U.S.C. § 3601 (commonly known as the Fair Housing Act).

The other client was a sixty-three-year-old woman with numerous health issues, bad credit, problems with prior landlords, and a tearful story of difficulties dealing with her case manager. Describing her as very disorganized, the teammates said they were not really sure whether she had a case they could work on. They felt they had spent too much time with her, which kept them from seeing other people they could help.

The surprised student attorney found it very disturbing that her colleagues could base a decision on whether to accept a case on the way someone appeared. She jokingly told the others that she did not want to work with them anymore.[9] This half-serious rebuke triggered a discussion of the range of legal issues and other problems faced by many homeless people that, when not addressed, can prolong homelessness.

Many of the clinic's clients have lost their way in a fog of interrelated problems. Navigating through them is often a challenge and finding the beginning of the pathway out sometimes seems more like social work than lawyering.[10] Early in the semester, the students began to explore the line between social work and lawyering. Some were more prepared than others to step across that line; most wanted to draw it in different places for different clients.[11]

To illustrate, consider the following individuals who visited our clinic. B.D. was a wheelchair-bound black man in his sixties with serious health problems and no ability to work (although it was clear that he would work if he could). He had been receiving a Section 8 rent subsidy for more than ten years when his housing

9. Collaboration is one of the basic lawyering skills identified by the American Bar Association. ABA Sec. of Leg. Educ. & Admis. to the Bar, *Legal Education and Professional Development—An Educational Continuum Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* 140 (ABA 1992) (commonly known as the McCrate report).

10. *See* Jane Aiken & Stephen Wizner, *Law as Social Work*, 11 Wash. U. J.L. & Policy 63, 64 (2003). The professors suggest that the typical defensive response to an accusation that clinic students and teachers merely do social work is the wrong response. "What we should be saying is: 'You're right. What *we* do *is* social work, and that is why it is so challenging and so important.' As poor people's lawyers and as clinical teachers we should embrace and celebrate the truth of the claim that what we do is indeed social work." *Id.*

11. *See* Michelle S. Jacobs, *Full Legal Representation for the Poor: The Clash between Lawyer Values and Client Worthiness*, 44 How. L.J. 257, 274 (2001) (suggesting that subjective value judgments that law students make about their clients dictate how well the law students serve their clients).

authority caseworker gave him five days to produce his original birth certificate. B.D. tried to produce this document in time, but he was unable. As a result, his benefits were terminated and he faced eviction.

Conversely, J.C. was a healthy, articulate white woman in her thirties with a history of tangled relationships and domestic abuse. She worked only sporadically and had beautifully manicured nails. She came to the clinic with a complicated child custody problem, but did not even try to fill out the questionnaire we gave her.

Most of the students were uncomfortable with the question of which client was more worthy of receiving help from the clinic. But a few were not bothered by having to make this judgment. After all, both B.D. and J.C. needed help.

Typically, the decisions about which cases to accept are based primarily on an assessment of the merits of a particular case and where the clinic's limited resources can accomplish the most good.[12] The clinic is always looking for a case with the potential for a far-reaching impact. However, there is only so much one can assess at the beginning of a case. My students and I often recall the frustration we felt when the housing clinic's very first client chose to buy a car rather than make his rent payment to the court registry.

It does not take long for student attorneys to understand that some of the people who come into the clinic just want to talk and that taking the time to listen and empathize is a service in and of itself. For example, W.A. was deaf, and we all suspected that nearly everybody treated him as though he were stupid too. Yet, he was charming, intelligent, and educated. A student who knew sign language helped us converse with him. When our interpreter was not there, we laboriously wrote notes back and forth. He came back every week to spend some time with the student attorneys. He claimed that someone else had cashed his Social Security check while he was in jail. We obtained a copy of the cashed

12. *See* Minna J. Kotkin, *The Law School Clinic: A Training Ground for Public Interest Lawyers*, in *Educating for Justice: Social Values and Legal Education* 129, 136–139 (Jeremy Cooper & Louise G. Trubek eds., Ashgate Publg. Co. 1997) (observing that law schools have used their clinics as a tool for influencing social change in the 1960s, as a forum for developing students' practical skills in the 1980s, and as a method for educating students about social injustices in the 1990s).

check and examined the signature, joking that the clinic had turned into CSI Orlando. It turned out that W.A. had been released from jail the day before the check was cashed. He also had a history of forgery charges. Although we were not able to retrieve the money from the questionable check, we did get him reinstated with Social Security. Nevertheless, the most important thing that we did for W.A. was to communicate with him.

The discussion about social work and lawyering continued throughout the semester. We explored the history of poverty law and tracked the changes in how societies have struggled with the task of relieving poverty. We examined the benchmark English Poor Law of 1601,[13] which formalized the state's responsibility for the poor by prohibiting private relief of poverty.[14] We then debated how that policy influenced American welfare law and our own beliefs.

Ultimately, after months of struggling to resolve client problems, almost all the students agreed that poor people's legal problems require lawyers to respond to clients' emotional issues and complex social needs. Through their work in the clinics, the students began to realize that the law is merely one of many tools that can be implemented on a client's behalf, but not necessarily the ultimate answer. They also learned to recognize that their legal education is a privilege that they must accept and use responsibly.

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13. The Poor Law provided that:

> [T]he children of every poor, old, blind, lame and impotent person, or other poor person not able to work, being of a sufficient ability, shall, at their own charges, relieve and maintain every such poor person in that manner, and according to that rate, as by the justices of peace of that county . . . at their general quarter-sessions shall be assessed . . . .

43 Eliz., c. 2, § VII (1601). The English Poor Law later found its way to the colonies of North America. William P. Quigley, *Reluctant Charity: Poor Laws in the Original Thirteen States*, 31 U. Rich. L. Rev. 111, 114 (1997).

14. William P. Quigley, *Five Hundred Years of English Poor Laws, 1349–1834: Regulating the Working and Non-Working Poor*, 30 Akron L. Rev. 73, 101 (1996–1997). The Poor Law of 1601 required local parishes to provide work and raise money for the poor and created a system that required regular taxation of inhabitants to pay for local officials' efforts to help the poor. *Id.*

Most of the time, representing homeless and poor people is an uphill battle, with land mines on the slope leading to the top of the hill. The first land mine involves, as so many of our cases do, the clients' lack of money. Florida law requires tenants to deposit their rent money in the court registry if they want to assert any defenses other than payment.[15] Many tenants are reluctant to hand over their money because they are afraid that if they lose in court, the landlord will get the money from the court and they will have nothing left to pay for a move.

A trial judge in Florida's Ninth Circuit once declared the rent-deposit statute unconstitutional on four grounds: (1) violation of due process; (2) violation of equal protection; (3) violation of equal access to courts; and (4) violation of the Florida Supreme Court's authority to determine and administer the rules of civil procedure.[16] As noted, however, somewhere along the line, the Florida Courts' interpretation of this statutory language has changed.[17]

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15. Fla. Stat. § 83.60(2) (2005) (providing that "if the tenant interposes any defense other than payment, the tenant shall pay into the registry of the court the accrued rent as alleged in the complaint or as determined by the court . . .").

16. *Berman v. Pino*, 8 Fla. L. Wkly. Supp. 403, 403–405 (Fla. 9th Cir. Nov. 13, 2000). The court further certified those four constitutional issues as questions to the District Court of Appeal as having "statewide application" and being "of great public importance." *Id.* at 405.

17. In *Karsteter v. Graham Cos.*, 521 So. 2d 298, 298 (Fla. 3d Dist. App. 1988), *review denied*, 529 So. 2d 694 (Fla. 1988), *cert. denied*, 488 U.S. 981 (1988), Florida's rent-deposit statute, Florida Statutes Section 83.60(2), was held constitutional. However, *Karsteter* did not fully consider or discuss all the constitutional issues which arise from the rent-deposit statute. For example, Article I, Section 21 of the Florida Constitution guarantees free access to the courts for claims of redress of injuries free of any unreasonable burdens. In holding that ambiguous statutes must be construed in favor of the right of free access, the Dade County Circuit Court in its appellate capacity referenced Florida Statutes Section 83.60(2) as an example of an ambiguous statute. *Ash v. Dade County*, 18 Fla. Supp. 2d 185, 186–187 (Fla. 11th Cir. 1986). Another issue not addressed by the *Karsteter* court was whether a motion to dismiss is a "defense" which a tenant is prohibited from raising until rent is deposited. In *Johnson v. Francois*, 6 Fla. L. Wkly. Supp. 585, 585 (Fla. 9th Cir. June 22, 1999), the court defined the statutory language "any defense" to include "any pretrial motions attacking the sufficiency of the complaint." However, the Florida Rules of Civil Procedure and case law clearly distinguish "defenses" from "motions." *See e.g.* Fla. R. Civ. P. 1.140(b), (h)(2) (allowing a motion to dismiss to be filed "before pleading if a further pleading is permitted"); *White v. Fletcher*, 90 So. 2d 129, 130–131 (Fla. 1956) (holding that an answer is a defensive pleading, while a motion is not); *Crocker v. Diland Corp.*, 593 So. 2d 1096, 1099–1100 (Fla. 5th Dist. App. 1992) (recognizing that a "defense of law or fact" is statutorily distinct from a "defensive motion"). A court's failure to distinguish motions to dismiss from defenses places an unconstitutional limitation on a tenant's right to due process because the right to a full and fair opportunity to be heard is impeded, render-

Perhaps the mind-numbing progression of uncontested cases has led judges to assume that landlords are always right and tenants are always wrong.[18] It is often difficult for someone who works inside the system to think that a person with a meritorious defense will show up. In 2004, there were 15,000 eviction cases filed in the Ninth Circuit[19] and nearly two-thirds of these ended in default judgments.[20] Of the remaining third, most were pro se litigants who followed the instructions on the summons[21] but did not know their rights[22] and did not know that help was available.[23] They wrote letters explaining the lost job, the unexpected medical bills, the broken-down car, and begging for more time to pay the rent.

However, the majority of pro se litigants do not count the days to determine whether proper notice was given;[24] do not take

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ing the right to due process illusive. *Ryan's Furniture Exch. v. McNair*, 162 So. 483, 487 (Fla. 1935); *Pelle v. Diners Club*, 287 So. 2d 737, 738 (Fla. 3d Dist. App. 1974). One county judge has attributed the widely divergent treatment of this area of the law to both the judges' personal philosophy and the lack of clear authority from the district courts of appeal and the Florida Supreme Court. S. Sue Robbins, *Land Mines and Other Surprises in Residential Landlord and Tenant Cases*, 75 Fla. B.J. 42, 43, 45–46 (Dec. 2001).

18. For example, in Florida's Ninth Judicial Circuit, uncontested eviction cases have greatly increased in number. The number of eviction cases filed in 2004 exceeded the number filed in 1999 by 53%. Moreover, the number disposed of by default in 2004 exceeded the number disposed of by default in 1999 by 223%. Fla. St. Cts., *Statistics*, http://www.flcourts.org/gen_public/stats/index.shtml (accessed June 30, 2006).

19. The Ninth Judicial Circuit is comprised of Orange and Osceola counties. Fla. Stat. § 26.30 (2005).

20. Fla. St. Cts., *supra* n. 18.

21. A standard residential eviction summons instructs a tenant on how to respond to a landlord's complaint:

> Write down the reason(s) why you think you should not be forced to move. The written reason(s) must be given to the court clerk. . . . Mail or take a copy of your written reason(s) to: _____ (insert Landlord's name and address) . . . . YOU MUST PAY THE CLERK RENT EACH TIME IT BECOMES DUE UNTIL THE LAWSUIT IS OVER.

See Fla. B. Re Revs. to Simplified Forms, Pursuant to R. 10-2.1(a) of R. Regulating the Fla. B., 773 So. 2d 1062, 1063–1064 (Fla. 1998).

22. *See* Leg. Servs. Corp., *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans* 9 (Sept. 2005) (available at http://www.lsc.gov/JusticeGap.pdf) (explaining that "a large percentage of low-income people experiencing a problem with a legal dimension do not understand that there may be a legal solution.").

23. *Id.* (observing that "a majority of low-income people either do not know about the availability of free legal services or do not understand that they are financially eligible for them.").

24. *See* Fla. Stat. § 83.56(2)–(3) (2005) (requiring that landlords provide notice to a tenant who fails to pay due rent and wait three days, excluding Saturday, Sunday, and

pictures to show the deplorable conditions of the rental property, which would establish that they should not have to pay the full rent;[25] and do not argue that the landlord has accepted late payments in the past.[26] Additionally, nobody at the courthouse takes the time to figure out whether the tenant's rights are being protected.[27] The judge (or perhaps the judicial assistant) will check to see if the rent money has been deposited but they do not look to see whether the plaintiff landlord is properly registered to do business in Florida.[28] So, tenants learn the hard way that there is no fundamental right to adequate housing.[29]

Another land mine is that in some circuit courts filing fees are not equal, even though Florida's Constitution guarantees the right to equal access to the judiciary system.[30] S.N. came to the clinic after her landlord turned off her electricity—in violation of Florida law.[31] When a student attorney went to the clerk's office to file a lawsuit seeking an injunction against the landlord, she discovered the inequitable filing fees. In Seminole County, when a

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legal holidays, prior to terminating the rental agreement).

25. Fla. Stat. § 83.60(1).

26. *See e.g. Vines v. Emerald Equip. Co.*, 342 So. 2d 137, 139 (Fla. 1st Dist. App. 1977) (finding that a landlord waived prompt payment of rent by regularly accepting late payments).

27. This mechanical, unthinking processing of people through the court system is far from being unique to the Orlando county court. Rather, it is a nationwide phenomenon. ABA Standing Comm. on Leg. Aid & Indigent Defs., *Gideon's Broken Promise: America's Continuing Quest for Equal Justice* 16 (ABA 2004). In criminal courts across the country, people plead guilty at a rate of 90% to 95%, often with representation "so minimal that it amounted to no more than a hurried conversation with the accused moments before entry of a guilty plea and sentencing." *Id.* The report reveals what typically occurs when indigent defendants finally get a lawyer: within hours or even minutes, they plead guilty. "At nine o'clock in the morning [in Crisp County, Georgia], they would be calling the arraignment calendar and no one . . . would have a lawyer. . . . By twelve noon everybody will have pled guilty and been sentenced." *Id.*

28. Registrations of corporations, other business entities, and fictitious names are easily checked online at http://www.sunbiz.org/corpweb/inquiry/cormenu.html. A business that is not properly registered is prohibited from maintaining a proceeding in the courts of this state. Fla. Stat. § 607.1502(1) (2005).

29. *Lindsey v. Normet*, 405 U.S. 56, 74 (1972); *but see* Florence Wagman Roisman, *Establishing a Right to Housing: A General Guide*, 25 Clearinghouse Rev. 203, 209 (1991) (arguing that despite language in *Lindsey* that suggests there is no fundamental right to adequate housing, *Lindsey* never definitively and directly held that there was no such right).

30. Fla. Const. art. I, § 21 ("The [C]ourts shall be open to every person . . . and justice shall be administered without sale, denial or delay.").

31. Fla. Stat. § 83.67(1). It is also illegal for a landlord to turn off water, heat, or any other utility service or to change the locks. *Id.*

landlord sues a tenant for eviction, the filing fee is $80,[32] but when the tenant sues the landlord to enforce rights granted under the very same chapter of the Florida Statutes, the filing fee is $255.[33]

The clerk's office put S.N. on a payment plan of $2 per month.[34] She signed the papers and made a $10 down payment, and only then was her student attorney allowed to go upstairs to see the judge. In S.N.'s case, the court issued the injunction. A few weeks later, the court granted summary judgment in her favor[35] because the landlord admitted that he had turned off S.N.'s electricity.

In addition to the unequal filing fees, S.N. had to pay a $25 fee to apply to be considered indigent.[36] Like many of the clinic's clients, she was literally too poor to be able to apply to be poor. The $25 fee means, of course, that poor people pay more than everyone else to go to court. It is also a "disorienting moment"[37] for the student attorney who stands next to a client from the homeless shelter, while a deputy clerk of court determines whether the client qualifies as indigent. The client answers the deputy clerk's questions quietly: they have no job, no income, no car, no bank account, and just a few clothes worth less than $100.

Without the basic right of equal access, respect for the judicial system will quickly fade. It is in the fundamental interest of

32. Seminole Co. Clerk of the Ct., *Forms and Fees*, *County Court Civil Division*, http://www.seminoleclerk.org/feesandforms/fees/county-div.shtm (updated Feb. 4, 2000).

33. Fla. Stat. § 83.59(2).

34. Aside from access issues, this policy raises practical issues. It would seem that processing a $2 check—entering the payment in the computer, depositing the check and performing other clerical chores—would cost the clerk's office more than $2.

35. Another lesson was learned at the injunction hearing. The student attorney, who struggled with the paperwork necessary to commence a lawsuit, did not realize the importance of the original of our client's affidavit. *See* Fla. R. Civ. P. 1.510(c), (e) (stating that certified copies of all papers shall be served with a motion). The original affidavit did not make it to the court file. It had been shuffled into the clinic's file and was hard to find because it had been signed in black ink and looked very much like the copies. The student attorney finally recognized the original because the notary's stamp had bled through to the back side of the last page. But for the rest of her career, this student will make sure that clients sign affidavits in blue ink.

36. Fla. Stat. §§ 28.24(26)(c), 57.082; Fla. St. Cts., *Application for Determination of Civil Indigent Status*, http://www.flcourts.org/gen_public/family/forms_rules/indigent_application.pdf (accessed Aug. 19, 2006).

37. Fran Quigley, *Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law School Clinics*, 2 Clin. L. Rev. 37 (1995).

the judicial system itself to insist that litigants be treated equally in order to maintain the public's respect for the courts.[38]

We have not lost many cases. But I secretly harbor the suspicion that losing a case is a much greater—and more lasting—educational experience. Even when a hearing ends in a loss, people treated fairly and respectfully tend to be more satisfied with the result and more likely to comply with a court's decision.[39] When a person has his or her day in court and is allowed to speak and is listened to with dignity and respect, they tend to perceive a judge's decision as less coercive.[40] Often, they even feel they have voluntarily chosen the course that a judge has ordered.[41]

That is exactly what happened with L.J., an elderly and legally blind black man, whose landlord had served him with eviction papers. When he walked into the office, we recognized him immediately. Actually, we recognized his red suede shoes, which we had noticed earlier in the day when we saw him wandering the halls of the courthouse looking for help.

The state was attempting to evict L.J. under the "one strike and you're out" rule for drug-related criminal activity in government-subsidized housing.[42] The police arrested someone on drug charges in his room, but he told us that people came into his room without his permission by reaching through a broken window to open his door. The police report confirmed L.J.'s story: the officers had to wake him up to tell him about what was going on. Most of L.J.'s belongings had been stolen too. Because of a broken window, he lost control of his life. He could not get the window fixed and he could not get the unwanted visitors to leave.

In the courtroom, L.J. was a bit daunted at first. However, the judge listened to him and patiently explained his options. L.J. thought about it but could not see the point of paying more rent

38. *See Gulf, Colo. & Santa Fe Ry. v. Ellis*, 165 U.S. 150, 160 (1897) (stating that "[n]o duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government").

39. *See generally* Bernard P. Perlmutter, *George's Story: Voice and Transformation through the Teaching and Practice of Therapeutic Jurisprudence in a Law School Child Advocacy Clinic*, 17 St. Thomas L. Rev. 561, 595–603 (2005) (describing the positive effects of allowing foster children to take part in their own court hearings).

40. *Id.* at 596.

41. *Id.* at 595.

42. 42 U.S.C. § 1437d(1)(4)(b) (2000).

for a place that he could not control. He made the decision to move out. Once again, he was a proud and independent man in control of his own life.

The wins are exhilarating. The clinic has helped several people get out of the shelter and into their own homes. G.J. came to intake at the shelter one cold night because the state was garnishing $120 from every paycheck for the support of a child who was living with her. She made $7.95 an hour and took home $403 every two weeks. She had to support three children on that income, and they all lived in the homeless shelter.

A student attorney tracked down all the mixed-up paperwork and gathered court orders from two different circuits. For reasons we never understood, a court in one circuit made the custody decision and a court in a different circuit made the child support decision. Neither court knew what the other was doing.

At the hearing, the attorney from the state backed off right away and agreed to correct the records, stop the garnishment, and credit G.J. for the funds that were mistakenly garnished. The student attorney's first reaction was disappointment. After all, he had prepared his argument and was eager to present it in court.

A few weeks later, I ran into G.J. at the 7-Eleven where she worked. We stood outside for a few minutes and talked. I thought that getting the court orders straightened out meant that she would get an additional $120 every paycheck and that was great. What I did not understand until we talked was that the additional income also meant that she would be able to get out of the shelter and into her own apartment. I never imagined how significant a difference this would make in her life and the lives of her children. She told me that she would now be able to return to the community as a self-sufficient person. "Maybe this will change everything," she said. Until then, she felt that she had been struggling to climb up a ladder only to fall back down again. That night, she sounded confident and empowered. As for me, a simple stop at the 7-Eleven turned into an amazing realization that the clinic students had really changed someone's life.

Actually, what happens in the clinic is that all of us—students, teachers, and clients—share a journey that changes all our lives. The students, of course, become lawyers. They learn that they can use what they have studied to change people's lives. Many of them pledge to continue doing pro bono work. Teaching

in the clinic has changed my life. I have placed my trust—and my license to practice law—in the hands of student attorneys who are interviewing their first client or speaking in court for the first time. Even though some of our clients present problems that are outside my practical experience,[43] I have become a better supervisor by following where the student attorneys lead. We give and accept constructive criticism because we know that mutual criticism is essential to doing a better job for a client. Very special relationships grow from the shared sense of purpose that grows out of representing clients together. I fully expect these extraordinary relationships to last a lifetime.

A few clients have escaped the shelter with newly won Social Security disability benefits to start new lives. Some have been freed from the fear of outstanding arrest warrants or have received hardship driver's licenses that enabled them to find a job. Others have simply learned that they can trust someone who offers a helping hand.

Moreover, the clients have changed our lives. They showed us the precariousness of good paychecks and how a life can unravel, either from circumstances beyond our control or from a single bad decision. The client who may have changed us all the most was M.C., who was living in the shelter with her five grandchildren, including a severely disabled boy and a thirteen-year-old with a new baby. Whenever we were frustrated with a nonsensical court ruling or an intractable bureaucrat, we remembered her unfailing smile. She missed an appointment, and we later learned that she had suffered a mild heart attack. The next week, she came to see us with a smile on her face. None of us will ever forget her. Her relentless optimism inspired us all.

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43. *See* David F. Chavkin, *Am I My Client's Lawyer? Role Definition and the Clinical Supervisor,* 51 S.M.U. L. Rev. 1507 (1998) (examining the nature of the supervisor-client relationship and the duty owed to the client in the context of a legal clinic program). Professor Chavkin supervised students at American University's Washington College of Law in a trademark infringement case even though he had never practiced in the area or even taken an intellectual property course. Neither of the student attorneys working on the case had taken an intellectual property course either. The client was a college student who had developed a website criticizing the management of an apartment complex where many undergraduate students lived. Because First Amendment concerns blocked a direct shutdown of the website, the company attempted to use trademark infringement law to silence the criticism. After a full-day trial in federal court, the students won a dismissal of the complaint.