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HOMELESSNESS AND THE USE OF REALITY TO ENRICH THE EXPERIENCE OF LAW SCHOOL

FRANK TRINITY¹

My theme is how law schools can foster outreach activities for their students and how the experience of doing outreach work can affect students, namely how it affected me. First, however, I want to respond to Bob Solomon's completely inaccurate portrayal of me in his presentation. When I enrolled at Yale Law School I had no idea what a welfare motel was. I had lived a very sheltered life. I went to college at Princeton University and spent my time reading Rawls and Plato and Dworkin. I had no idea about the real world. I had no idea about homelessness. On Nassau Street there was one gentleman who was a street person, but rumor had it that he was a beneficiary of a large estate and had just gone off the deep end. It was more an item of curiosity to me than a commitment.

When I arrived in New Haven in 1985 I was shocked. I would go running near the campus and find myself in the middle of public housing projects. This was the first time I ever saw housing projects. I grew up in New Jersey suburbs and had never before seen a housing project. Now I was confronted with people on street corners asking for money. This experience was very upsetting.

About the same time as this was occurring, I was attending first semester classes such as Torts, Contracts, Constitutional Law and Civil Procedure. My brain was being twisted in these courses in ways I never expected. Fortunately, I was not concerned with grades because at our first meeting Dean Calabresi had looked out at all of us and told us to "get off the treadmill." I listened to him and was soon off the treadmill but without purpose. As the semester went on I found myself questioning whether I wanted to be a lawyer because there was simply no connection between what we were reading about in cases and the world of reality I was seeing on the streets.

Fortunately, and with fortuitous timing, at the end of the first semester a group of students decided to go to a homeless shelter for men. Bob Solomon supervised us. Over the next two and a half years I did a wide variety of things I would have never imagined myself doing. Under Bob's supervision, I represented a man whose parental rights were being terminated, largely because he was homeless. I represented families facing eviction in the middle of winter. I worked with homeless families in welfare motels on the outskirts of New Haven who were struggling for their very survival. I joined a local coalition of advocates. I teamed up with some undergraduates who wanted to help families and did so by providing day care. I found myself requesting and being granted a meeting with the president of Yale University and demanding

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that Yale invest some money in the development of low income housing in the community. I worked on a class action lawsuit and also testified before the New Haven City Council. The most interesting experience was when I found myself, a second year student, along with four first year students, being threatened with arrest by a West Haven Police officer who did not want us to seek clients in a welfare motel. Fortunately, cooler heads prevailed and we did not have to call the Clinic from the jail.

The point is that I had some very unrealistic and abstract ideas about justice when I showed up at law school. I cannot agree more with Lawrence Friedman who said in his presentation that there is no substitute for knowing what is actually out there. For a variety of reasons, Yale fostered that personal process of education about the nature of reality. We knew that Steve Wizner had been an activist pioneer in New York City. He instilled in us an attitude of "just do it." We knew Bob Solomon was willing to let us do virtually anything, and that he had confidence in us. Somehow we just *knew* that. Thirdly, we knew we had the support of the dean and that the professors in the class felt they were on solid ground with the dean. That meant a great deal to us. Soon word spread about the quality and nature of the experience and we had students knocking down the doors trying to get involved with the Homeless Clinic. During one semester we had more than 30 students doing advocacy with homeless people. I would therefore concur with Bob Solomon that we need to let students run with their ideas.

This kind of experience can affect an individual profoundly. After the first semester of Yale Law School I questioned my career choice. But that soon changed when I began doing the clinical work. I also began to question the relevance of the overall course work of law school, comparing the sterility of the academic work to what I was finding in the real world of the Clinic. Fortunately, that was just a stage and I was able to accommodate my vision of reality and the role of the lawyer into the processes of law school. I was an articles editor of a law review, the Yale Law and Policy Review, and pursued lines of academic inquiry generated by my experiences. In this way my academic experience was enriched. Strangely enough, the journal that I worked on chose housing and homelessness as an overview topic. We hosted a conference on the Fair Housing Act and brought in speakers and published a journal issue on that. Just a few months ago I was involved in litigating a case in Washington, D.C. based on the Fair Housing Act.

My point is that this kind of outreach activity need not threaten the academic mission of the law school. The two elements can work together to enrich each other and create an integrated process in which abstraction connects with reality and experience. For myself the clinical work broke down some of my stereotypes and broadened my views about people. I developed a real sense of connection to the community which I had never before felt. I realized that in addition to my professional responsibilities as a lawyer, I also had a civic responsibility. I think that realization is true for any law student who has gone through the Homeless Clinic. I have many friends who are working in firms, in government, or in legal services and they all carry with them this sense of civic responsibility. Many of them are sources of donations for the Washington Legal Clinic for the Homeless.

But most of all I found that I could act on an idea of justice. I was not able to articulate it when I first showed up at law school. It really came down to an idea from my childhood which was, "whatsoever you do unto my brothers and sisters, you do unto me." This idea is something Linda Greene was talking about when she quoted Martin Luther King, Jr. I was able to act on that belief through the clinical program.

Homelessness work can be a paradigm of working towards the justice mission in American law schools. It is a national issue. It is a local issue. It is something we all face in our daily lives. When you work with homeless people you are confronted with very compelling questions. When I first went out to the welfare motels, I was appalled by what I saw. There was a scarlet fever epidemic among the children in one of the motels because there were no refrigerators and the parents could only keep their medicine inside or on the windowsill. The medicine was going bad. Families of four or five people were sleeping in the same bed. These families were placed on the outskirts of town where no one could see them and no one could hear them. What we did in New Haven was to bring that fact to the public light with some very successful results. The families had to eat all their meals at a greasy diner called the Big Top where they had vouchers. Not only was the food bad, but they had to go to the diner three times a day for weeks and months and had to eat just that food. But whenever a paying customer would come in they would have to stand aside and let the paying customer eat first. There were infestations of cockroaches and rats. One family I talked to had just come back from a hospital emergency room because the baby had a cockroach crawl into his ear and had to be taken out. I was appalled by that. It raised questions in my mind about how as a society we can tolerate this kind of treatment.

A second example is of a gentleman my own age I met at a shelter for homeless men. We talked about him getting a job and earning his high school equivalency degree. I jotted down information for him and just talked with him. Several months later, I was at the New Haven Mall and a security guard was waving at me wildly and I thought, "what have I done now?" It turned out to be Shannon, the man I had met. He was very proud of his badge and his uniform and wanted to show it to me. I walked away feeling very happy. Several weeks later while I was at the shelter one cold night I saw him and he was very embarrassed. He had not yet been able to find an affordable apartment. I remembered thinking to myself "how come we as a society let this happen? How come we allow downtown developers to gentrify our downtown without insuring that people living in the downtown who can not afford those more expensive apartments have a place to live?" I remember thinking that we have many boarded up buildings, both private and public, that we allow to remain boarded up and not be used. Those questions still burn in my mind and motivate me. Working with homeless people causes you to question all kinds of ideas, whether it is property rights, tax policy, the safety net of the welfare state and others.

Finally, I have said homelessness work can be a paradigm, and I want to conclude by saying there are many other issues that can lead to similar kinds of inquiries. Take Arlene Kanter's program in Syracuse, for example. When they named it the Homeless Clinic nobody signed up, but when they changed the name to Civil Litigation many students enrolled. There is a worry that we

will offer a clinic and no one will come. The way you get around that is to listen to the students, be open to them, and make it known that you are willing to accommodate their questions. Be open and flexible and let students run with their ideas. Only good can come of it.