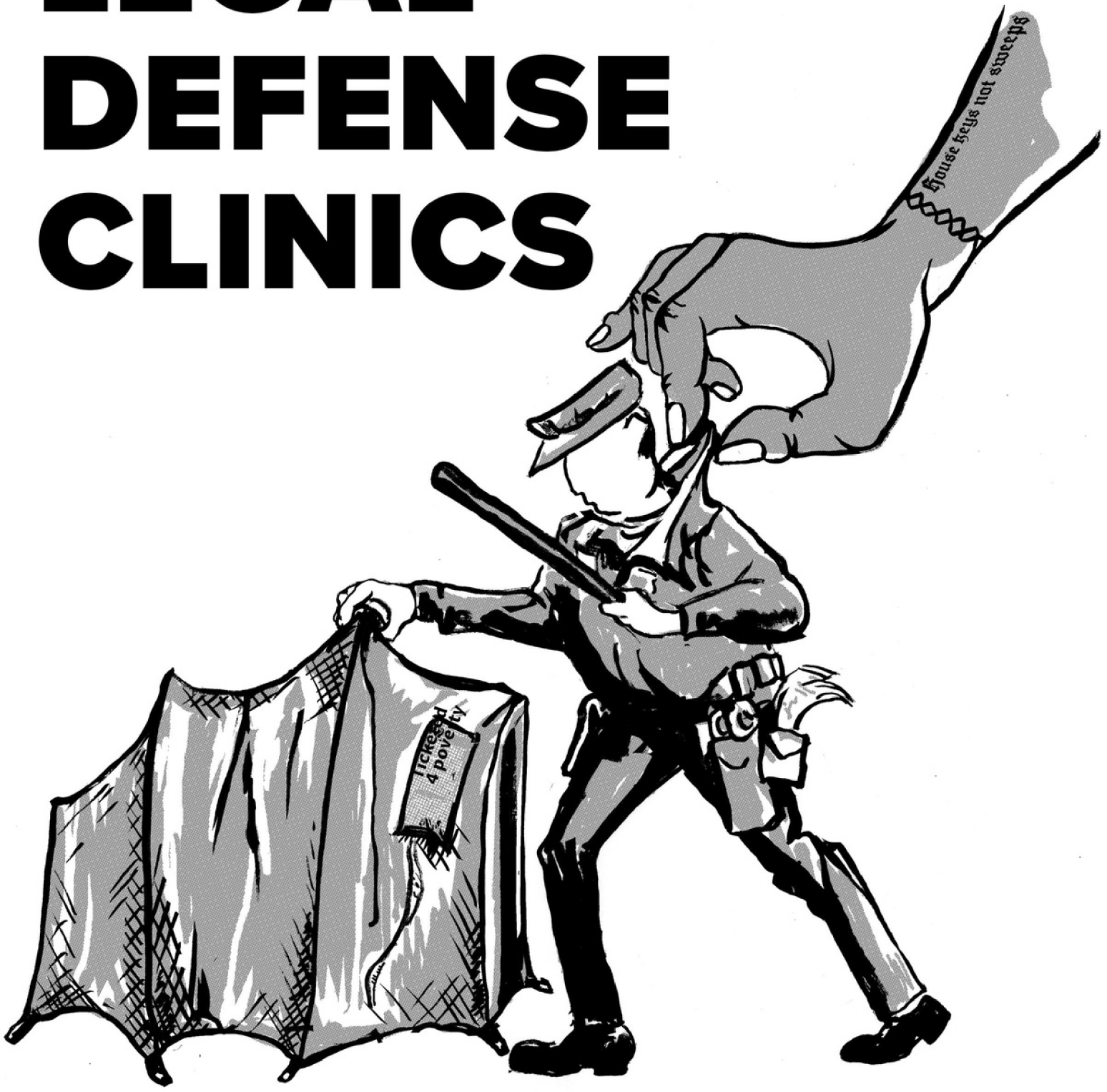
HOUSE KEYS NOT SWEEPS

LEGAL DEFENSE CLINICS



GENERAL OPERATIONS MANUAL

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Primary project staff: Jade Arellano, Tristia Bauman, Paul Boden, and Alex Matak
Copy editing by Ben Terrall
Design by Sam Hozian and Jonathan Lopez
Artwork by Art Hazelwood, San Francisco Poster Syndicate, San Francisco Print Collective, Ronnie Goodman, Nili Yosha, and allies

WELCOME TO THE
LDC GENERAL OPERATIONS MANUAL

Welcome to the General Operations (Gen Ops) Manual for the Housekeys Not Sweeps: Legal Defense Clinics (LDC) project.

Organizers and attorneys have long recognized that current structures for providing legal services to poor and unhoused community members will not stop criminalization or end state-created poverty. Collectively, we know there is a deep need to unite organizing and legal efforts and develop cross-organizational litigation and legislative strategies that build the power needed to overturn the brutal systems of oppression driving homelessness.

The LDC project is one attempt to do just that. Built on the foundation laid by past efforts, the LDC model harnesses the collective wisdom of the most experienced brains we could find in street-based organizing and movement-oriented legal work. It's not a magic solution and it might not work in every context. But we hope that by building off decades of bold, radical trial-and-error we can start forging new paths toward lasting change.

Contents of this Manual

Inside the Gen Ops Manual you will find:

1. An "*Overview* (p. 3)" of what the LDC project is and why we need it;
2. The "*Implementation Roadmap* (p. 7)" —a comprehensive overview of the LDC process and the steps involved in implementation;
3. **Supporting documents** that help illustrate the unique LDC model, including:
    a. an "*overview document* (p. 56)" that recaps the LDC's mission and roles, and elaborates on the project's guiding principles and core commitments;
    b. a primer on what we call "*configurations of legal support* (p. 72)"--essentially the different forms that legal support can take in the LDC model;
    c. the LDC's "*movement lawyering model* (p. 67)"; and
    d. a primer on some important "*legal rules* (p.77)" that interact with the project.
4. **Template documents** to be used in early phases of implementation, including:
    a. sample "*outreach questions* (p.64)" and
    b. a template "*decision-making chart* (p.75).

The Context of the LDC Project

The United States has a long, brutal history of using local laws to target, punish, and segregate people deemed "undesirable" to those in power. Flowing directly from their historical predecessors (sundown towns, anti-Okie laws, ugly laws, etc.), a nefarious apparatus of "quality of life laws,"1 homeless and mental health courts, and private security has emerged to relentlessly criminalize poor and unhoused people and disappear them from our communities.

Criminalization has become the go-to "solution" for cities and states responding to the rise of visible poverty within their borders. Laws that punish people for engaging in basic survival activities like **sitting**, **standing**, **sleeping**, or **eating food** in public already exist in over 70% of US cities; more are passing each year, with increasing fervor and more severe penalties.2 The consequences snowball: fines become warrants, arrests, and incarceration; essential personal property like IDs, medications, vehicles, tents, and more are permanently lost or destroyed. As a result, unhoused people are disqualified from jobs, education programs, and essential services (like housing and other public benefits), making it even more likely that they will stay poor and homeless. This cycle not only fails to address the systemic causes of mass homelessness and poverty, it also exacerbates underlying structures of oppression that plague our society (e.g., anti-Black racism, homophobia and transphobia, settler colonialism, ableism, etc.) and drains the capacity of communities to organize and build toward better futures.

For decades, poor and unhoused organizing groups have paired up with radical legal workers to bring legal support to their communities. While these attempts have had varying degrees of success, many have worked to reduce harm and bring urgent material relief to people living in dire circumstances. For example, where WRAP member organizations have organized ticket or citation defense clinics, attorneys have had a nearly perfect record of getting low-level anti-homeless tickets dismissed. In other instances, legal allies have won important cases against cities, and even private business improvement districts, for sweeps or other anti-homeless enforcement. Unfortunately, these partnerships have almost always had limited life spans, fading out after a particular attorney leaves, a legal institution loses a funding source, or a new evil surfaces and diverts capacity and attention. The wins have also not been able to address the structural roots of mass homelessness, quell relentless waves of ever-morphing criminalization tactics, or alter power imbalances between attorneys working within oppressive institutions and organizers working in the margins that those institutions create.

The LDCs are anchored in an understanding that, important as past attempts have been, new methods of doing movement legal support are needed. The LDC model is our attempt to build off decades of tireless organizing and advocacy, the successes and the setbacks, and grow something that can flex and live with our movements for the long term.

1 Because they are systematically enacted and enforced to target poor and unhoused communities, this manual will refer to "quality of life" laws by their more accurate monikers: anti-poor or anti-homeless laws.

2 For example, Tennessee recently made it a *Class E felony* to *"camp" on public property,* punishable by up to 6 years in prison and a $3000 fine, and carrying a litany of other *collateral consequences*.



So, What are the LDCs?

Mission: The LDCs aim to strengthen and support the growing movement to decriminalize homelessness by reimagining the relationship of legal work to organizing.

The LDCs are a **national network** of **movement-driven** legal clinics3 dedicated to dismantling the carceral complex of laws and policies that target unhoused communities. In addition to increasing front-line legal representation, this network aims to fully integrate that legal support into organizing spaces working to build the power of poor and unhoused communities to fight for their own liberation and forge better futures.

Through this form and process, the LDCs facilitate a new depth of relationship between lawyers and organizers in the field, one which harnesses the full range of tools at its disposal, collaborates across time and space, flexes as the movement requires, and sharpens the focus of legal work to address the long-term needs of poor and unhoused communities.

Scope: The LDC Project targets ***seven issue areas***. Through years of extensive street outreach, WRAP members identified the most common ways that unhoused folks are being criminalized across cities and states.4 The LDC's seven issue areas reflect those that came up consistently in WRAP's outreach *and* have been hardest to rally sustained legal support for.

While these issue areas serve to strategically narrow LDC work, they will impact local sites to different degrees and may not reflect every form of criminalization your community experiences. It is **essential for local sites to conduct targeted outreach** during early phases of implementation to determine what issues are the most pressing in their communities. Because tools of oppression adapt quickly and spread like wildfire, the LDC Working Group can adapt the list of targeted issue areas as local outreach uncovers new tactics of particular concern.

The 7 issue areas of the LDC project:

- Anti-homeless tickets & arrests
- Parking citations & vehicle tows
- Stay-away & trespass orders
- Food sharing bans
- Harassment by police & private security
- Property confiscation or destruction
- Warrants for all the above

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3 The term **"clinic"** has a more expansive meaning in the LDC model than it might in other contexts. LDC "clinics" include **any point of legal (or legal-adjacent) support local sites provide to their communities**. This might mirror traditional legal clinics, where attorneys provide one-off legal support on discrete issues (e.g., defending against "quality of life" tickets or citations). It may also look like non-attorneys supporting community members with legal-adjacent issues that don't require an attorney, such as submitting admin claims for property destroyed during a sweep or fighting a vehicle tow. Or, it could take the form of attorneys and organizers working with community members to craft proactive impact litigation or legislative campaigns to fight back on a larger scale. In the LDC model, these are collectively known as "configurations of legal support," as detailed in our configurations primer. This manual uses the terms "LDC," "local LDC," and "clinic" interchangeably to refer to this diversity of configurations

4 This includes around 1,700 individual street outreach interviews conducted over seven years.

LDC Structure

The LDC project depends on a collective of like-minded people with diverse talents operating at several levels simultaneously. The key roles of the project are each described below.

National Oversight and Implementation

The LDCs are a joint project of the Western Regional Advocacy Project (WRAP) and the National Homelessness Law Center (the Law Center). Together, these two organizations dedicate organizing and legal staff and resources to serve as the LDC ***Core Staff.***

The Core Staff oversees and executes the implementation of the LDC Project nationally. This includes building the project's mission and structure, creating core LDC materials (like this document), developing and sharing resources, and providing guidance and support to local sites to launch and run their local clinics (e.g., by facilitating the creation of strategic plans, assisting with outreach and recruitment, helping with budgeting and fundraising, etc.). The Core Staff are also responsible for the maintenance work essential for operating the LDC network long-term, such as updating manuals, providing administrative support, training LDC staff and partners, facilitating cross-site communication and strategy, etc.

Local Oversight and Implementation

Local organizers work in partnership with local legal allies to implement the LDCs in their communities, forming the ***Local Sites*** (or "host sites"). These partnerships can take several forms and will likely change over time as circumstances change, but each will orient legal support around organizing goals and community needs.

While they work closely with the LDC Core Staff and Network, **Local Sites "own" their clinics**. This means that sites identify local priorities (through ongoing street outreach), coordinate legal and non-legal staffing, manage communication with clinic users and local partners, and direct LDC work in a way that drives their broader organizing campaigns. ***Point organizers*** are the folks at each local site tasked with coordinating the LDC. The team of point organizers will always include host site organizers, and will also sometimes include allied attorneys who want to play a larger role in implementing the LDC.

Bringing it all together – The LDC Network

The LDC ***Network*** is the web that functions to turn a string of local clinics into a national force for decriminalization. To this end, the network connects all the above key players, locally and nationally, as well as vital allies–legal workers, organizers, academics, and other volunteers–invested in the project's goals. This network is what allows the LDCs to **amplify our efforts and scale up our skills and resources** in ways we simply cannot when working in the siloes of our local contexts.



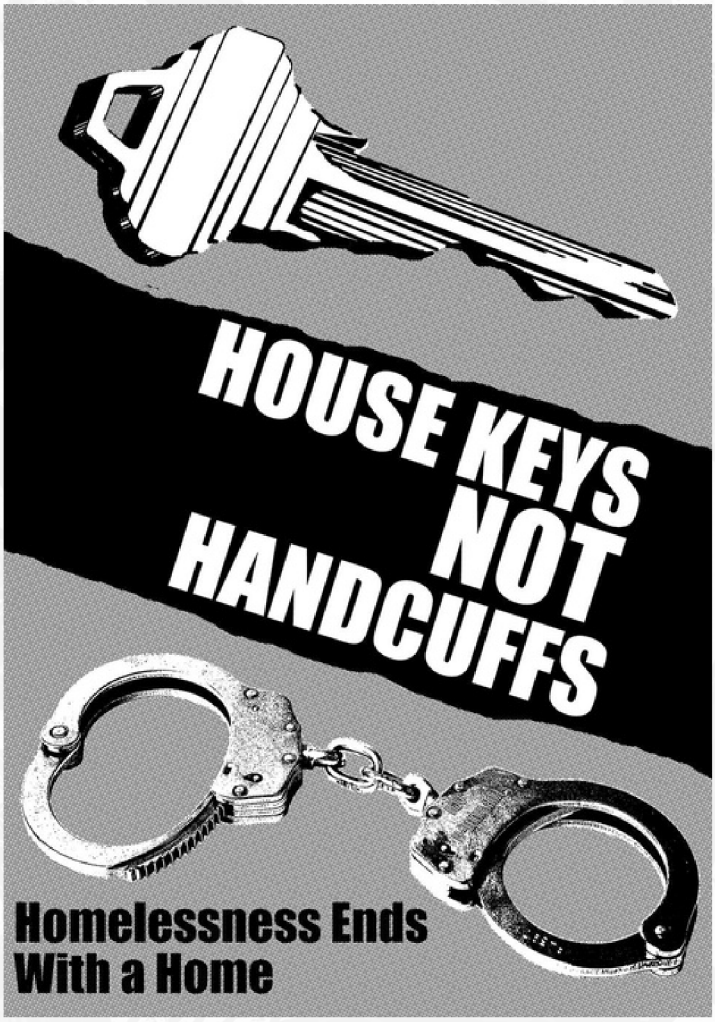
Functionally, the LDC network works through the LDC *Working Group* (p.44) a body made up of the Core staff, members of each local LDC, and certain allies that direct the LDC project through regular meetings and collaboration. The Working Group provides a space for sites to share skills, troubleshoot, access peer support and supervision, and coordinate national strategy and messaging. Beyond skill-sharing and strategy, approaching decriminalization work as a coordinated national campaign also creates a vital **safety net** in which expertise and resources are pooled across sites, and can support members in difficult times.

Guiding Principles/Core Commitments

For a more detailed version of these principles and commitments, see the LDC Overview document, included in this manual under *Supporting Documents* (p. 55).

Guiding Principles	Core Commitments
The following principles and understandings anchor the LDC model and frame the project at all levels.	To achieve broader LDC goals of building movement power toward deep systemic change, all local LDCs agree to five core commitments:
1. The criminalization of homelessness is a project of racial capitalism, ableism, and settler colonialism. 2. Mass homelessness and poverty will never be ended unless the systems of oppression that have created and maintained it are dismantled. 3. This deep systemic change can only be achieved through grassroots organizing that empowers unhoused people to compel systemic change. 4. Still, unhoused peoples' movements have an urgent need for lawyers to do essential harm-reductive work. 5. This legal support must be intentional and based on a praxis of movement lawyering. 6. In turn, lawyers need more pathways for developing both their substantive skills and their own practice of movement lawyering. 7. Organizers need networks of collective support to sustain legal support work long term.	I. developing and centering an intersectional analysis of how neoliberal capitalism, anti-Black racism, settler colonialism, and ableism shape the landscape of criminalization; II. advocating to address the root causes of mass homelessness and poverty, such as the divestment from affordable housing and investment in criminalization; III. utilizing local legal clinics as a tool of broader grassroots movement work; IV. growing pathways for unhoused community members to substantively shape and lead their local LDC and the larger organizing work it is embedded in; and V. investing time and resources into building out the LDC network as a vehicle for both increasing organizational capacity at local levels and building power nationally.

Implementation Roadmap



Roadmap At A Glance

PART A: Five-Step LDC Project Checklist

These steps are designed to be done in order.

- ☐ *Step 1: **Assess*** - is an LDC the right project for your organization, right now?
- ☐ *Step 2: Establish **structures for collaboration*** between local and national LDC organizers.
- ☐ *Step 3: Conduct initial LDC-specific **outreach*** in your community.
- ☐ *Step 4: Create a **strategic plan*** based on steps 1 through 3.
- ☐ *Step 5: Create an **implementation work plan*** based on the ten implementation tasks.

PART B: The LDC's Ten "Implementation Tasks"

While the above five checklist steps should be done in order, these implementation tasks may occur at different times or even simultaneously; some will need to happen on a recurring basis for the duration of the project.

- *Recruitment and training*
- *Creating promotional materials*
- *Budgeting*
- *Setting up shop*
- *Running your LDC*
- *Participating in the LDC Working Group*
- *Developing and executing legal strategy*
- *Information and Data sharing*
- *Conducting ongoing LDC-related outreach*
- *Fundraising*

LDC Implementation Roadmap

How To Use This Roadmap

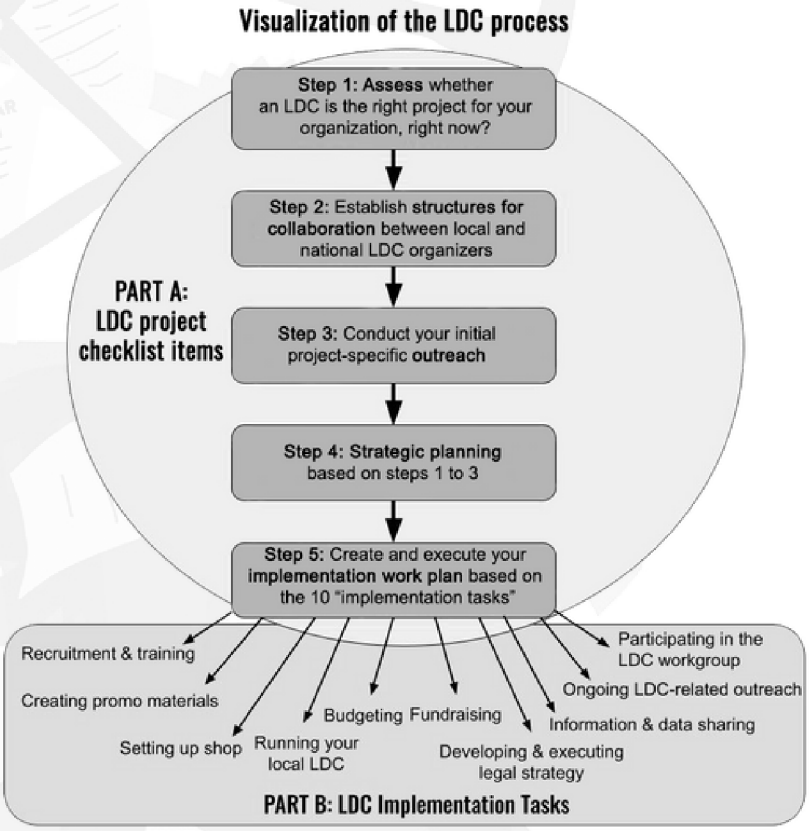
Welcome to the Implementation Roadmap! It is intended as a comprehensive (but not exhaustive) overview of how to start a Legal Defense Clinic in your community, from the initial, “oh that sounds cool!” phase through launch and ongoing implementation. You can use this roadmap in several ways:

As an implementation walk-through

The primary function of this Roadmap is to trace the path that LDC Core Staff and local sites will take to move through the design and implementation phases of the LDC project together. The Core Staff has tried to anticipate the questions and considerations you might have along the way, which means the pages below contain a lot of information. As you read through, keep in mind that this material is **best digested in small chunks**, in tandem with meetings and conversations with the Core Staff.

As the visualization illustrates, the five checklist steps in "*PART A* (p.11)are intended to be walked through in order. The LDC Core Staff will meet and work with local sites very closely through each step, clarifying the process and helping local organizers to complete each one before moving on to the next.

The fifth checklist step involves the more non-linear process of considering all 10 “implementation tasks” from *PART B* (p.30), and crafting them into a site-specific work plan. The information in Part B becomes quite detailed and may feel overwhelming at the onset of the project. We’ve included it all here for those detail-oriented folks among us, but **it is ok to put PART B aside** until you have moved through the first four checklist steps.



To understand the scope of the project:

It may be helpful to read over the entire document at least once, to get an idea of the different pieces of implementation and how they fit together. This read-through can also be helpful to flag more minute aspects of the project that are confusing or unclear.

As a reference guide:

Since implementation is a process, not all of the tasks will be relevant right away, and not all of the detailed steps for those later tasks will make sense without the context that the earlier steps provide. But not to worry! This document is also intended as a quick reference guide that you can flip through and refer back to as you move through the process.

As a source for training and promotional materials:

To build a shared collective understanding of the LDC project and its goals, point organizers will need to communicate its elements many times to many different people along the way. This roadmap makes that easier by providing comprehensive information about the LDC project's principles, process, and day-to-day logistics that LDC staff can pull from to create the materials they will need throughout implementation. This can help with orienting folks to the project, promoting it to the community or funders, training the legal and non-legal staff, and more.





PART A: 5-STEP LDC PROJECT CHECKLIST

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STEP 2: Establish Structures For Collaboration…….....	17
STEP 3: Conduct Initial LDC-Specific Outreach…….	19
STEP 4: Strategic Planning Based on Previous Steps……	22
STEP 5: Create and Execute Your Implementation Work Plan	26



STEP 1: ASSESS- Is An LDC The Right Project For Our Organization Right Now?



STEP 1 IN BRIEF

- **Point organizers** at each LDC host site begin by assessing whether the LDC project is the right tool to meet their community needs and organizing goals at this time.
- This involves waking through three overarching steps:
  - **First,** taking stock of both internal and external context and needs;
  - **Second,** getting a better understanding of the LDC model and process; and
  - **Third,** assessing if the specifics of the LDC project align with needs, goals, & capacity

I) Community Assessment

Point organizers assess:

- What is already known about the community's legal needs.
- What their current organizing goals are, and how offering legal services would complement them.
- What their current organizational capacity is.
- What, if any, legal providers are already working in the community and/or in partnership with the host org.

II) Learning the model

Point organizers learn more about the LDC model by:

- Revisiting the LDC overview document.
- Learning about the LDC's unique movement lawyering model.
- Understanding the different forms that an LDC can take by reading the configurations primer

III) Assessing alignment

Point organizers will work with the other staff members steering their organization's strategy to determine whether:

- The LDC's model of providing legal services will meet existing community needs.
- The unique model aligns with current organizing goals.
- The organization has at least minimal capacity to take on the project.



One core principle of the LDC project is that unhoused people need legal services that are ***shaped by and accountable*** to them and the organizers pushing for structural change in their communities.1 To this end, the LDC project is designed not only to connect people with attorneys (or other legal workers)2 to meet urgent legal needs, but to also do so in a way that constantly ***builds collective power***. While we believe the LDC model has the power to greatly increase our collective ability to fight back against criminalization, it also might not be the right model for every organization, or at every moment in an organization's life.

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1 Though this document references the labels "unhoused people" and "organizers" separately at times, it's worth recognizing that these identities regularly overlap! In fact, the LDC model views this by-and-for organizing model as vital to real power-shifting movement work and aims to create pathways for clinic users to move into organizing roles as much as possible.

2 Not all legal workers that support unhoused communities are/will be licensed attorneys. In some cases, certain legal support might come from paralegals, law professors, law students (under supervision), or other trained legal workers. It is also important to acknowledge that unhoused people themselves often develop significant expertise in the laws and legal systems impacting them, and use this knowledge and skill to take action in and/or train their own communities. For brevity and clarity, this document uses the terms ``attorney" and "legal workers" separately but in tandem to capture this nuanced reality.

For this reason, folks considering starting a local LDC should ***first consider whether this project is right for them and for their community***. The questions below are designed to help with that process. **There are no "right" answers;** instead, the goal of walking through these questions at the very beginning of the process is to get a snapshot of where each local site is starting from and how, or if, an LDC could bolster its broader goals and campaigns. It will also help identify anchor points—the "why"—that will ground the work as implementation rolls out.

This initial assessment is meant to be ***done by the "point organizers"*** at each local site who would bottom line getting the project off the ground. Ideally, this would be done in conversation with the rest of your org's staff/members, to ensure everyone is on the same page. Take notes on your answers to these questions as you go—if after the assessment you choose to move forward with launching an LDC, the answers you land on will inform the next four steps of the implementation process.

The initial assessment of whether an LDC is right for your organization combines three main steps:
1. taking stock (internally and externally) of the context your organizing is in, and
2. learning more about the LDC project itself and
3. deciding if it makes sense to move forward with the LDC project at your organization.

QUICK NOTE ON ROLES

One of the core aspects of the LDC model is that while it is a legal project, it is "owned" by organizers who are working with/ taking direction from currently unhoused people. To achieve this, the first few steps of implementation are designed to be led by "point organizers" at the orgs that will be "hosting" the local LDC. This means that while attorneys and legal workers are an essential part of the teams running local LDCs, they play a supporting role in these early implementation steps (1 through 3).

If after going through these questions and learning more about the LDC model it doesn't seem like a good fit at this time, that doesn't mean you'll be left high and dry! The legal and organizing resources that the LDC Core Staff put together will be made available to anyone who needs them to fight back against criminalization in their communities.

I) Taking Stock of the Current Context

By walking through the questions in A-D below, the person or team that would be running your LDC can get a sense of ***how an LDC would fit into broader organizing work*** and what might be feasible based on current organizational capacity.

A. Why does your community need a legal clinic?

- What specific legal issues are you hearing about from poor/unhoused community members?
- How are you getting that information? (e.g., directly from street outreach, organizing meetings or service events, from other groups or attorneys, etc.)



Note: if this information isn't coming to you directly from your community, this would be a good time to conduct some "down and dirty" outreach—an abbreviated version of the outreach you will go on to conduct in "*Step Three* (p. 19)", below.

In this phase, you will connect with poor and unhoused folks from your community through existing outreach channels (e.g., street outreach, meal services, community meetings, etc.) but with targeted questions aimed at pinpointing the specific ways they are being criminalized. This includes what laws or enforcement tactics are being used against them, what kind of punishments they are facing, etc. You may want to use (or pull from) Section 1 of the "*Template LDC Outreach Questions* (p. 64)" for this. If you have money for stipends it would be great to use that here, but if you don't you will definitely want to keep your questions to around **5-6 minutes** per person.

- Is your organization already addressing any of these issues in some way?
- What, if any, of these issues are being addressed by other organizations?
- What are the material ways that community members are being impacted by these issues?

B. Connecting legal work to organizing vision

- How are you vetting/validating your campaigns and projects through your community?

◯ Street outreach ◯ Community forums/meetings ◯ Workgroups
◯ Other: _____

- What are your current/planned organizing campaigns or projects?
  - How do you see a legal clinic supporting or adding to those?
  - For example, maybe offering legal services to your community would help bring folks into your space and build up your member base. Or maybe you are prepping a legislative campaign to challenge anti-homeless laws on the books in your city (like WRAP's *Right to Rest Act*) and need a way to directly gather information to support your campaign about how those laws are being enforced and who is being targeted.

- Does your organization have a mission statement or vision of change?
  - *If so*→ how do you imagine a legal clinic would work within and/or boost that mission/vision?
  - *If not* → what organizing norms or principles is your organization grounded in more generally? How do you see an LDC fitting within or boosting those?

C. Assessing organizational capacity

- What capacity do staff have to take on a new project?
  - Jump to the "*Setting Up Shop* (p. 41)" and *"Running Your Local LDC* (p. 43)" sections to get an idea of staffing needs and essential tasks.
  - Is there an existing organizer with the time to dedicate to designing, launching, and running the LDC?
  - If not, what would you need to get this (increase current staff time, find new volunteers, hire new organizer, etc.)

- Do you have an existing campaign to decriminalize homelessness, or have you run a similar campaign in the past?
  - If not, in what ways do issues like police violence, forced institutionalization, and/or erasure of poor people from public (or public/private) space land on your organization's radar?

- What structures for community engagement and/or defense already exist at your organization (e.g., outreach, street/cop watch, regular food distribution, etc.)?

- Does the LDC project fit with your organization's current mission and/or strategic plan?
  - If not:
    - What is the process to have it approved across the whole organization?
    - Will you have to stop doing something else?
    - How does it fit with your long-term goals?
    - Is there agreement across the organization?

- Has your organization ever offered legal support?
  - ***If so*** →
    - What form did it take and what specific legal needs did it address?
    - Was it effective? Why/why not?
    - Is it ongoing?
      1. If yes - why do you think the LDC is needed in addition?
      2. If not - why did it stop?

- Are there existing funding streams that can fund the future LDC (e.g., toward staff pay or volunteer stipends, materials, space needs, etc.)?
  - ***If so*** → how would the budget need to be adjusted to direct those streams toward the new LDC?
  - ***If not*** → do you have ideas of how to create new funding streams? Does your development/fundraising staff (or volunteers) have capacity to take this on?

D. Assessing the broader local context

- What legal support is currently available to support people impacted by anti-homeless laws and policies3?
  - Who provides this support?
  - What legal needs do they address (be as specific as possible)?
  - How successful have they been so far?
  - What kind of barriers exist in accessing them?
    - For example, is the intake process lengthy or overly complicated? Are people able to get to the physical space where the services are offered?
  - Are unhoused community members telling you about gaps that still exist in the legal services they can access?

- Do you currently have any partnerships or relationships with local attorneys?
  - If not → note the reasons why these relationships don't exist (e.g., the organization had existing relationships but the attorneys left, has never reached out to attorneys, has had bad experiences with attorneys, etc.)

3 We will use the term "anti-homeless laws and policies" throughout this document as a placeholder for all laws or enforcement policies that have the intent or effect of excluding poor people from public space. Many of these will implicate folks who might not be or consider themselves unhoused, including folks who are living in SROs, couch surfing, living in vehicles, etc.



- **If so** → take stock of who those folks are and what you've worked on together. In addition to facts about the legal work itself, take note of how it felt to work with those individuals/organizations, considering things like:
  - Have they demonstrated (through action, not just words):
    i. Respect for the expertise of organizers and unhoused people?
    ii. That they are open to working with and taking direction from non-lawyers?
    iii. That they are open to take unconventional or creative approaches with the law?
  - Do they talk about their legal work relating to organizing/movement work? If yes, how do they talk about it?
  - Did you have to make compromises you did not feel good about in order to receive legal support
  - Has working together resulted in things you consider wins?

II) Learning More About the LDC Model

Now that you have a sense of your organizational capacity and how offering legal services may bolster your broader organizing goals, it's time to dig more deeply into the LDC model and decide if the LDC project is the right form for those legal services to take.

A. Revisit the "*LDC Overview document* (p. 56)" to get a solid sense of the project's ***structure, mission, goals, guiding principles,*** and core ***roles***.

B. Learn about the "*movement lawyering model* (p. 67)" of the LDCs, and how it is unique from other forms of legal support you may have encountered.

C. Review our primer on "*configurations of legal support* (p. 72)" to get an idea of the different shapes that the LDC Project can take locally.

III) Decide Whether You Want To Move Foward With Launching an LDC

After reading through these documents, come back to the answers you came up with in the above context assessment and consider:

- Would the kind of legal support offered through the LDC address the legal issues/gaps that seem to exist in our community?
- Does the unique LDC model align with our organizing goals?
- Do we have the organizational capacity to take this project on?
  - If not, can we feasibly build up that capacity quickly?

If the answers to these questions are "yes," the next step is to meet with LDC Core Staff and begin discussing the next phases of implementation. If the answer to some or all of these questions is "no," this is likely not the right time to launch an LDC at your organization. Most LDC materials will be publicly available and the Core Staff may be able to connect you to other resources that can support your organization in offering other kinds of legal support.

STEP 2: Establish Structures For Collaboration Between Local And National LDC Organizers

If the LDC seems like a good fit, the next step is to begin meeting with LDC national organizers ("LDC Core Staff") to start building the organizational foundations for working together.

STEP 2 IN BRIEF

- Point organizers at the LDC host site will work with the LDC Core Staff to **create collaboration structures** needed to work together and across the LDC Network.
- **The LDC Network includes:**
  - The LDC Core Staff → staff from WRAP and the Law Center dedicated to running the LDCs
  - Each local LDC site → both organizers and attorneys running the local LDC work
  - The LDC Working Group → the main collective body of the LDC project, made up of the Core Staff, all local LDC sites, and allies who have expertise to lend to the network.
- **Collaboration structures** include:
  - Decision making structures
  - Regular communication pathways
  - Shared work plans
  - Shared data tools used by the Working Group

1) Roles, In Brief

Each LDC site operates locally– in its own community– but does so as part of a coordinated national network. By collaborating with one another and harnessing local expertise and people power towards bigger shared goals, we increase the chance of pushing back the wave of criminalization sweeping our communities. To do this work effectively we must anchor this collaboration in shared structures, vision, and principles.

This is the crux of the work done by the *LDC Core Staff*: building and maintaining shared structures and tools for running the LDCs, and facilitating communication between local sites for information sharing, mentorship, and strategizing. This allows local LDCs to launch and run as smoothly as possible, and also helps preserve resources and institutional memory if any LDC site is facing organizational or leadership challenges that could derail the project.

Local sites (or "host organizations") "own" their LDC, meaning they have the ultimate say in the direction of the clinic. However, by agreeing to be part of the LDC network, local sites agree to operate within the basic structure and principles of the LDC project, participate in the "*LDC Working Group* (p. 44)", and collect and share certain "*data and other information* (p. 49)" with the Core Staff and network.



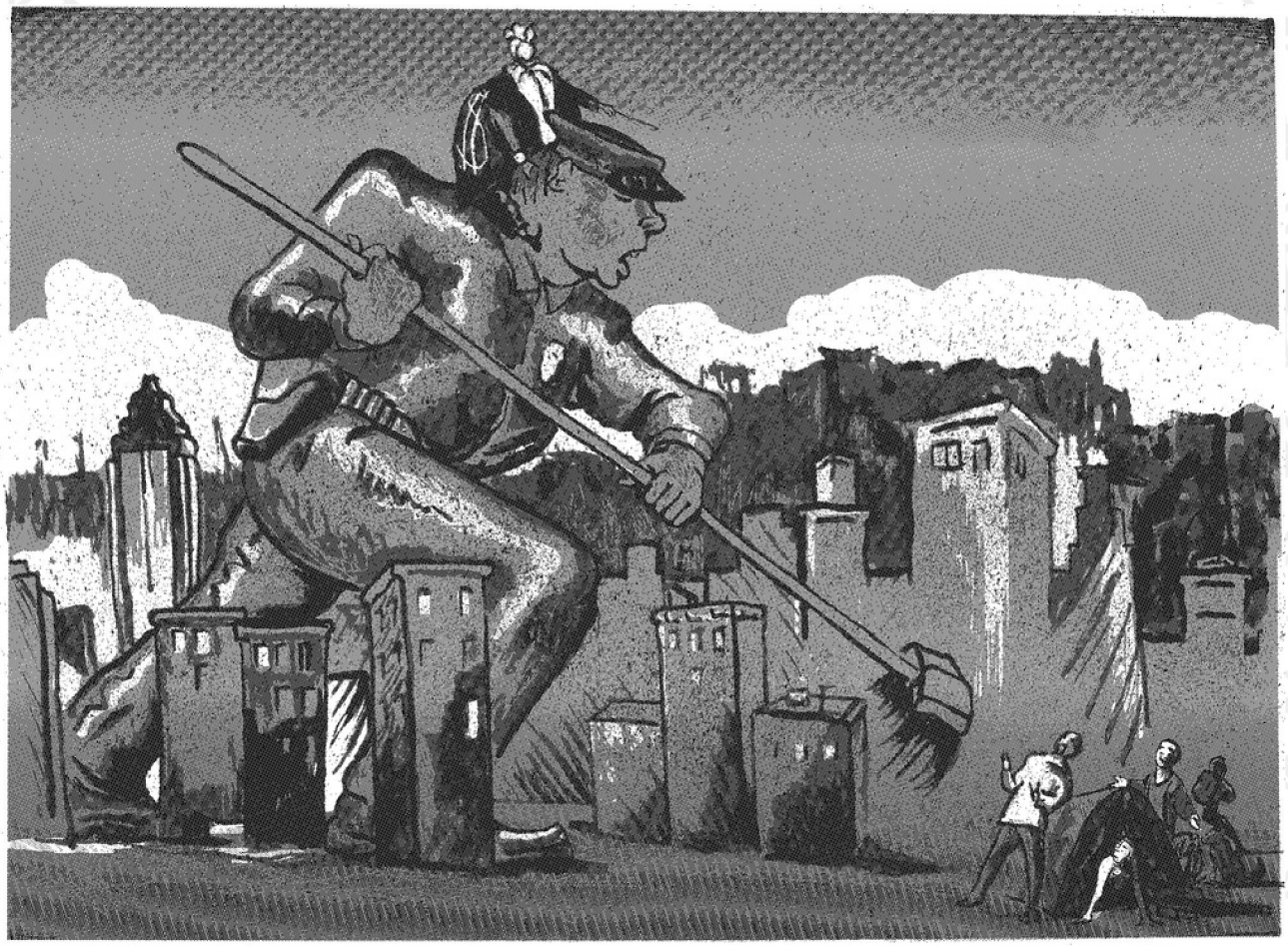
The *Working Group*, comprised of local sites and WRAP members, holds the LDC Core Staff accountable to the mission and vision of the project and provides mentorship and support to local LDC organizers and legal workers.

2) Creating Collaboration Structures

Once a local site decides they want to start up an LDC, its local organizers (or other point staff, members, or volunteers) will start meeting with the LDC Core Staff to ***set up the basic structures of the partnership***. This will include steps like:

1. Recapping roles and what each group brings to the project;
2. Setting up regular meetings and other pathways of communication;
3. Establishing decision-making structures and group norms for how everyone will work collaboratively (by, for example, utilizing the "*decision-making template* (p. 75)" to create a chart that covers various scenarios and categories of decisions);
4. Creating shared work plans; and
5. Introducing the new LDC site to the LDC Working Group.

Similar to STEP 1, the idea is to front-load this structural work so that everyone involved is on the same wavelength and collaboration can flow smoothly.



STEP 3: Conducting Initial Program-Specific Outreach

Once you've decided that your community needs an LDC and put the basic structures for collaboration in place, it's time to dig more deeply into your community's needs.

STEP 3 IN BRIEF

- Local LDC host sites conduct targeted street outreach that will be used to shape the form, focus, and scope of their LDC.
- LDC Core Staff will help local sites create an **outreach strategy** to ground this program-specific outreach. This plan will consider:

I) What information you already have vs. need to collect?	II) Can your org use existing outreach tools?	III) What questions need to be asked?	IV) How will the information be recorded & synthesized?	V) What material support does your org need to conduct the outreach?	VI) What timeline is feasible?
Is there info gathered in past outreach (done by the host site or local allies) that can be used or built off of? If so, what gaps are left?	What are the current outreach tools used by the org? Can these be used to conduct the LDC specific outreach? If not, what material support is needed to start new outreach methods?	Are there questions beyond what we have put together in the template outreach questions that should be asked?	Who at your org will read through all the outreaches and synthesize the information? Where will this be recorded and stored?	E.g., help fundraising to pay folks to conduct the outreach or for stipends/other incentives for participants, help synthesizing the information gathered, etc.	Based on your organizational capacity and outreach strategy, how long should you plan this outreach to take?

The LDC Project targets *seven issue areas*. Through years of extensive street outreach, WRAP members identified the most common ways that unhoused folks are being criminalized across cities and states.4 The LDC's seven issue areas reflect those that came up consistently in WRAP's outreach *and* have been hardest to rally sustained legal support for.

While these issue areas serve to strategically narrow LDC work, they will impact local sites to different degrees and may not reflect every form of criminalization your community experiences. It is **essential for local sites to conduct targeted outreach** during early phases of implementation to determine what issues are the most pressing in their communities. Because tools of oppression adapt quickly and spread

4 This includes around 1,700 individual street outreaches, conducted over seven years.



like wildfire, the LDC Working Group can adapt the list of targeted issue areas as local outreach uncovers new tactics of particular concern.

This **initial program-specific outreach** will become the main anchor point for building out your LDC and will help pinpoint essential things such as what legal needs the clinic will prioritize and what configurations of legal support will be most strategic to use.5 As your LDC launches and starts offering support, "ongoing outreach (p. 52)" will continue to be the primary tool for honing legal strategy and staying accountable to your community.

The initial outreach can be folded into the ways that your organization is already meeting your community (e.g., talking with community members on routine street outreach, conducting surveys while out on street watch, tabling at weekly food distribution), but in some cases new or additional outreach efforts might be needed. LDC Core Staff will provide "template outreach forms and questions (p. 64)" that local organizers can adapt locally.

I) Creating An Outreach Strategy

Core staff will also work with local organizers to develop an overarching **outreach strategy**, considering things like:

1. **What information already exists** from prior outreach that you/your allies have done?
2. What **current outreach structures** is your organization using?
    a. If outreach is happening: can it be used in it's current form to gather LDC-specific info? How?
    b. If outreach is not happening: what new structures must be developed to start it? Will additional resources be needed to do so (i.e., volunteers or a new paid position, printed materials, etc.)?
3. What **questions** do you need to ask to gather the information?
    a. This may go beyond what we've brainstormed in the template outreach document.
4. How will the information collected be **synthesized and recorded**?
5. Who will conduct your outreach and how **will folks be incentivized** to participate thoughtfully in the process?
6. What, if any, **material support** would local organizers need to accomplish all this?
7. What **timeline** is realistic for completing this outreach?

When feasible, the Core Staff will work with sites to increase organizational capacity to do the program-specific outreach. Beyond providing outreach materials and strategy support, this might also mean helping sites recruit and train folks to do the outreach or fundraising for wages, stipends, or other incentives for folks conducting and participating in the outreach efforts.

5 If you are curious what we mean by configurations, check out our *Primer on LDC Legal Configurations* to learn more. It will also come up in more detail in the next step.

II) Tips for Conducting LDC Outreach

Outreach can be a powerful tool for staying connected to and building trust with your community when done in a way that honors where your community is at.

Some general tips6 to ground your outreach to this effect:

- Where possible, **recruit, train, and pay unhoused folks** from your community to do the outreach—it will help to both find participants and put folks at ease as they answer your questions.
- **Keep things tight.** There is always a line to walk between getting the information you need and taking too much of people's time.
  - A good rule of thumb is that a survey should take around 15-20 minutes to complete.
- **Compensate people for their time**, whenever possible. The experiences and ideas that folks share with you in outreach will form the foundation of your LDC and that is essential labor! Compensating folks for this labor, especially when connected to longer outreach contacts like surveys or forums, will not only incentivize participation, but will also help build trust by demonstrating respect for people's time.
  - Think about offering gift cards to folks completing surveys or attending community meetings (e.g., $15-$20 visa cards).
  - If hosting community forums or meetings, consider also providing attendees a meal or other nourishing food. It both incentivizes attendance and honors the fact that unhoused folks are often severely food insecure.
  - Note: these kinds of compensation will need to make it into your budget.

III) Putting Your Outreach to Work

Once local sites have finished conducting their street outreach, the information will need to be synthesized and stored in a way that can be easily accessed later. This information will inform the strategic planning done in the next step, and may also be relevant for other organizing campaigns, public education, or fundraising down the line. The LDC Core Staff will set up data infrastructure to store and synthesize this outreach information, but keep in mind that local sites will need to input that information (through staff or volunteer time).

6 These tips are informed by organizers with decades of collective experience conducting street outreach, and are also particularly inspired by Housekeys Action Network Denver (HAND), whose recent "*Pipe Dreams and Picket Fences*" report was written using over 1000 outreaches to unhoused folks in Denver.



STEP 4: Strategic Planning Based on Previous Steps

Local organizers and LDC Core Staff will now work together to synthesize what came up in the previous steps and craft it into a **strategic plan** for launching and running the local LDC.

STEP 4 IN BRIEF

1. This process involves **first,** synthesizing the information from steps 1 and 3; and **second,** brainstorming which "*configurations of legal support* (p. 72)" could be used to meet the needs/goals uncovered in those steps, within the capacity constraints of the host site and legal partners.
2. **The goal** is to identify the best configuration(s) to start with, and then to make a plan for building toward more ideal configurations and/or pivoting to new configurations if circumstances change.
3. The strategic planning process will work through **six main points:**

Core legal needs or gaps in your community	• What unmet legal needs did outreach uncover? • Are these within the 7 issue areas of the LDC project?
Possible configurations of legal support to meet those needs	• Revisit the LDC's flexible "configurations" approach • Which configurations might meet your community's legal needs. • Which could you pull off given your current capacity? Which would need to be built towards?
How legal support would feed organizing efforts	• Check each configuration against your broader organizing goals. • Ask: Does the configuration build power? Create pathways to membership or leadership at your org? Equip unhoused folks with skills? Etc.
How each configuration ranks	• How does each possible configuration you've brainstormed rank re: boosting your organizing goals? • Take specific note of any that don't boost organizing or that replicate harmful power imbalances? • Map these out on a rough spectrum of most aligned → least aligned with organizing strategies.
Resource needs of each possible configuration	• Thinking about the resource needs of each possible configuration (e.g., money, staff time, space, etc.) • Chart out the configurations that could work when resources are tight, flush, or somewhere between.
Steps to launch and pivot between configurations	• Decide on a configuration(s) that is feasible within current org capacity (resource needs) AND high ranking in terms of meeting organizing goals. • If there is a more ideal model you want to build to, identify the steps needed to get there. • Identify configurations that could work if org capacity changed for the worse. • Map out and steps that would be needed to move between these.

This is the step that moves the implementation process from identifying needs and limitations to **shaping how those needs can be met**. The goal is to identify:

1. the different configurations of legal support that organizers could utilize,
2. the resource needs of each configuration, and
3. steps for moving towards and between the most ideal configuration(s).

Caution - dense content ahead!

Here the process gets more detail-oriented and may feel slightly abstract on first read, but don't get discouraged! **The LDC Core staff** will be there to clarify the process and guide local sites through this step **as slowly as needed** to ensure folks are not overburdened. It might seem like a lot of work, but the idea is to front-load this planning in early phases so it doesn't have to be done to the same extent down the road.

Taking the time to build an explicit strategic foundation early means organizers can pivot quickly f circumstances on the ground change, and the project can survive if organization leadership or point staff change.

In the **strategic planning phase**, host organizations and Core Staff will consider **six main points**:

A. What **core legal needs or gaps** did the targeted outreach identify?
- Are these within the parameters of the LDC project?

B. What are *all* the **possible configurations and tools of legal support** that could be used to meet those core legal needs?
- In the LDC model legal support is not offered in any one static form. Rather, LDC organizers build out a variety of different **legal tools and partnerships** with legal workers to meet evolving movement goals and urgent community needs. The shorthand term we use to describe this combination of tools and partnerships is "configurations," and it is one of the most unique things about the LDC model.
- Local LDC organizers will benefit from exploring the "*primer on LDC legal configurations* (p.72)" at this stage, to better understand what we mean by "configurations" and see some examples we've come up with.
  - Core Staff will work with local organizers to understand these configurations and brainstorm options that may work locally.
  - It will be important to consider the full range of legal and organizing tools while brainstorming these configurations—some legal needs might not actually require a licensed attorney, but rather someone with legal knowledge and the ability to give administrative support

C. How would each different configuration **feed existing or planned organizing efforts**?
- For example, for each configuration it might be useful to ask: Does this configuration help build power among unhoused community members? Does it create pathways to membership or leadership at our organization? Does it equip community members with new skills?

D. **How do different configurations rank** on a spectrum of most to least useful in bolstering your broader organizing goals?
- Which seem most ideal for building towards organizing goals and meeting community needs (as unearthed through outreach)? Which seem least ideal? Which fall somewhere in between?
  - Note that while local LDCs may use a variety of configurations at once, it will be useful to know at the beginning which are most aligned with your broader goals as you consider taking them on.

E. What are the **resource needs** of each configuration(e.g., $, staff time, space, etc.)?
- LDC Core Staff and local site staff will brainstorm which models would be most feasible for use:
  - in resource-sparse times (when there are very limited (or no) funds and/or very low organizational capacity among existing staff/volunteers);
  - in resource-abundant times (when there is plenty of organizational capacity and/or sufficient money to put towards the LDC); and
  - at various times between these two extremes.

F. What **steps can be mapped out** for first launching your LDC vs. pivoting to other configurations when things change?
- Look at the resource needs of each configuration you just mapped out.
  - Which fit within your current organizational capacity (look back to your answers from "Step 1 (p. 12)" if needed)?
  - Which (if any) would need to be built towards?
    - (e.g., via fundraising, hiring, etc.)
  - Which (if any) would be good if your organization loses some capacity?
    - (e.g., an organizer leaves, a grant falls through, etc.)

- To find the best configuration(s) to use at your **initial launch**, look to those that:
  - Are within your current organizational capacity, **and**
  - Rank highest on the spectrum in terms of serving your bigger organizational goals.

- When thinking about **future configurations to pivot towards:**
  - Map out the steps you'd need to take to move to the new configuration.
    - For example, does money need to be raised or new folks hired? Or conversely, do legal issues need to be narrowed or clinic hours shortened?
  - Consider what existing structures or resources your org can use to execute these steps.
    - For example, if more money is needed, could this be folded into existing fundraising work? If more staff capacity is needed, can volunteers from another project be shifted toward the LDC? Etc.

  - Identify any new structure or resources that would need to be created at your org to achieve these steps?
    - For example, do you need to create (and fund) a whole new position? Do you need to renovate your physical space? Do you need to grow a relationship with a community partner to share some of the work?
    - How can the Core Staff or Working Group assist in growing/building/raising these?

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A note on legal worker involvement in the strategic planning process

To be able to truly build power throughout this project we will need all hands on deck. If a local site already has attorneys or other legal workers on board with launching their LDC that is awesome! These folks typically hold specialized knowledge of the local legal landscape, and the function of legal services more generally, that will be invaluable to shaping this project, and should be brought on board from the beginning. While they will play more of a supporting role for the first three steps, it will make sense to have those legal workers more directly involved as part of the strategic planning at this step. At sites where pre-existing relationships with legal workers don't exist, organizers should strive to bring them in as soon as possible.

However it's important to remember that the LDC model specifically seeks to expand movement legal support beyond what has typically been done *and* to reduce dependency on any single attorney or legal organization. For these reasons, legal workers offering their wisdom to this process should approach their role as supporting —rather than steering—this planning process. It will be particularly important for these legal folks to keep in mind that their experience may not shape the full extent of what is *possible* through the LDCs, and that additional legal workers may be needed to implement LDC legal work.



STEP 5: Create an Implementation Work Plan

As we emphasized in the overview materials in "*Step 1* (p. 12)", the LDC model is largely an *ongoing process.* Creating an implementation work plan is an important part of this process in which local organizers work with Core Staff to turn the broad ideas from the strategic plan into concrete work plans for launching and running their LDC.

STEP 5 IN BRIEF

- In this step, host sites and Core Staff turn the **broad ideas** from the strategic plan **into concrete work plans** for launching and running the local LDC.
- This involves waking through three overarching steps:
  - **First,** chart the relevant “implementation tasks” onto a rough timeline;
  - **Second,** clarify who will do what tasks between local and national LDC staff ; and
  - **Third,** create concrete work plans to accomplish each task.

1. Create a rough implementation timeline	2. Divide tasks between local and national LDC staff	3. Create concrete work plans (shared and site specific)
Read over the LDC’s ten implementation tasks and determine: • which (if any) your org is already doing • which still need to be started • Which must happen immediately • Which will only come up later • How do the different tasks relate to each other From there, chart the tasks into a rough timeline for launching your first configuration(s).	Some tasks are done entirely by local sites, some are done entirely by national Core Staff, and some are done jointly. Use your decision making structures from Step 2 to determine: • who is responsible for which tasks • which tasks are dependant on other tasks happening, and make sure to incorporate that information into work plans • who needs to be consulted or otherwise involved before a task is “complete”	Concrete work plans will help keep tasks on task and moving forward. • Create **shared** work plans for tasks shared between national Core Staff and local site staff • Create **site-specific** work plans for tasks that are wholly the responsibility of local sites • Core Staff will create **national** work plans for tasks relevant to the LDC network as a whole, and share them with / vet them through the Working Group.

Essentially, crafting an implementation work plan is about **mapping out a series of steps** to tackle each of the ten implementation tasks, discussed in detail in "PART B (p. 30)", with the goal of launching at least a bare-bones version of legal support as quickly as possible.

This work planning is **not a linear process**. Each local site will come to the project from a different place and there is no one path for getting an LDC off the ground. Instead, organizers orient their work plans around the local context (needs, strengths, and limitations), tackling each implementation task when and if it makes sense. The starting point is less important than the process of growing the local LDC in a way that addresses both urgent legal needs and broader organizing goals, within the guiding model and principles of the LDC network.

Importantly, **you don't have to complete all the tasks before you can launch your clinic.** Depending on your starting point you may be able to offer some legal services before tackling all the tasks. It's also worth noting that some tasks will only need to be done once, while others will be ongoing or recurring–like a grandfather clock with some stationary parts and others that are constantly in motion, working in sync.

The **three basic steps** for creating your implementation work plan are below. Keep in mind that as with all five steps, this is meant to be done in collaboration with the LDC Core Staff, at whatever pace is needed for sites to understand the process and feel supported.

1) Create a Rough Implementation Timeline

Chart implementation tasks, found in "Part B (p. 30)", onto a rough timeline based on your strategic plan. Think about:

A. Which, if any, tasks is your organization already doing?
B. Which must happen immediately?
C. Which will only be relevant once you are offering legal services?
D. Which steps fall in between and how do they relate or lead to each other?

Implementation timeline examples:

As we've said earlier, different sites will start this process in different places. Consider the two examples below to make more sense of how implementation tasks shift in priority based on the local capacity and context:

Example A - Imagine Group A, a small, radical organization that provides a weekly meal service to their community. The organization has one organizer on staff to run broader campaigns. This organizer has built a strong base in the community and runs several campaigns a year with the help of members/volunteers. After assessing in Step 1, the organization decides an LDC will help with this broader organizing work. They were able to recruit volunteers from their base to conduct initial outreach, but the sole organizer on staff does not have the capacity to do the additional work that is needed to get the LDC off the ground. In this case, the implementation timeline would likely start with budgeting and fundraising to hire a part-time organizer to work on launching the LDC, developing promotional materials to support the fundraising campaign, and recruiting volunteers to help the main organizer staff the clinic.

Example B – Now take Group B, a medium-sized org focused entirely on organizing wants to take on the LDC. They have multiple full-time organizers and a solid member base in the community. Money is not necessarily flush, but they have what they need to pay existing staff to work on the LDC project full or part-time.In this case, the implementation plan may be able to start immediately with attorney recruitment, to find legal partners for the initial phase of the project. Next steps might include setting up shop, recruiting volunteers to help with administrative tasks, and/or making materials and outreach plans to promote the LDCs in the community.



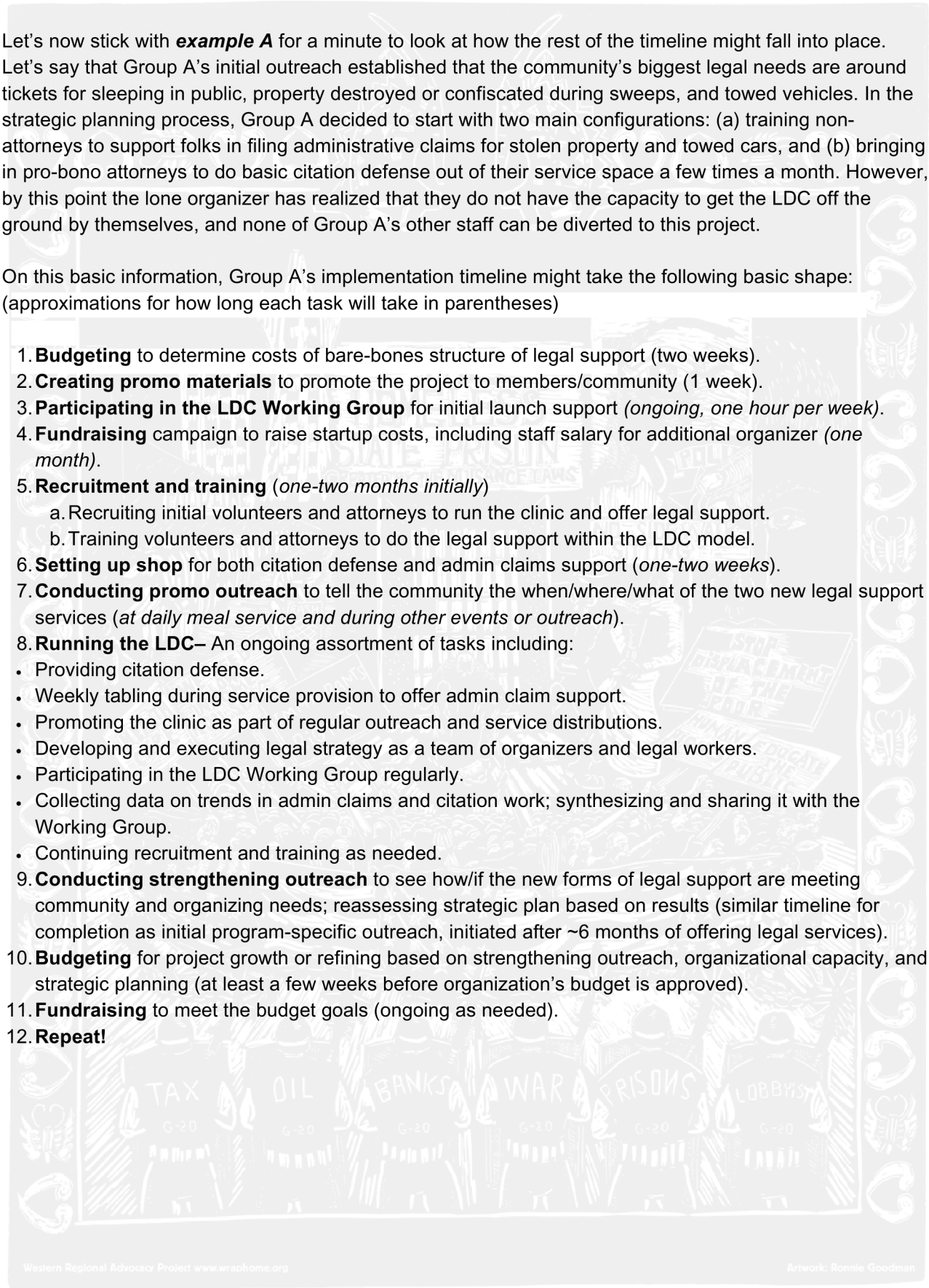
Let's now stick with ***example A*** for a minute to look at how the rest of the timeline might fall into place. Let's say that Group A's initial outreach established that the community's biggest legal needs are around tickets for sleeping in public, property destroyed or confiscated during sweeps, and towed vehicles. In the strategic planning process, Group A decided to start with two main configurations: (a) training non-attorneys to support folks in filing administrative claims for stolen property and towed cars, and (b) bringing in pro-bono attorneys to do basic citation defense out of their service space a few times a month. However, by this point the lone organizer has realized that they do not have the capacity to get the LDC off the ground by themselves, and none of Group A's other staff can be diverted to this project.

On this basic information, Group A's implementation timeline might take the following basic shape: (approximations for how long each task will take in parentheses)

1. **Budgeting** to determine costs of bare-bones structure of legal support (two weeks).
2. **Creating promo materials** to promote the project to members/community (1 week).
3. **Participating in the LDC Working Group** for initial launch support *(ongoing, one hour per week)*.
4. **Fundraising** campaign to raise startup costs, including staff salary for additional organizer *(one month)*.
5. **Recruitment and training** (*one-two months initially*)
    a. Recruiting initial volunteers and attorneys to run the clinic and offer legal support.
    b. Training volunteers and attorneys to do the legal support within the LDC model.
6. **Setting up shop** for both citation defense and admin claims support (*one-two weeks*).
7. **Conducting promo outreach** to tell the community the when/where/what of the two new legal support services (*at daily meal service and during other events or outreach*).
8. **Running the LDC–** An ongoing assortment of tasks including:

- Providing citation defense.
- Weekly tabling during service provision to offer admin claim support.
- Promoting the clinic as part of regular outreach and service distributions.
- Developing and executing legal strategy as a team of organizers and legal workers.
- Participating in the LDC Working Group regularly.
- Collecting data on trends in admin claims and citation work; synthesizing and sharing it with the Working Group.
- Continuing recruitment and training as needed.

9. **Conducting strengthening outreach** to see how/if the new forms of legal support are meeting community and organizing needs; reassessing strategic plan based on results (similar timeline for completion as initial program-specific outreach, initiated after ~6 months of offering legal services).
10. **Budgeting** for project growth or refining based on strengthening outreach, organizational capacity, and strategic planning (at least a few weeks before organization's budget is approved).
11. **Fundraising** to meet the budget goals (ongoing as needed).
12. **Repeat!**



2) Divide Tasks Between Local Sites And LDC Core Staff

Once you have the tasks roughly mapped out in a timeline, the next step is to ***clarify who will do each task.*** Some steps will need to be done entirely by local organizers and/or their legal partners, some will be done entirely by the LDC core (national) staff and/or LDC Working Group members, and some will be done collaboratively together. The process of assigning the task is essentially to look at everything that is on the rough timeline and ask:

A.Based on the "*decision-making chart* (p. 75)", who should bottom-line this, meaning who takes on the ultimate responsibility for getting this task done?
B. Is the task dependent on any of the other tasks?
- If so, who is bottom-lining the initial task or tasks and how are you coordinating your efforts?

C. Are any other tasks dependent on it?
- If so, when does it need to get done to make sure the next task is happening at the right time?

D. How does this fit on the decision-making chart?
- Who needs to be involved before the task is considered complete?
- Who needs to be informed that it's done?

3) Create Concrete Work Plans

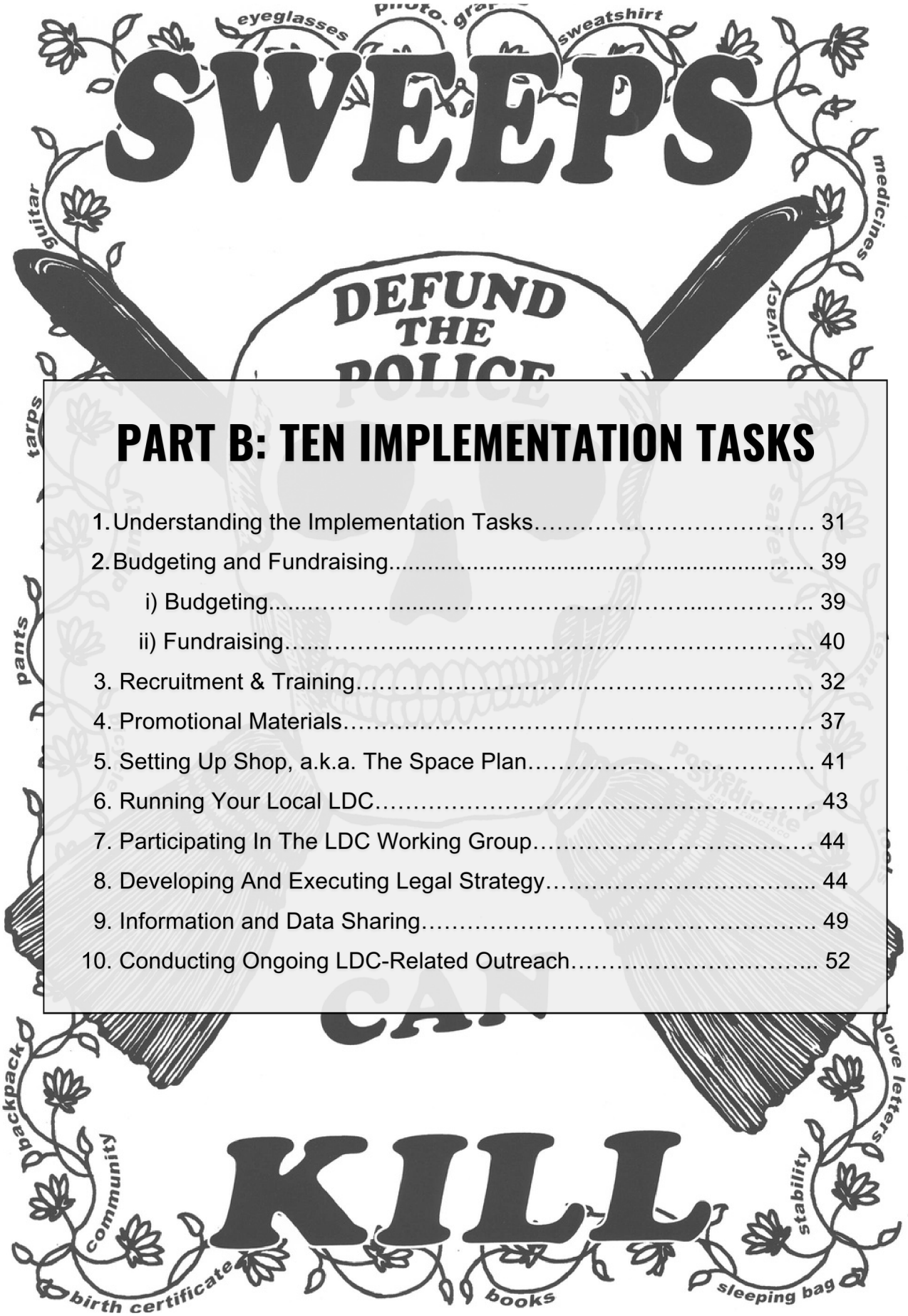
Together, local organizers and LDC Core Staff will create a shared work plan to manage and keep track of shared projects. Keeping an online work plan7 will enable real-time collaboration and more ease in organizing relevant links and materials. Local organizers and LDC Core Staff will use whatever communication mechanisms they laid out in "*Step 2* (p. 17)" to check in on, and stay accountable to, their shared work plan.

Local organizers will also need to develop their own *local work plans* to organize the tasks that they will handle on their own. The Core Staff can help conceptualize and/or draft these work plans if that support is needed, but local sites will take the lead on this process and follow whatever internal structures work for them. It may also be important for local sites to have their own **decision making model** that lays out how decisions are made about these workplan items.

LDC Core Staff will create *national work plans* that encompass tasks that are specific to them and/or necessary for the functioning of the entire LDC network. The Core Staff will share these work plans with, and vet them through, the LDC Working Group.

7 Since LDC Core Staff and local organizers will likely be in different cities, these shared work plans will need to be digital. Programs like Google Docs, Trello, etc. can be helpful, but local sites can steer the ship around which digital tools to use for this work planning.





PART B: TEN IMPLEMENTATION TASKS

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Understanding the Implementation Tasks

In "*Step Five* (p. 26)" of the LDC Project Checklist, local sites work with Core Staff to create an implementation work plan. This is essentially the process of local sites mapping each of the **ten implementation tasks** (discussed in detail below) into a series of steps that they will take to launch and run their LDC.

Keep in mind that the task descriptions below include a lot of detailed information that may be too much to process on first read; they are meant to be **digested in conversation with the LDC Core Staff**, as you go through the work planning process together. It's also worth noting that these ten tasks are not necessarily an exhaustive list of everything local sites will have to think about in the launch process. Rather, they reflect what the Core Staff (and community editors) have initially identified as the **key elements of launching and running an LDC** locally. The tasks may grow, shrink, or change over time as this process evolves and local sites move-through and report-back on the implementation process.

Note: the order that the tasks are discussed here is not necessarily the order that local sites will address them in. See "*Step Five* (p. 26)" of the checklist for more.

Caution - dense content ahead!

Each local LDC has many moving pieces; from staffing, to outreach, to data management and litigation strategy, organizers and partner legal workers staffing local LDCs will be responsible for many different tasks and steps as implementation moves forward. The information below is meant as a starting point for thinking about these moving pieces and the kinds of time and resources that will need to be directed toward each major task as it becomes relevant.

However it is **not necessary to understand all of the information below at the beginning** of your LDC process. Much of it is intuitive and will make sense as you move through the first four steps of the project checklist. Some of it will only become relevant to sites as they move further along in the project.

If things below feel overwhelming or confusing feel free to put it aside until it comes time to work through the tasks with the Core Staff.

Recruitment & Training

For movement legal support to be flexible and resilient in the face of ever-changing circumstances, we must prioritize building pathways for continuously bringing in and training new allies and leaders. The LDC model is designed to do both, not only for attorneys or other legal workers but also for organizers and unhoused community members.

1) Recruitment

A. Clinic Users

In the LDC model, legal representation is not siloed from organizing work; on the contrary, LDC organizers ensure that community members seeking legal support have explicit opportunities to grow their broader understanding of the systemic issues behind their individual struggles, and join organizing work to address those issues. Local LDC organizers and LDC Core Staff will work together to ensure their local LDC is creating clear and accessible **pathways to organizing work** for folks using the legal clinics. When designing these pathways organizers should consider:

- What **points of entry into organizing** already exist (i.e., member meetings, working groups, direct actions, classes/political education, etc.)?
  - How can the LDC effectively direct clinic users to these existing points?
- Who will be the **first point of contact** for clinic users?
  - Is it possible to have this person be an organizer or member/volunteer to start relationship-building right away?
- How can clinic staff/volunteers **make the connection** between the individual clinic user's legal issue and bigger systemic issues?
  - Local LDCs are encouraged to give some kind of short political orientation to new clinic users to contextualize their individual legal issues in broader movement issues.
    - This might mean giving out a zine or pamphlet, having a structured conversation, or doing a group presentation–whatever organizers deem best!
  - Keep in mind that any kind of orientation needs to honor the fact that folks coming to the clinic will likely be experiencing acute stress related to their legal issue.
    - While some organizations may have success doing this political orientation right out of the gate, in other cases it might make sense to hold off on offering the broader context until after people have had a chance to speak to the legal team. Again, this is a call for local organizers to make based on what is best for their relationships with their members and community.

- What **mode of follow-up communication** with clinic users makes sense?
  - How can organizing updates be looped into individual case updates?
    - For example, when calling a clinic user to inform them that their citation has been dismissed, letting them know about a current organizing victory and giving them information about the next organizing meeting, setting up one-on-one follow up meetings, etc.
  - Are there newsletters or listservs that clinic users can opt into receiving or joining?
- Who will be the **last point of contact** for each clinic user?
  - Who will be the last person the clinic user sees or speaks to about their legal issues?
  - How can that person reiterate the pathways to broader organizing work?
  - How can they generate excitement around becoming part of larger movement work without overwhelming the clinic user?
- Are there any non-legal **tasks or jobs necessary for running or organizing the LDC** that clinic users could be recruited to take on?
  - For example, being trained to do initial intakes or data entry for the clinic, receiving a stipend to do targeted LDC outreach, etc.

B. Attorneys and Other Legal Volunteers

Cultivating sustainable, consistent legal support for the movement to decriminalize homelessness requires building and **nurturing pathways for attorneys and legal workers to get involved, and stay involved.** This is because:

- The legal issues impacting unhoused communities are complex and require various legal skills (client work, litigation, legal research, policy work, etc.), and
- The movement needs more mechanisms for bringing attorneys into the decriminalization field, including giving them the skills, knowledge, and community they need to continue to do this work long-term.

The LDCs are designed to address both points. First, because the LDCs are operating on local, regional, and national scales simultaneously, there are a **wide range of projects and entry points for legal volunteers** to get involved. Second, each pathway comes with **training and mentorship** opportunities that allow attorneys to continue to grow their expertise in the field over time.

The Core Staff will work with local sites to develop and maintain these legal recruitment pathways. Together they will craft recruitment plans that consider things like:

- What was gleaned about the legal landscape in "**Step 1** (p. 12)".
- What form of legal support does the LDC currently need?
- What legal projects might stem from the legal needs uncovered in initial outreach (e.g., citation defense, a legal research project, an affirmative lawsuit, general legal representation for the organizers, or something else)?
  - Are there other forms of legal support that organizers or community members anticipate needing in the future?

Homelessness Ends With a Home



- What kind of legal workers are needed and best set up to do this work?
  - For example, do you need a licensed attorney? Or could non-attorney legal workers (e.g., law students or professors, paralegals, etc.) be recruited for any of the tasks?
  - What pros and cons exist for partnering with legal organizations as a whole, versus working with individual lawyers (working in private practice or on volunteer time)?
  - How much training and ongoing support would each legal partner need?
- What kinds of training will legal workers need to be successful?
- Both in terms of traditional legal issues (e.g., procedure for having a citation dismissed or confiscated property released), but also in terms of movement lawyering practice (e.g., organizing principles, etc.)
- What supervision and/or mentorship options exist?
  - Note that this could come from a variety of places such as local attorneys, the LDC Core staff or Working group, or allies within the broader LDC network.

These recruitment plans will also want to craft ways of talking to potential legal recruits about things like:

- **Expectations and roles** around:
  - Time commitment
  - Decision-making
  - Data management and other privacy concerns
  - Expenses
- How much **capacity** the legal worker/org has, and
- **Movement lawyering model** and principles.

C. Other Volunteers

LDCs will include tasks and roles that can, and in some cases should, be done by non-legal staff or volunteers. Recruiting these non-legal folks to hold these roles may be essential for boosting the capacity of the organizers running the LDC. Recruitment may also be utilized as a **strategic tool for building out the movement more generally**. In some cases, clinic users themselves could be encouraged to take on roles within your local LDC as part of bringing them into broader organizing work (see “Recruiting Clinic Users” above).

As with other recruitment, local organizers and LDC staff will work together to plan these kinds of volunteer or staff recruitment, looking at things like:

- What tasks necessary for **operating the clinic** can be done by volunteers?
  - See "Setting up Shop (p. 41)" for examples of these tasks.
- What opportunities exist for people to plug into the **organizing work flowing from the clinics**?
  - While the clinics are integrated into the overarching organizing work plan at local sites, there will be organizing opportunities that are much more specific to the LDCs, such as publicizing litigation or building a research project based on clinic data. Other opportunities might include:
    - Research and press: for example, writing articles about ongoing proceedings coming out of the clinic, following up on data trends with qualitative research, etc.

- Promotional materials: for example, creating needed materials from the list in the "**Promo Materials** (p. 37)" section below, managing digital outreach via social media and online public education (e.g., webinars), etc.
- Lobbying and public speaking: for example, advocating for state/local legislation or policies written or supported by local sites, or complimenting the legal-harm reduction aims of the LDC project (such as the Right to Rest Act).
- Actions and demos: for example, doing sweeps defense for clinic users who are repeatedly targeted for sleeping outside, participating in a demo or direct action to draw attention to unjust laws or enforcement patterns impacting LDC clinic users, running know your rights trainings for the community, etc.

- In all cases, LDC organizers should take stock of:

  - What **training** is needed for each kind of non-legal volunteer?
  - What kind of **supervision** does organizing staff need to provide?
    - Can any of the tasks be entirely run and managed by volunteers?
  - What mechanisms can be used to **recruit** these folks?
    - For example, existing email listservs or newsletters, tabling or making announcements at other organizing events, approaching specific community members or clinic users, surveying clinic users as they enter or exit the clinic, etc.
  - How can **appreciation** be shown to these volunteers?
    - Is it feasible to give stipends for any of this work?
    - What other forms of volunteer support would be meaningful and realistic?



2) Training

Once folks are recruited to the local LDC, it's imperative that they are well trained, both in terms of the **practical skills** they need to perform their role(s), **and in the larger principles and framework** of doing that work to further broader movement goals.

The need for training in movement principles and praxis[8] is particularly deep for attorneys and other legal recruits who—regardless of their personal values or politics—exist in a field that'sdesigned to uphold and replicate oppressive power imbalances. This will be folded into legal training programs alongside substantive training about the discrete legal issues each LDC will be working on.

Training is also essential for the organizers who will run the LDCs and for the community that will be accessing the legal service. Ensuring that the folks most adversely impacted by criminalization, and those working in solidarity with them, have a solid understanding of the legal structures at play helps ensure that legal expertise stays (and grows) within local communities, and that the LDCs can survive long-term, regardless of changes in who is involved at any given time.

But just because this training must be done doesn't mean that the burden will fall entirely onto local organizers! The **LDC Core Staff will support local sites in this training process** by creating (or facilitating the creation of) and compiling training materials, distributing them to local sites, helping facilitate training programs, and providing ongoing support to legal and non-legal staff. These training materials will include things like:

A. a comprehensive set of organizing and legal training manuals, in various formats to accommodate different learning styles;
B. training slides and modules;
C. primers on key issues (e.g., maintaining confidentiality and privilege, etc.); and
D. materials specific to the local context.

The **LDC Working Group** will also play a unique and important training and mentorship role in the LDC project. One of the many perks of the Working Group's collective structure is that decades of legal and organizing expertise can be pooled across sites and used to grow and hone the substantive skills of everyone involved. Having other Working Group members to learn from and ask for support ensures that those fresh to the decriminalization arena have the consistent resources and guidance they need to succeed, and to grow the skill set of organizers and legal workers locally. For more, see "**Participating in the LDC Working Group** (p. 44)" below.

8 We use the term "praxis" to describe an ongoing, intentional cycle of reflection-driven practice (or action). In this cycle the LDC organizers: *practice* (or act) by providing legal services to their community, they *reflect* on the effectiveness of this legal support regularly, *tweak* their methods or focus as needed, *practice* this tweaked version of LDC support, *reflect* again, and repeat.

Promotional Materials

In this context, “promotional materials” means anything used to **tell the story of the LDC project** to an outside audience. This storytelling is essential to weave our collective dreams and actions together into a powerful movement. Although our fellow LDC organizers, our allies, and the clinics themselves may be far apart, a **unified voice and aesthetic** communicates that our network—and our collective power—expands far beyond any one local site.

The LDC network will rely on a variety of materials that serve different storytelling functions, including:

- promoting the clinic to the local unhoused community;
- recruiting organizers, attorneys, and volunteers;
- raising the public’s awareness of the project and the issues it addresses; and
- raising funds for the project.

While a lot of these materials may be written, the **power of artwork** as a medium for movement storytelling shouldn’t be overlooked. Good artwork is good storytelling; it does the work of connecting and amplifying our collective actions visually. In the words of Stefani Echeverría-Fenn, resident and founder of #37MLK encampment in Oakland, "Art is the map that allows us to find each other. Art is the weapon we wield when we do."

The Core Staff will make and share some of these promotional materials, including artwork, and local sites may want to create some of their own. It’s essential that local LDCs are seen as part of the broader work of your organization, so that local organizers are encouraged to lean into their organization’s established voice, tone, and aesthetics when making their own LDC materials. It’s equally important that local materials follow the guiding principles of the LDC project and convey a consistent message with the other LDCs across the network.

Examples of some of the materials we know we'll need out of the gate:

A. Informational fliers

- Purpose: to advertise the time/date/location of the clinic and what it does
- Format: image and text on a poster, small printouts, or pamphlets to hand out, digital fliers for social media
- Audience: for community members

B. Volunteer training materials

- Purpose: onboarding volunteers to help with the clinic
- Format: recorded powerpoint presentations, pamphlets, zines, etc.
- Audience: volunteers in various clinic capacities

C. Artwork and images

- Purpose: to create a sense of unity across the LDC network and to make the force of the LDC network known to the broader public
- Format: print or digital images, t-shirts, stickers, protest signs, etc.
- Audience: general public; broader organizing base



D. Newsletters

- Purpose: to update community members about events and programming related to the clinic
- Format: digital or physical newsletter, can also be formatted as an infographic post for social media
- Audience: for community members and broader organizing base

E. Grant template language

- Purpose: to have language to pull from easily for the purpose of grants, LOI's, or other outreach to possible funders
- Format: digital documents, old grants, etc.
- Audience: foundations, major individual donors, etc.



Budgeting and Fundraising

Each LDC will require some amount of budgeting to be successful, and many will also need to fundraise to launch or support the project over time. In very basic terms, **budgeting** is a process that is very closely associated with strategic planning; it is the act of determining how much money you will need to reach your strategic goals, and how you will direct those dollar amounts to different aspects of your project to meet those goals. **Fundraising**, on the other hand, looks at *how* you will raise the money to meet those strategic (and budget) goals.

Because strategic planning is so vital to the LDC model, budgeting should typically flow from "**Step 4** (p. 22)" of the Checklist and be reassessed every time local strategic goals are reevaluated. These goals will then anchor fundraising strategies—both because they can help identify sympathetic funders and persuade them to support the project, but also because starting with goals can help avoid the trap of having funding begin to direct the LDC's programmatic work (which should always be directed by outreach and organizing strategy).

While the LDC core staff does not have the capacity to do the budgeting and fundraising for local sites directly, they will work closely with each site to move through the processes of developing an LDC project budget and fundraising strategy that meets local goals and is realistic for the conditions your organization is working in. This might include offering training, providing sample budgets and/or grant proposals from similar projects, or connecting local organizers with allies who can offer direct support in these tasks.

1) Budgeting

Local sites will work with Core Staff to outline a **basic annual budget.** Note that some sources may offer multi-year funding so it might actually be helpful to have a multi-year budget for certain complex projects (e.g., 2-3 yrs).

Some **important things to consider** in the budgeting process:

- Staffing costs to cover current staff time dedicated to this project, hiring new staff or raising stipends to pay volunteers.
- Administrative costs for any office supplies or tech that your org doesn't already have that you will need to run the LDC (see Setting Up Shop below for examples).
- Legal costs for different configurations which will have different costs to the host organizations (some may have none); legal costs include things like legal insurance, filing fees, fees charged for public records requests, etc.
- Other overhead: Will there be a fiscal sponsor that has a fee? Will there be on-going office space needed and shared costs? Even fundraising may have some costs associated with staff resources, etc.



2) Fundraising

Local sites will work with LDC Core staff to outline a **fundraising plan.** Typically, these plans include the following **possible revenue sources**:

- Individuals: These can be both large/major and small donors. Setting up recurring (usually monthly automatic deductions from donors) can be especially helpful. You will need a database to track donations, addresses and other info and a plan for staying in touch with donors (eg., a monthly newsletter with stories and artwork). Individual donors give through direct mail, on-line, through Donor Advised Funds, and more and more through apps. A good website with a good donation page that is simple and clear will be essential. If you have a fiscal sponsor, they may help with some or alll of this.
- Events: events are the lowest return on investment for revenue but are great for creating new donors and friends and showing off your program.
- Foundations/grants: again you will need a good tracking system (for reports; for due dates, etc.) but many foundations will want to support your project.
- Earned income: anything you do that has a fee that will go back to your organization, for example speaking fees, etc.

The **most important** things to remember with fundraising are:

1. Just like organizing, it's all about relationships! Making sure people know who you are and how they can help is a big part of this work.
2. You have to make the ask. Funders rarely come to us, and no matter your funding model you will likely have to get used to asking folks to support your work.
3. It's important to say thank you. People like to be seen and thanked. For major donors or foundations this helps create a sense of belonging to the project that helps build long-term relationships. For smaller/community donors, this helps create engagement in the work and may even lead donors to become active members.

Some other **things to consider** for fundraising:

1. Foundations and other revenue sources will want to know your **goals** (what you will accomplish–as measurable as possible), your **strategy** (how you plan to do it), and **who is involved** (your organizing, fundraising, finance staff, etc.). This will illustrate that you have the resources and plan to accomplish your goals. They will also want a statement explaining how you know this project is needed and will work in your community.
2. Some fundraising will be to cover long-term expenses (something that must be continuously sustained to cover year-to-year expenses), while some might be for one-off campaigns (e.g., raising initial start-up costs).
3. Building out a team to take on this work at your organization will be essential. Dedicated fundraising staff always helps but is not always absolutely needed–it might be worked into other staff time or done by volunteers.
4. Fundraising takes time, both staff and volunteer time to plan, implement and follow up (e.g., thanking donors), but also time to hear back from funding sources–so start early!

Setting Up Shop, a.k.a. The Space Plan

Before you can start offering legal services you'll need to think about **where** you will host your LDC. To sort this out, the LDC Core Staff will work with local organizers to **develop a space plan.** This plan doesn't have to be complicated, but it will need to outline where the LDC will be physically housed, and what material and other supports are needed to run it. The specifics will look different depending on what configuration(s) of legal support you are using at the time, but each space plan will need to consider the actual site the LDC will be in and the the people and materials that will be needed.

1) Where Will The Clinic Be Held?

We've brainstormed a list of things to consider as you decide where you will physically house your LDC. If you don't have all the pieces right now that's ok; your LDC may still be able to function in a way that meets community needs. That said, you should at minimum consider each of the following elements when you make your initial space plan, particularly those concerning accessibility, and work towards meeting them as implementation continues.

A. Will people receive legal support at your organization or somewhere else?
B. If at your regular organizing space:

- Does anything need to be adjusted to ensure that clinic users can speak privately with attorneys?
  - This might mean, for example, spacing tables far apart in a large room and limiting who is coming and going through the space, utilizing white noise machines, or finding a small room with a soundproof door to have clinic users meet attorneys in.
  - If offering legal intake as part of a regular organizing event (e.g., a food distribution, a regular organizing meeting, etc.), is there a private space available close by to speak with an attorney in a more in-depth way after intake?
  - Consider creating set hours for legal intake or other legal services based on which hours work best for your organization.
    - If folks can drop in during set hours, that frees up staff time for other tasks outside of those hours and ensures that when folks come for legal support they will meet with others who are equipped to help them.
- Is the space accessible for folks with physical disabilities?
- Is the space regularly open for member use?
  - For example, is it typically a staff-only work space or do members or folks from the community regularly come through or use the space?
- Is the space accessible by public transportation?
- Is there a place for individuals traveling with their belongings to safely store these while meeting with the legal team?
- Are animals allowed?
- Are there any other barriers for people coming to your regular location?



C. If at a location other than your regular organizing space:
- How will community members get to and from the space?
- Is there a place for clinic users to speak privately with an attorney?
- What hours will work best?
- Is the space accessible?
  - Keep in mind both physical accessibility (can folks with limited mobility get there and easily move around the space?) and emotional or financial accessibility–for instance, if the building has a doorman or security guard it may not be comfortable or possible for unhoused community members to go there; if the space is outside their usual neighborhood, people may need bus money to get there.

2) What Staff /Volunteers Are Needed To Run The Clinic?

A. Map out each of the legal and non-legal roles and tasks involved in the regular operation of the clinic. These might include:
- set up and break down of space
- front desk person/client greeter
- orienting clinic users to the broader organizing work
- initial client intake
- attorney (or other legal support people) to meet with folks
- exit contact (ensure contact information is collected for follow-up)
- data entry and analysis
- client follow-up

B. Identify who will fill each role/do each task. One individual may do multiple tasks/hold multiple roles. You may find it helpful to look back at who you identified for different roles in the recruitment phase.

3) What Other Material Resources Does The Space Need To Function?

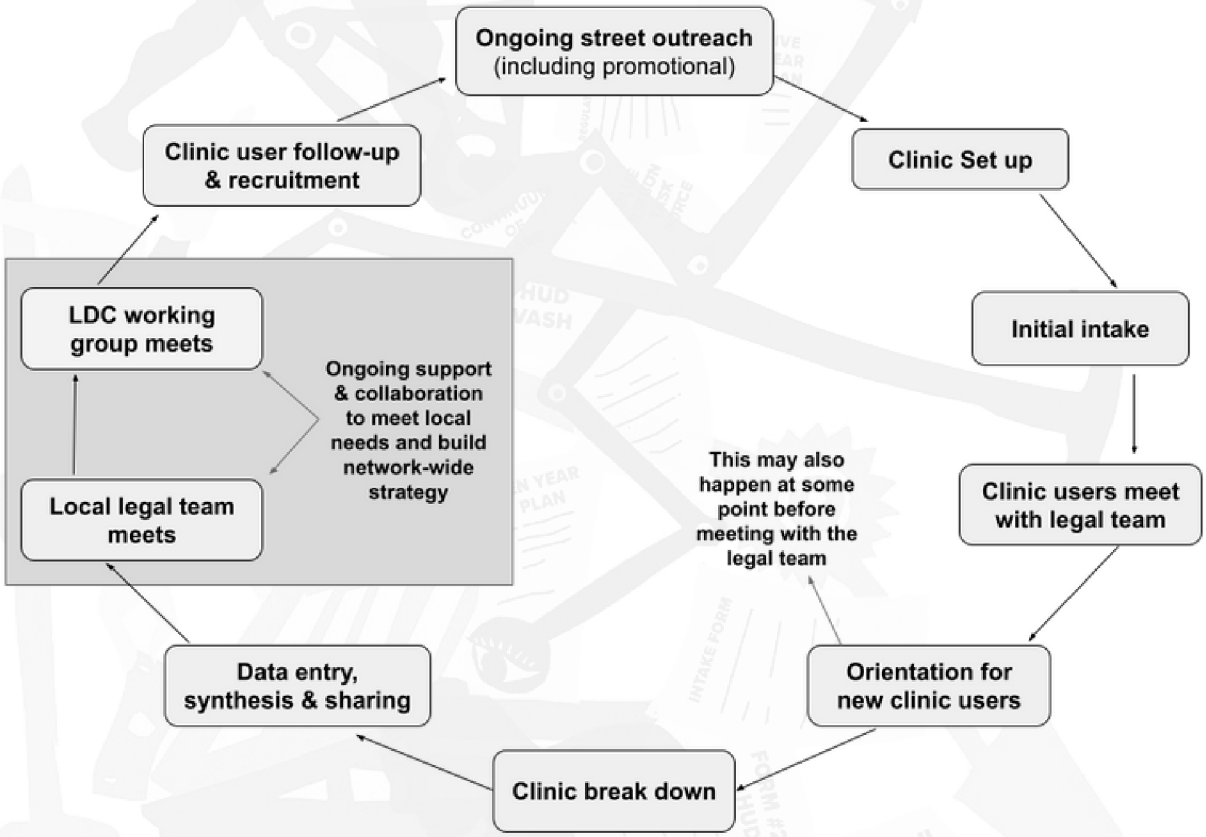
In order to provide legal support you will also likely need things including:
- a safe space to store completed intake forms and client documents (if paper) or a secure internet connection (if digital)
- a space to speak with folks doing intake that is relatively quiet and away from others
- a table or other surface for taking notes on or having clinic users sign forms
- bus tickets or funds to help folks travel to follow-up location(s)
- a safe place to store files and materials
- desks, chairs, computers, and phones for staff and volunteers
- legal software to confidentially store case and client info
- internet access and landline phone service
- access to a printer or a nearby print shop
- private space to meet with clinic users

Depending on which configurations your LDC is using, different folks may be responsible for or able to provide these resources.

Running Your Local LDC

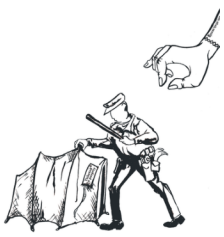
At this point, your organization has at least the basic infrastructure in place to start offering legal services. The image below gives an example of the basic workflow and key components of providing legal support within the LDC model. Keeping these steps in mind can help identify staffing and resource needs and clarify the kinds of things that you'll want to incorporate into your LDC staff work plans.

Simplified clinic operations workflow:



Keep in mind that the specific steps involved in each local clinic, and the flow between them, might look different depending on the type of cases an LDC is handling and the configuration of legal support being used. Creating your own workflow visualization, based on the specific tasks relevant to your local LDC, may be helpful for training staff and volunteers to run the clinic.

It's also important to keep in mind that some tasks crucial to the LDCs functioning fall outside of this simplified clinic workflow (e.g., training and recruitment, fundraising, reflecting on strategic goals, creating public education or media materials, etc.). These should all be on your general implementation plan, but it may make sense to also incorporate them into your workflow visualization if you create one.



Participating In The LDC Working Group

The LDC Project was conceived as a national network of clinics that communicate with each other to keep the pulse on issues relating to criminalization, and to work collectively to address them. This communication will primarily be channeled through the **LDC Working Group**, which will include people directly working on the project—organizers and legal workers alike—as well as allies, both locally and nationally, who can provide organizing or legal insight.

In earlier phases of the project, the Working Group will be a place to troubleshoot implementation and share materials and information. In more developed phases of your LDC, it will be an essential resource to workshop litigation and organizing strategy, and to synthesize local strategies into a cohesive national line of action. Additionally, the Working Group offers important **mentorship and supervision** to the network, in which experienced organizers and attorneys directly support folks across LDC sites who are fresher to the decriminalization arena.

It is important that each LDC site feels they are engaged in the project as part of a larger team that they can look to for material, strategic, or emotional supervision and assistance. Functionally, this requires each site to commit to a **baseline level of participation** in the Working Group, including for example: sharing materials and data with the group, participating in regular zoom meetings, and being available by email or phone between meetings. The Core Staff will set up and facilitate operation of the Working Group and whatever additional communication channels are needed for the network..

Developing And Executing Legal Strategy

In order to meet the scale of the attack on unhoused people, legal strategy must be developed with intention, in direct partnership with organizers, and across cities and states. The LDC model embraces this kind of collaboration and strategizing on multiple levels simultaneously—from direct representation in local communities to coordinated national strategies that push for larger systemic strategies.

At the core of this model, the LDC's center the understanding that: (a) unhoused people are the experts in criminalization, both how it is occurring and its impact, (b) organizers—some of whom are also unhoused—are the experts in doing outreach that collects and harnesses their community's lived experience to make systemic change; and (c) attorneys and legal workers are the experts in translating that combined expertise into specific legal action or defenses. At each level of operation the LDC network is designed to draw on all of this specialized knowledge to develop efficient and effective strategies for building power and fighting criminalization.

1) Local Direct Representation

This is the individual local representation and urgent harm-reduction work that local LDCs will offer (e.g., citation or ticket defense, getting personal property back after a sweep, tow hearings, etc.). While local sites will look and operate a little differently depending on local needs and organizing strategies, each will be anchored in two main practices: (a) street outreach frames legal work, and (b) legal strategy is developed jointly by attorneys and organizers.

A. Legal support is based on targeted outreach conducted by organizers.

Outreach must be the starting point for all legal strategy. While attorneys or organizers might have their own ideas of what legal needs exist, asking unhoused community members is the best way to ensure that legal strategy is rooted in the most pressing collective needs, and is able to respond quickly and aggressively to shifts in criminalization tactics on the ground.

This **outreach will necessarily frame the legal issues or theories** attorneys take on through the LDCs. In the strategic planning process, street outreach is used to identify which of the LDC issue areas a local LDC will address. Where folks come to the LDC with legal issues beyond the scope of these issue areas, organizers and attorneys may have to refer out to other services.

For example, someone coming to your LDC with multiple tickets for sleeping in public may also tell you about discrimination they faced in a shelter. While the tickets fall within the LDC issue areas, advocacy or legal action around the shelter's discriminatory conduct may not. This would likely be a situation where the second issue should be referred out to an allied group. Part of the training of local clinic staff and volunteers, whether organizers or attorneys, will be to **create referral lists** to utilize in these moments, to develop relationships with groups on that list, and to **set clear boundaries** around what can and cannot be done through the LDCs.

As the clinic continues to operate, **ongoing LDC-focused outreach** is used to check how well the legal services being offered meet local needs. This not only keeps the project accountable, but also helps ensure that legal support can shift when new anti-homeless laws pass or tactics of criminalization change. 9

B. Legal strategy is decided jointly by a team of organizers and attorneys.

In the LDC model, **organizers are essential partners** in the decision-making process. This means that organizers running local LDCs play a lead role in strategic decision making, are relied on for input, and generally worked with in the same way attorneys might traditionally work with co-counsel or other attorneys in their office. This partnership might look different in different contexts, depending on the "**configurations** (p. 72)" used and the legal issues the team is working on.

9 If clinic work and outreach are turning up legal issues connected to criminalization that are regularly impacting community members but are not within the existing seven LDC focus areas, the LDC Working Group will discuss whether those categories should be expanded.



- **For example,** one LDC might decide on a structure where legal workers and organizers meet regularly to develop and reflect on a *general* legal strategy for the kinds of cases they are handling, but meet with clinic users separately and hold off on sharing confidential information with each other. Another LDC, working in a different context, might decide that it is important to have organizers in the room with attorneys and clinic users as much as possible and de-silo the organizing and legal interactions with clinic users more fully (depending on consent of clinic users), and so on. Each structure will come with different strengths and limitations, and all will have to grapple carefully with issues of **confidentiality and attorney-client privilege**.

Regardless of the specific set ups, each LDC will put structures in place so that organizers can consistently offer their expertise and bring larger movement strategy into the legal process. The LDC Core Staff will help create these structures and ensure that they are maintained.

2) Local Impact or Affirmative Litigation/Legislative Work

This encompasses the kinds of **affirmative/offensive legal cases** that can be used to challenge anti-homeless laws and/or stop certain conduct from happening (for example, seeking an injunction to prevent sweeps or challenging a local municipal law as unconstitutional). As with individual support, these kinds of lawsuits should be rooted in the expertise of folks on the ground and developed by a team of local organizers and attorneys in partnership.

The basic steps for developing this kind of legal strategy at a local LDC are:

A. Identify points where **collective legal action** is needed and strategic.
   - This might be as easy as getting notice of sweeps that would impact many people in your community.
   - In other cases, local LDC staff should look to LDC data and consider what kinds of individual cases are being dealt with at their clinic most often, and which have the most severe impacts on the local unhoused community.

B. Work in partnership to determine what kinds of **legal and non-legal collective action** should be taken.
   - The team should then work together to determine what tools might be used to address these collective issues they've identified.
     - The Core Staff is in the process of creating a **tactics playbook** that gathers collective wisdom about tools and strategies that have been attempted over the years, how they panned out, and tips or lessons they can teach us about fighting criminalization. The goal is to provide a shared starting point for local sites to draw from when thinking about questions of tactics and strategy.
     - The Core Staff is also developing an **LDC Litigation Manual** that gives both a technical and practical overview of the various federal claims that have been used to challenge anti-homeless laws, and what advocates should consider before bringing these claims. This will be shared with LDC sites when it is complete.
   - Beyond the local team, this type of collective action should also be discussed in the **LDC Working Group**, allowing local attorneys and organizers to draw on the wisdom of the collective and synchronize strategies across LDC sites.

- When considering **legal tools**, attorneys and organizers should consider not only what will be most effective, and successful, in court but also such things as:
  - What is the BEST possible result of this legal action?
    - Would that result build the collective power of impacted people to organize or achieve a collective goal?
    - Is the anticipated outcome likely to be enforceable?
    - What are the possible unintended consequences of achieving this result, even in the best case scenario?
  - What is the WORST possible result?
    - Is there a danger that getting that result would harm organizing work or individuals?
  - Could this legal tool bolster organizing even if it is unsuccessful?
    - How? For example, drawing more attention to an issue, buying more time for organizing efforts, etc.
  - What risks exist for clinic users who bring, or are part of, a legal action (e.g., retaliation, etc.)?
  - What kind of time or other resources would organizers and/or clinic users need to invest?
    - For example, affirmative litigation can be very expensive. To ensure the costs don't fall on organizers, cultivating partnerships and pro bono relationships should be something you start sooner rather than later.
    - You may also need to collect things like sworn statements or affirmations from clinic users who will be part of a class of plaintiffs. Know that this can take a long time and should be planned for, and clearly communicated about, early on.

C. Develop methods for reporting back to unhoused community members locally about collective legal actions.

- Legal battles are complicated, can be drawn out for many years, and may result in “wins” that are very narrow or particular in how they apply. This can make it difficult to gauge the real success of a legal battle or enforce any resulting protections on a day-to-day basis.
  - For example, while the case *Martin v. Boise*—which limited the government’s ability to enforce camping bans when there are not sufficient shelter beds available—has been considered a landmark victory in the legal world, its on-the-ground impact has been a source of confusion for unhoused people and organizers.
- Local organizers should be mindful of this reality and work to build out methods for educating unhoused community members on any collective legal actions brought through the LDC and keep them informed as the cases progress.
- These methods might include using outreach, printed newsletters, organizing meetings, community legal training, or other tools.



3) Regional & National Litigation/Legislative Work

This refers to **impact and affirmative/offensive litigation or legislative work** that implicates individuals/organizations from **multiple cities** (e.g., LDC staff from multiple cities working together to challenge a state-wide camping ban), *or* strategies that are being attempted in multiple cities/states at the same time (e.g., challenges to similar city ordinances or legislative campaigns that are raised at the same time by LDCs in different cities).

We know that Business Improvement Districts (BIDs), conservative think tanks, and neoliberal organizations like League of Cities or Cicero Institute are doing cross-city and state strategizing to pass laws that harass and criminalize unhoused folks; the LDC model recognizes the need to meet the scale of this attack by forming our own regional and national strategies to decriminalize homelessness.

Legal strategy on the regional or national level:

1. The process is essentially the same as at local sites: **points of collective impact** should be identified; unhoused community members, organizers, and attorneys should work together to consider the guiding questions and pinpoint possible tools; and local unhoused community members should be kept informed as the tactics are tested.

2. The main difference is that these cases should be developed through the **LDC Working Group** and focus on legal issues or trends in criminalization that are occurring across LDC sites. Not every site needs to *participate* in these kinds of collective litigation work, but **any local site that would be directly affected** by the result of a claim should have the opportunity to weigh in on the claim (via the Working Group) before it is initiated. This can help ensure that attorneys and organizers are building good law that bolsters movement work across different sites.



Information and Data Sharing

The LDC project is designed as a **collaborative network i**n which local LDC sites support each other to implement their local clinics and work together to craft aggressive policy and litigation strategies across cities and states. One important way that the sites collaborate to achieve this is by **gathering, analyzing, and sharing information** with one another.

The LDC Core Staff builds and maintains the infrastructure necessary for sharing this information and making sure local sites have what they need to use that infrastructure. Local LDC sites use shared materials, contribute them when possible, and collect and synthesize data about the cases coming through their local clinics to share with the network. As with the work group, it will be essential that local LDC sites engage with the process of sharing this information to the best of their ability.

Because client confidentiality and attorney-client privilege are incredibly important in any legal work, local LDC organizers and attorneys will be trained in how to gather and share this information in a way that preserves sensitive information. See the Primer on Legal Rules and the LDC privilege and confidentiality primer for more.

The information that flows through the LDC network takes two main forms: implementation materials and synthesized data.

1) Implementation Materials

One way that sites will collaborate is by sharing and storing **legal and organizing materials** that can be used by all LDC sites in the network while launching and running their clinics. This includes things like:

- training materials;
- promo materials;
- model legal motions and briefs;
- template forms (including intake forms);
- research; and
- anything else that might be requested by or created for local LDC sites.

Many of these materials will be created and shared by the LDC Core Staff, but others will be crowd-sourced from organizers and attorneys in the LDC network or external allies.

2) Synthesized Data

A vital task of local LDC staff will be to **track, synthesize, and share data** about individual cases coming through their local clinics. What is tracked and shared will be determined by the LDC Working Group and/or Core Staff based on the needs of collective legal and policy goals. Most, if not all, of the information local sites will gather is standard for any direct legal service work (e.g., client name and contact info, certain demographic info, case details, etc.).



What is **different in the LDC model** is that for some of that information, organizers will take the additional step of synthesizing and sharing it with the LDC network.

The flow of how this data is collected, synthesized, and shared will look something like this:

A. The LDC Working Group and/or Core Staff identify **certain data points that will be important for broader movement goals** – these might be things like demographic information, facts on enforcement tactics, case outcomes, etc.

B. The LDC Core Staff incorporates these points into **model intake questions** that individuals are asked as they use the LDCs at each site.
C. The LDC Core Staff will help local LDC sites **set up the infrastructure** for storing client information digitally in a secure manner.
D. Depending on the setup at a site, local organizers or attorneys will **gather and store client information** and case details (including the data points identified in Step A).
    - If any of this is done on paper, local LDC staff will take the additional step of entering that data into a digital format.
E. LDC Core Staff will provide local sites tools for **generating reports** on the information stored in these individual client files, based on the data points identified in step 1 as important for broader movement work.
F. Local LDC staff will regularly run the reports and **share them with the LDC network** (note that these reports will not include identifiable individual info).
G. The LDC workgroup will use the reports on trends to **create campaign or legal strategy**.

An Example

Say a local LDC holds a biweekly clinic that deals with a mix of legal issues. For each new clinic user, an organizer does an initial intake that collects basic information: demographic and contact information, basic information about the case such as location, the laws involved etc. They fill this out into a model intake form given to them by the LDC Core Staff and store the completed form in a secure location that only those staffing the LDC can access. If it is the individual's first time at the clinic, this organizer will also give a brief orientation that connects the individual case to the larger political context and the organization's larger movement work.

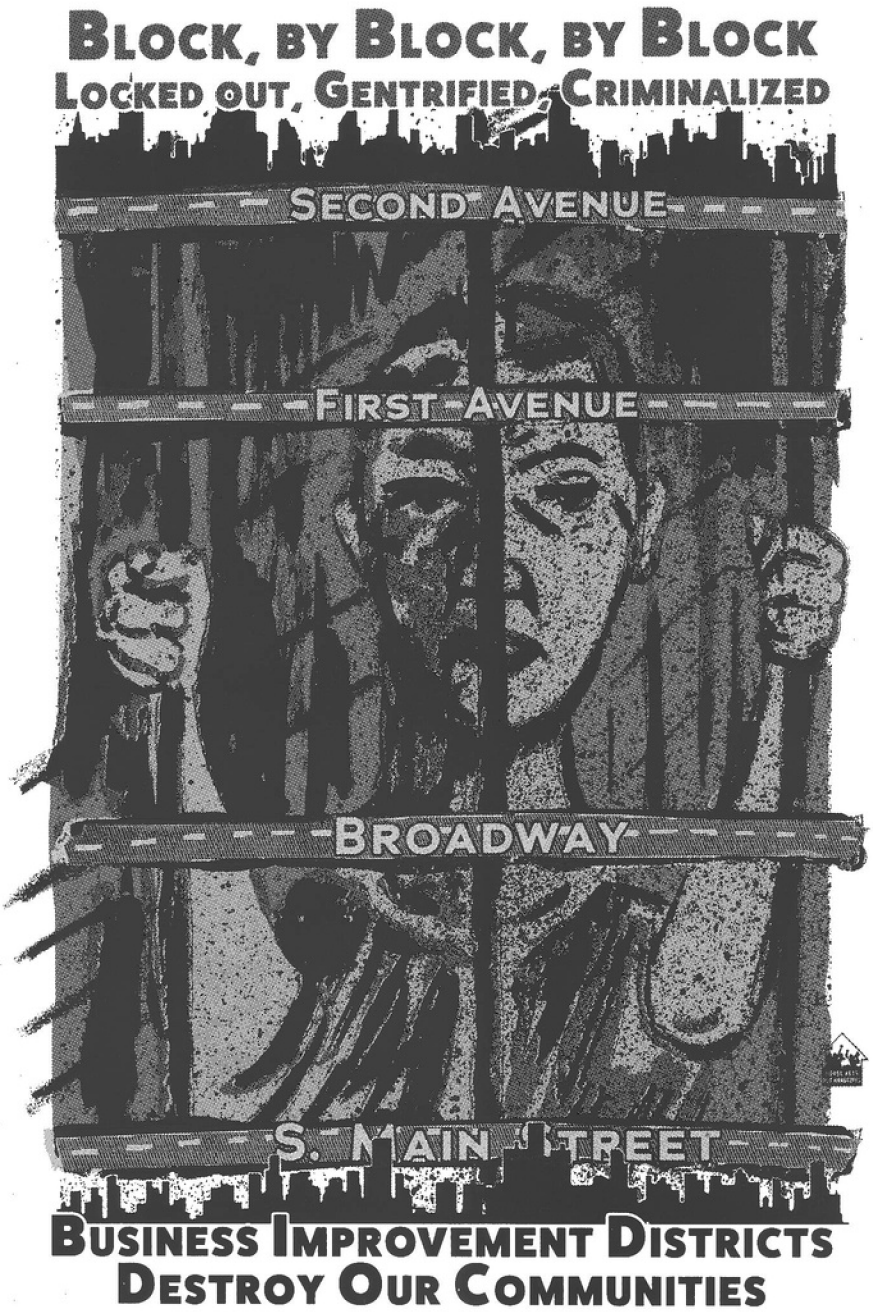
When the legal team meets with the individual, they collect more details about what happened, including any other specific facts that the Working Group or Core Staff have identified as important. For instance, they might ask specifics about enforcement tactics, interactions with police or private security, damage to property, physical harm, etc. This information is added to the individual's file along with the first intake. As the legal case progresses, the legal team will update the file with new details and case outcomes.

At this LDC site, the point organizer is responsible for running reports on data trends. Once a month, they use tools provided to them by the LDC Core Staff to auto-generate reports on the key data points identified by the workgroup or Core Staff. The organizer then shares these reports with the LDC network using tools provided by the LDC Core Staff.

At the next regular Working Group meeting, the team considers the reports coming out of each site to see if there are any specific trends or patterns that should be addressed collectively.

If they find that, say, there is an uptick in some specific *enforcement tactic*, they might collectively decide to file a legal claim challenging it as unconstitutional, or an organizing campaign to shame local governments out of using that tactic. Or they may find a trend across LDC sites that most of the individuals being targeted by a specific law have disabilities, leading them to start more aggressively using Americans with Disabilities Act (ADA) claims in legal defenses.

If the Working Group feels that new or different information is needed to bolster collective strategy along the way, they might ask the LDC Core Staff to update the model intake questions to ensure sites are gathering that information.



Conducting Ongoing LDC-Related Outreach

After you've launched legal support and are running your LDC, ongoing outreach will play a central role in **promoting your clinic, anchoring your legal strategy, and keeping the project accountable** to your community members. As with your "initial LDC outreach (p. 19)", this ongoing outreach will ideally be folded into the ways you are already engaging with your community (e.g., through street outreach/street watch or as part of regular community meetings or food distributions, etc.).

While some of this outreach can be done easily (see "Promotional Outreach" below), you will also need to spend some time tailoring this outreach to gather the specific information needed to hone your clinic's effectiveness (see "Strengthening Outreach" below). In both cases, the LDC Core Staff will help make the process as easy as possible for you by providing "template questions (p. 64)", forms, and promotional materials; supporting you in analyzing the results; and helping connect you with other resources you might need.

1) Outreach for Promotion

This is, very simply, the kind of outreach you will need to do to get the word out about the clinic: what it covers, who can use it, how it operates, etc. You will likely need to think of this as something you will have to do in bigger bursts any time you are offering a new legal service, and as something that should happen regularly to ensure folks know the clinic is happening on a given day and time.

A. Start by thinking about how you can use **existing channels and points of connection** with community members to let them know that the clinic is happening.

For example, distributing flyers on regularly scheduled outreach or mutual aid drops, asking allied service providers to inform folks at drop-in centers, etc.

B. If there aren't any existing pathways to do this outreach organically, outreach solely to get the word out about the LDCs might be necessary.

Social media can be helpful to the extent that it can reach other people and organizations who are doing outreach, but outreach to the community should be focused on word of mouth and printed materials to post or hand out to folks directly. This face-to-face outreach is vital for the overall goal of base building.

2) Outreach for Strengthening the LDC

Beyond promoting the work your LDC is doing, outreach is also an invaluable tool for reflecting on how the project is (or is not) meeting your goals and the needs of your community. In fact, this kind of reflective outreach is the **primary way that the LDC model is designed to strengthen itself and stay accountable** to unhoused folks directly affected by criminalization.

The steps below are offered to help you plan and implement this ongoing reflective outreach.

A. Consider setting some initial **benchmarks for when you will do this strengthening outreach**. Building concrete times for conducting strengthening outreach into your LDC work plan can help make sure it is staying up to date and becoming part of your regular practice.

- Depending on your implementation timeline, there may be times in the project when this outreach makes sense organically (e.g., when shifting between different configurations of the project as more resources become available).
- It may also make sense to do this kind of outreach in moments when external conditions or tactics of criminalization change in your community (e.g., if a new city ordinance passes that will further limit where people can be in public).
- Your team may also want to build this into your work plan at regular intervals (e.g., every few months, once or twice a year, etc.).

B. Determine **what questions** you'll need to ask and the most effective way to ask them.
   - Essentially, the goal of evaluative outreach is to:
     - understand if the clinic is or is not meeting organizing and legal needs, and
     - gather community input as the foundation for a way forward.
   - To get started, it may be helpful to check out the "template outreach questions (p. 64)" we put together for the initial outreach in Step 3. The LDC Core Staff and Working Group can also help design outreach questions.

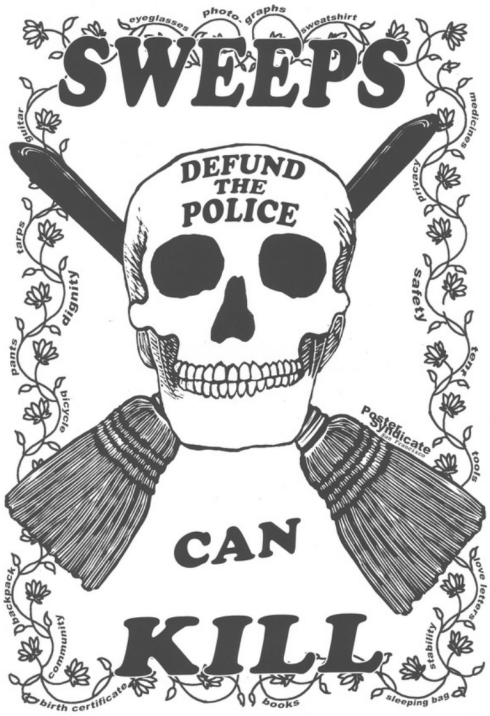
C. **Create a practical plan** for completing this outreach.
   - This will start with the same question as your initial LDC outreach: is it possible to integrate this outreach into other outreach that is already happening? If not, what would we need to complete it?
   - While there are many ways you could complete this work, a few examples which could be done simultaneously include:
     - **Integrating LDC outreach into street watch/community watch** (e.g., by getting input from community members your outreach workers have existing relationships with, or friends of those folks).
     - **Using the clinic itself as a point of outreach** (e.g., having clinic users complete a survey or answer a few questions while they are waiting to be seen by an attorney or before they leave).
     - **Conducting targeted survey outreach** where the entire focus of the outreach is the LDC project.
     - **Holding community meetings/forums** where community members are invited to semi-structured conversations about local criminalization and openly give feedback or suggestions regarding the clinic.
   - You will also need to think about **who** will conduct your outreach and how **folks will be incentivized** to participate thoughtfully in the process.
     - Outreach can be a powerful tool for staying connected to and building trust with your community when done in a way that honors where your community is at.
     - **Some tips** to ground your outreach plans10:
       - Where possible, **recruit, train, and pay unhoused folks** from your target community to do the outreach—it will help to both find participants and put folks at ease as they answer your questions.

10 These tips are informed by organizers with decades of collective experience conducting street outreach, and are also particularly inspired by Housekeys Action Network Denver (HAND), whose recent "**Pipe Dreams and Picket Fences**'" report was developed using over 1000 interviews with unhoused folks in Denver.



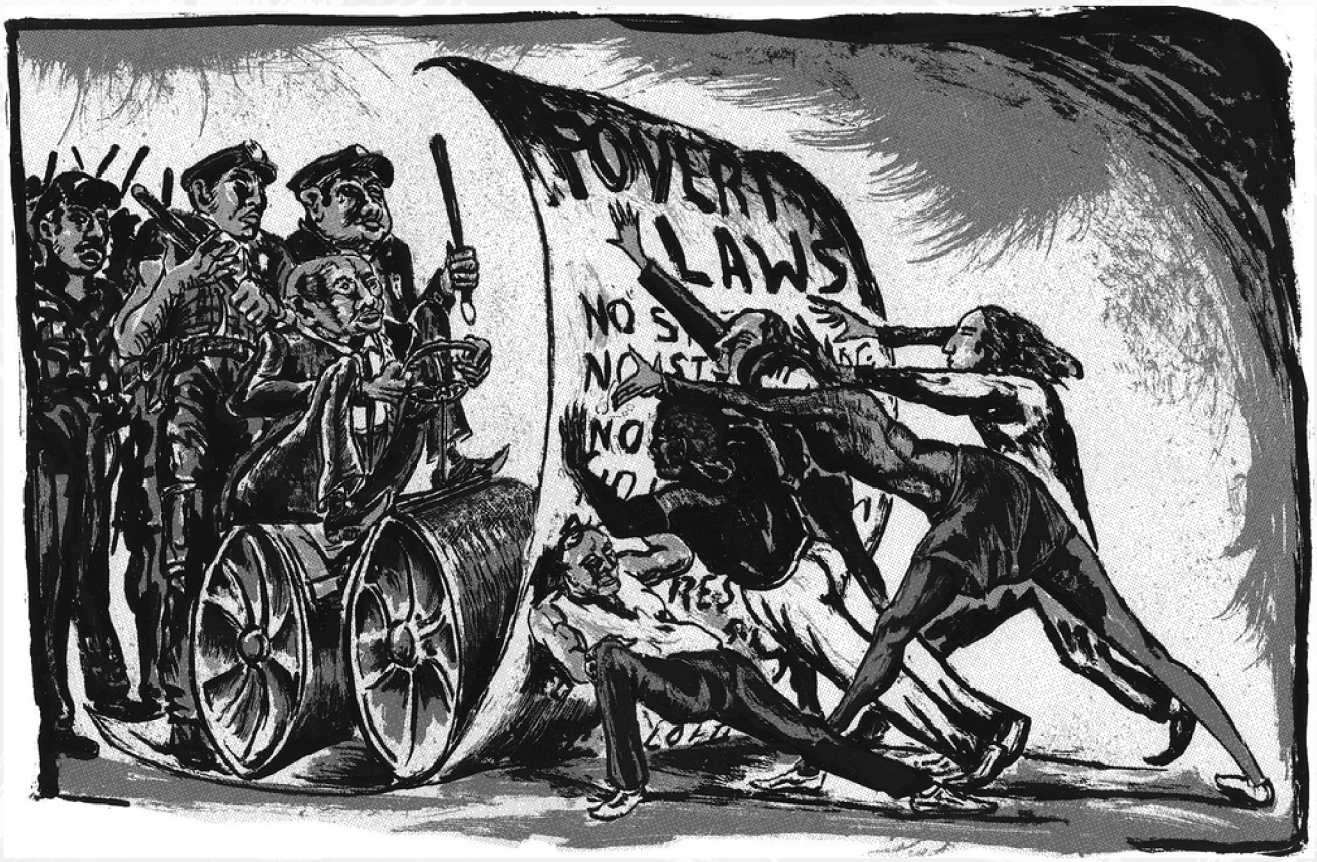
- **Keep things tight.** There is always a line to walk between getting the information you need and taking too much of people's time.
  - A good rule of thumb is that a survey should take around fifteen to twenty minutes to complete.
- **Compensate people for their time**. The experiences and ideas that folks share with you in outreach will form the foundation of your LDC, which makes their input essential labor! Compensating folks for this labor, especially when connected to longer outreach contacts like surveys or forums, will not only incentivize participation, but will also help build trust by demonstrating respect for people's time.
  - Think about offering gift cards to folks completing surveys or attending community meetings (e.g., $15-$20 visa cards).
  - If hosting community forums or meetings, consider providing attendees a meal or other nourishing food. It both incentivizes attendance and honors the fact that unhoused folks are often severely food-insecure.
  - Note that these kinds of compensation will need to make it into your budget.

D. **Synthesize and analyze** the results of the outreach so that you can put it to use!
   - As a team, both locally and within the larger LDC Working Group, **reflect** on the outcome of the outreach and what it means for the project both internally and externally.
     - For example, if the outreach revealed that one of the key issue areas of the clinic is no longer as relevant, a next step could be to dig into why that is and make a plan to pivot and refocus the clinic (the outreach could / would also inform where to pivot next).
     - In another example, this outreach might reveal that your clinic is functioning as it should, but that the community need is still not being met because of increased enforcement. In this case, you may need to reflect on how (or if) you can amplify your existing services to meet that need.



SUPPORTING DOCUMENTS

- LDC overview document ***56***
- Template outreach questions ***64***
- Movement Lawyering Model ***67***
- Primer on Configurations of Legal Support ...***72***
- Template decision-making chart ***75***
- Primer on Legal Rules and the LDC Model ...***77***



House Keys Not Sweeps: Legal Defense Clinics

2940 16th Street, Suite 200-2, San Francisco, Ca 94103
TEL: 415.621.2533/ Email: LDC@wraphome.org
Web: www.wraphome.org

Legal Defense Clinics (LDC)
Project Overview

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Mission

The Legal Defense Clinics (LDC) Project aims to strengthen and support the growing movement to decriminalize homelessness by reimagining the relationship of legal work to organizing.

The LDCs are a national network of movement-driven legal clinics dedicated to dismantling the carceral complex of laws and policies that target unhoused communities. This network aims not only to increase front-line legal representation but to fully integrate that legal support into organizing spaces working to build the power of poor and unhoused communities to fight for their own liberation and forge better futures.

Through this form and process, the LDCs facilitate a new depth of relationship between lawyers and organizers in the field, one which harnesses the full range of tools at its disposal, collaborates across time and space, flexes as the movement requires, and sharpens the focus of legal work to address long-term needs of poor and unhoused communities.

Structure

The LDC Project has the power to respond to specific and direct local needs while operating strategically and flexibly on a national scale. This requires a cohesive crew of like minds and diverse talents working together through many different roles.

National Oversight & Resources

The LDC network is a joint project of the Western Regional Advocacy Project (WRAP) and the National Homelessness Law Center (the Law Center). The two organizations partnered with the intent to implement the LDC project and are responsible for coordinating it at the national level, as the "**LDC Core Staff**."
In terms of their individual roles:

- **WRAP** develops and maintains organizing materials for the LDC network (e.g., training manuals, outreach templates, artwork, etc.) and assists local sites with base-building. Oversight and final decision-making power over the national LDC visions rests in WRAP's core member groups, who also provide strategic guidance and set the broader priorities of the project.
- **The Law Center** develops and maintains legal materials for the LDC network (e.g. training manuals, model briefs, template forms, etc.), assists local sites with recruiting and training attorneys and pro bono support, provides data sharing and analysis infrastructure, and facilitates the development of litigation strategy.

National Implementation, Administrative, and Communications Support

The LDC Core Staff, which is made up of organizing and legal staff from WRAP and the Law Center, oversees and executes the implementation of the LDC Project nationally. This work includes framing the project's mission and structure, creating core LDC materials (like this document), developing and sharing legal and organizing resources, and coordinating with local sites to launch and run their local clinics (e.g., by assisting with initial outreach, creating strategic work plans, etc.).

Core Staff are also responsible for maintenance work essential to operating the LDC network long-term (e.g., updating manuals, providing administrative support, training local partners, facilitating cross-site communication and strategy, etc.).

Local Implementation, Oversight and Resources

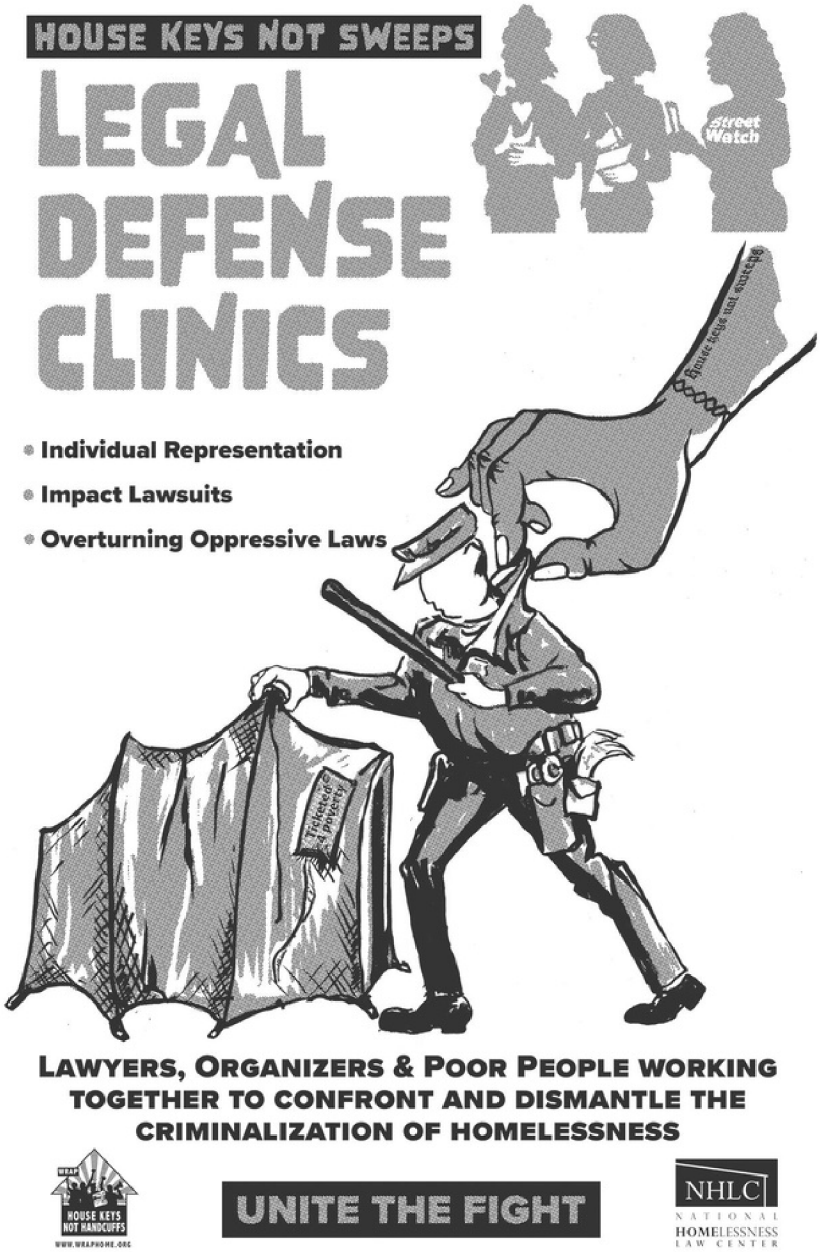
Local organizers implement the LDCs on the ground in partnership with local legal workers, forming the **local site staff**. This partnership can take several forms and may shift over time as circumstances change, but each will orient legal support around organizing goals and community needs.
While working closely with the LDC Core Staff and Network, local sites "own" their clinic in the sense that they conduct ongoing outreach to affirm local priorities, coordinate legal staffing, manage communication with clients and local partners, and integrate the work of the clinic with their existing campaigns. Local sites also contribute toward resourcing the project as feasible, whether through incorporating it into their budget cycle or seeking additional grant opportunities.



Bringing It All Together–The LDC Network

The LDC Network is the web that functions to turn a string of local clinics into a national force for decriminalization. To this end, the network connects all the above key players, locally and nationally, as well as vital allies–legal workers, organizers, academics, volunteers–invested in the project's goals.

Functionally, the LDC Network is a working group that meets regularly and provides a space for local groups to troubleshoot, access peer support, and coordinate national strategy and messaging. The network also functions as an essential capacity safety net, where expertise is pooled and local sites can request critical resource support in difficult times.



Guiding Principles

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1. The criminalization of homelessness is a project of racial capitalism, ableism, and settler colonialism.

We cannot meaningfully engage with the goal of decriminalizing homelessness without an analysis that centers anti-racism, disability justice, and decolonization.

2. Mass homelessness and poverty will never be ended unless the systems of oppression that have created and maintained it are dismantled.

Criminalization as a solution to poverty and homelessness serves only to keep people poor and homeless.

3. This deep systemic change can only be achieved through grassroots organizing that empowers unhoused people to compel systemic change.

Changing laws or defending individuals against laws may be harm reductive, but is not, and by design cannot be, revolutionary. Legal support must be strategically utilized to leverage power back to grassroots movements and the communities they exist in.

4. Still, unhoused peoples' movements have an urgent need for lawyers to do essential harm-reductive work.

The mechanics of criminalization are brutal and efficient, and unhoused communities are relentlessly persecuted by them with little to no legal support. Access to counsel is critical to breaking cycles of criminalization, protecting the legal rights of unhoused people and organizers, and reducing material barriers to their ability to organize and build power.

5. This legal support must be intentional and based on a praxis of movement lawyering.

Legal work is not inherently transformative; it can uphold and recreate the institutions and systems that drive mass homelessness and poverty. Unhoused peoples' movements require lawyers willing to disrupt traditional lawyer/client power imbalances, work in true partnership with organizers, ground tactics in movement strategy, and take direction from criminalized communities.



6. In turn, lawyers need more pathways for developing both their substantive skills and their own practice of movement lawyering.

There are limited opportunities for new attorneys, or attorneys new to the issues, to enter the field of decriminalization of poverty and homelessness; even fewer that allow this work to be done through a movement lawyering approach. Resources need to be built and maintained to recruit, train, and support more attorneys to come into this crucial work through a movement lawyering framework.

7. Organizers need networks of collective support to sustain legal support work long term.

Front-line organizers are almost always working at or over capacity. Legal support has been difficult to start up or sustain in the context of this constant capacity scarcity. To create sustainable legal support in these spaces, it is essential to build out a network that can provide local organizers with resources, other material support, and opportunities for mentorship and strategic collaboration.

Core Commitments

While the LDCs will expand access to free legal services for poor and unhoused people, its vision does not stop there; the true power of the model is rooted in its capacity to support broader systemic change. In the LDC model, the process through which legal work is done is as radical and as essential as its outcomes. Legal support is integrated directly into existing organizing spaces, and legal tactics are strategically chosen to further movement goals. The relationship nurtured between organizers and lawyers through this process is fundamental to the LDC's theory of change, and allows for mutual skill-building, nuanced and creative strategizing, and direct accountability to unhoused communities.

To achieve this, all local LDCs commit to five things:

1. Developing and centering an intersectional analysis of how neoliberal capitalism, anti-Black racism, settler colonialism, and ableism shape the landscape of criminalization

This includes a commitment to directly addressing these issues internally (e.g., by reviewing hiring practices and being intentional about coalition-building).

2. Advocating to address the root causes of mass homelessness and poverty, such as the divestment from affordable housing and investment in criminalization

It is also essential that in the effort to dismantle the system of criminalization, we unequivocally reject carceral "solutions" based on myths of broken individuals or service resistance.

3. Utilizing local legal clinics as a tool of broader grassroots movement work

All legal work done through the LDCs, even if purely harm reductive, is guided by principles of movement lawyering. Because pathways for developing these skills remain limited, the LDCs also commit to nurturing the practice of movement lawyering more broadly through, for example, training, resources, mentorship, and coalition-building.

4. Growing pathways for unhoused community members to substantively shape and lead their local LDC and the larger organizing work it is embedded in

The LDC Project's seven priority issue areas were drawn from extensive street outreach conducted by WRAP members. In order to ensure that our work stays accountable to the people directly impacted by anti-homeless laws and policies, the LDC commits to doing two related things: (i) utilizing ongoing outreach in local unhoused communities to shape the structure and strategy of each LDC; and (ii) creating active pathways for unhoused community members to get involved with, and take leadership roles in, organizing work–including in running the LDC itself.

5. Investing time and resources into building out the LDC network as a vehicle for both increasing organizational capacity at local levels and building power nationally

The LDC network aims to be a hub of skill and resource sharing, communication, and strategic analysis that combines the wisdom and power of local groups, the LDC Core Staff, and allies from our communities. This network also serves the long-term sustainability of the project, acting as a support system that can be leaned on during times of organizational crisis, drain, or upheaval. Keeping the network functioning, relevant, and resourced is vital to fighting criminalization on a national scale.





Goals

The LDCs strive to:

1. Increase free direct legal representation to unhoused people

by recruiting, training, and supporting local organizers and attorneys to provide much-needed representation in unhoused communities. This legal support will focus on the following seven criminalization issue areas,1 identified by WRAP members:

a. anti-homeless tickets, citations, and arrests
b. parking citations and vehicle tows
c. stay-away and trespass orders
d. harassment by private security
e. property confiscation and destruction
f. restrictions on food distribution & consumption
g. warrants for all of the above

2. Bolster existing organizing to decriminalize homelessness

by utilizing a "**movement lawyering model** (p. 67)" that structures legal work to be in service to goals identified by organizers, who are themselves taking cues from unhoused community members directly via ongoing direct street outreach.

3. Build collective power across cities and states

by building and expanding the LDC network. This network integrates cross-site collaboration into the process of providing direct legal support, channels the skills and experience of organizers and attorneys across cities and states towards shared strategic goals, and ensures that each local LDC can grow quickly off a stable base and lean on that base in hard times.

4. Develop creative and aggressive strategies for supporting movement goals

through network collaboration and information sharing. LDC strategy–a multi-pronged approach combining litigation, legislation, policy, and direct legal services–benefits from the pooled expertise of movement workers across geography and generations, and is further bolstered by the collection and analysis of data trends (e.g., on enforcement tactics or demographic information) done by each local LDC.

5. Incubate aspiring movement lawyers and expand pathways into movement work.

The LDC network creates pathways at multiple levels for individuals to not only join the movement to decriminalize homelessness, but also to be part of a radical shift in the institution of lawyering. This includes a focus on growing the substantive legal expertise of organizers, attorneys, and unhoused community members; it also includes the opportunity for legal workers to practice these substantive skills through a movement lawyering lens that is not widely available.

1 This is a non-exhaustive list that may change as laws and enforcement trends change.

Learn More About the LDC Project:

We are in the very early phases of the project, developing the resources and infrastructure needed to start implementation. We will soon be seeking initial pilot sites to take on the first launch of the project. We will then look to expand the LDC network more broadly, based on lessons learned in the pilot phase. To become a new LDC site, local communities must have a pre-established organizing base that is directly accountable to unhoused community members.

Where that base does not yet exist, local organizers or attorneys may attend LDC training and webinars and request LDC materials to support their base building or support work.

For updates on this project and related work, **subscribe to the WRAP newsletter** and **the Law Center newsletter.**

Contact Information

- If you have questions about the LDC project, are interested in our organizing toolkits, or are interested in providing pro bono support, reach out to us at ldc@wraphome.org.
- For organizing groups interested in anti-criminalization work more broadly, please reach out to wrap@wraphome.org for information about the WRAP Sweeps Campaign.
- For attorneys interested in anti-criminalization work more broadly, please reach out to ldc@homelesslaw.org.

LEGAL DEFENSE CLINICS



LDC Example Initial Outreach Questions

Hi, my name is _____ and I organize with _____. We are conducting a survey to learn about the tools and tactics that our local government is using to harass poor people and people without housing. This will help us set our priorities for a project that we are currently working on where we hope to offer free legal support and advice to people affected by the criminalization of poverty and homelessness. The survey will last about ___ minutes. Would you be willing to participate?

Section 1: Experiences with Criminalization

1. Have you been targeted by law enforcement, private security, sanitation etc. for "crimes" related to being unhoused (such as sitting or sleeping, or possessing a tent)?
   a. Yes
   b. No
   c. Unsure

2. (If *Yes* or *Unsure*) Can you describe some of the activities you have been targeted for, and who specifically was targeting you?
   ** Where targeting equals citations, arrests, searches, move-along orders, physical violence, towed vehicles, "sweeps" generally, etc.*

What / *Who*	*Law Enforcement (cops, fire, park rangers, etc)*	*Private Security (includes "community ambassadors")*	*City Employees (such as sanitation workers)*	*Other Please describe below:*
Sitting				
Sleeping or Lying down				
"Loitering"				
Trespassing				
Possessing property				
Parking or living in a vehicle				
Panhandling				
Other:				

**** For the interviewer: Follow up on what the end result was for each section in the chart (e.g., I was swept, I received a citation, I was arrested, etc.)****

Extra space to elaborate on the chart:

_____

_____

_____

_____

1. Have you ever had your belongings stolen or confiscated by police, private security, or other "task forces" or city employees?
    a. Yes
    b. No
    c.
2. How frequently are you approached and/or targeted by cops, private security, etc?
    a. Almost every day
    b. A few times a week
    c. A few times a month
    d. Not often/not regularly

1. Do police target you without claiming you are breaking any specific law?
    a. Yes
    b. No

1. Have you seen private security guards (or "community ambassadors") hassling people, ordering them away, etc.?
    a. Yes
    b. No
2. Have you ever gone to a medical facility, or been taken to one by police (e.g., after arrest), and told you are not allowed to leave?

If yes, explain: _____

Section 2: Experience with the legal system

8. Have you ever been arrested because of a bench warrant that you received because you were poor or unhoused?

** A bench warrant is a type of warrant issued by a judge to force you to appear in court. If there is one issued against you, cops are obligated to immediately arrest you and bring you to court.*

a. Yes
b. No
c. Explain: _____

9. Have you spent time in jail because of charges you received related to being poor or unhoused?

a. Yes
b. No



10. *(For folks who have received fines, misdemeanors, or other criminal charges)*
What, if any, options did you have through the local government to resolve your fine/charge (e.g., homeless court, diversion program, pleading guilty, time served)?

_____
_____
_____
_____

Section 3: Access to legal support

11. Have you ever gone to legal groups or other organizations for help with resolving any of the issues we talked about earlier?
    a. Yes
    b. No
12. *(If Yes to 9.)* Where did you go?

_____

13. (if Yes to 9.) Were they able to assist you and/or resolve the issues?
    a. Yes
    b. No
    c. Other:

14. *(If Yes to 9.)* Was it easy to work with the staff/volunteers there?
    a. Yes
    b. No

15. (If No to 12.) Why not?

- ☐ It was hard to get to where I was supposed to meet them
- ☐ I felt intimidated or judged there
- ☐ The process was confusing / overly complicated
- ☐ Other:

16. *(If Yes to 9.*) Would you go back there for help with similar issues in the future?
    a. Yes
    b. No

17. *(If Yes to 9.)* Have things generally improved for you since you tried to access resources and/or support?
    a. Yes
    b. No

18. *(If No to 9.)* Why not?
    a. I didn't the issues I was facing were ones a lawyer could help with
    b. I wasn't aware there were organizations like that in my community
    c. I am not interested in seeking legal help for my issues at this time
    d. Other:

LDC Movement Lawyering Model

In the LDC model, legal support is rooted in a vision of “movement lawyering”[1] that we, the core staff, have developed through a process of internal and external learning.

Externally, we learned from thinkers and practitioners specifically focused on developing movement lawyering praxis[2] and building new ways to offer legal support in the future. We are grateful to folks at the Movement Law Lab, Law for Black Lives, and the Community Justice Project, along with many other abolitionists and racial justice theorists and organizations, for helping shape our understanding and imaginations.

Internally, we harvested the collective wisdom of organizers and attorneys in our own networks to learn how lawyers have worked to support movements to date. A small but fierce group of legal workers has found ways to overcome existing institutional barriers, leveraging their skills toward the movement to decriminalize homelessness. This work has oriented us towards the kinds of support organizers find most helpful and generative; it has also illustrated the limitations of attempting to do this work from within traditional legal institutions and attorney/client roles.

Through this learning, we offer the following "**Points of Unity** (p. 68)" and "**Points of Praxis** (p. 69)" as a baseline from which we envision all LDC legal work flowing. These primarily apply to lawyers[3] involved in coordinating LDCs (either locally or on the national level), but we encourage legal workers at all levels of the project to engage with our model as well.

Our understanding of what it means to be movement lawyers is still growing and we welcome feedback or insight. The foundation that we do feel sure of—which is reflected in the model below—is that we must transform the way we think about legal support, and the role we imagine for lawyers, if we want to achieve deep systemic change.

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1 This being, essentially, an understanding of legal work as one of many tools that can support grassroots movements for systemic change.

2 We use the term “praxis” to describe an ongoing, intentional cycle of reflection-driven practice (or action). In this cycle, the LDC organizers: *practice* (or act) by providing legal services to their community, *reflect* on the effectiveness of this legal support regularly, *tweak* their methods or focus as needed, *practice* this tweaked version of LDC support, *reflect* again, and repeat.

3 For brevity, we use the term “lawyers” throughout this document, but we understand these points of unity and praxis to apply to all legal workers who might be involved in the project in core ways (law professors or students, paralegals, etc).



Points of Unity

All lawyers who are part of coordinating the LDC Project—at either the local or national level—agree to the following points of unity:

1. **By default, lawyers are positioned to uphold systems of oppression that drive mass homelessness and the criminalization of poor and unhoused people.**

- Legal institutions have been developed as tools for advancing and legitimizing racial capitalism and settler colonialism.
- As a result, all lawyers are positioned to perpetuate that systemic violence simply because we are trained through and work within these institutions.
- Lawyers who seek to disrupt these projects must engage in an ongoing, intentional practice of reflection-driven action (praxis) that aims to minimize the power of these legal institutions to cause harm.

2. **Lawyers seeking to end the criminalization of homelessness must work to leverage power to organizing that builds the power of unhoused people to fight for their own liberation.**

- Based on the above understanding, lawyers alone cannot affect the level of systemic change needed to address the root causes of, and carceral responses to, mass homelessness and poverty.
- This level of change can only come from movement work which builds the power of poor and unhoused people to meaningfully shape the conditions in their own lives and communities.
- Lawyers aiming to support this power-building must find ways to leverage their specialized skills and access toward organizing campaigns and strategies.

Points of Praxis

The LDC model views the process of providing legal support to be just as integral to movement building as legal outcomes. As seen in the points of unity, we believe that lawyers seeking to serve movements need to prioritize the development of their own praxis of movement lawyering—that is, a practice based on a cycle of acting, reflecting, and learning.
We offer the following six points as a baseline from which we hope all LDC attorneys can grow their praxis within the LDC network:

1. **All LDC legal work is steered-by and accountable to unhoused communities.**

- The LDC model centers an understanding that (i) unhoused people are the only "experts" in criminalization–both how it's occurring and its impact, and (ii) grassroots organizers are the most well-positioned to harness their community's lived experience and expertise toward systemic change.

- As movement lawyers, our greatest contribution lies in helping unhoused communities and organizers craft this expertise into discrete legal actions and tactics that can further broader organizing goals and protect organizers.

- LDC lawyers understand that this requires them to form reciprocal relationships with organizers and commit to using outreach and partnership structures to keep legal work accountable to unhoused community members.

2. **Legal work is shaped by outreach to currently unhoused people, conducted by organizers who are already embedded in those communities.**

- Grounding legal work in ongoing outreach helps ensure that legal support meets the most pressing collective needs and can respond quickly and aggressively to shifting criminalization tactics.

- The LDC's seven overarching priority areas are based on years of extensive street outreach conducted by the WRAP members. These members continue to do outreach and provide oversight to national LDC coordination.

- At the local level, targeted street outreach done before launch shapes the scope and structure of each local LDC and is continued regularly throughout the life of each LDC.

- Lawyers coordinating at any level of the LDCs commit to understanding the role of outreach as the foundation for all of our shared work.



3. Legal strategy, at all levels, is decided jointly by a team of organizers and lawyers.

- In the LDC model, organizers are equal partners in deciding how legal support should be rolled out to meet the needs of unhoused community members and campaigns.
- This requires that, at all levels, lawyers involved in running the LDCs commit to shaping their practice in ways that encourage the growth of trust and relationships with their organizing counterparts.
- Though this may look different in different contexts, it will at minimum require sharing skills and de-siloing legal and organizing work (see below), as well as maintaining open and ongoing communication that fosters collaboration and helps make legal issues clear to organizers and unhoused community members.

4. Legal work is not siloed from broader organizing.

- To meaningfully partner on crafting legal strategy that can help build power, LDC organizers and lawyers must develop shared vision and work goals.
- This requires that LDC lawyers take steps to break down the walls that traditionally keep legal knowledge inaccessible to people who are not highly educated or trained as lawyers.
- LDC lawyers understand that creating opportunities for mutual skill and knowledge sharing is necessary to break down these walls, develop true partnership with organizers, and build legal strategy that is responsive to movement goals.
- This sharing must run both ways: LDC lawyers commit to building pathways for organizers and unhoused community members to better understand the laws and legal systems that impact their lives; they also commit to learning from organizers about organizing tactics and strategies, to better understand the context of the movement they are working within.

5. LDC lawyers pursue legal strategies that are collaborative, creative, and aggressive.

- As long as legal institutions exist, access to counsel is critical to breaking the cycles of criminalization that relentlessly target, harass, and ensnare unhoused people. LDC lawyers understand the urgent need to increase legal support in unhoused communities.
- LDC lawyers further understand that this fight requires a creative and aggressive sword and shield approach: legal support that can immediately defend against tactics of criminalization such as anti-homeless laws (the shield), and affirmative litigation to attack the underlying laws and policies that officials rely on to criminalize unhoused people (the sword).
- The development of these tactics is highly collaborative in the LDC model, both between attorneys and organizers locally and across the LDC network. This will help ensure that local legal tactics are supporting (rather than impeding) movement goals, as well as avoiding bad precedent, across sites.

6. LDC lawyers help grow and maintain the infrastructure needed to make legal support sustainable in the long term.

- Part of the strength of the LDC model is the network of organizers and lawyers it brings together in collaboration.
    - LDC lawyers understand that their participation in this network is necessary both for developing good legal strategy and for ensuring the long-term sustainability of each local LDC. By ensuring that legal expertise and mentorship are accessible to each local site, the LDC network is able to support sites to launch more easily and survive local organizational challenges that might otherwise derail the legal work.
- Lawyers need expanded pathways into movement lawyering and decriminalization work. To this end, the training, resourcing, and mentorship of new legal workers (or those new to the specific field) is a major focus of the LDC core staff.
    - Attorneys involved in the LDCs understand that supporting the LDCs as incubating spaces for movement lawyering praxis and substantive legal knowledge is also a key part of the model.





Primer on LDC Legal Configurations

In the LDC model, legal support is not offered in any one static form. Rather, LDC organizers build out a variety of different **legal tools** and **partnerships** with legal workers to meet evolving movement goals and urgent community needs. In this sense, each local LDC functions less like a traditional "legal clinic" and more like a workbench from which local site staff utilize a carefully crafted legal toolbox to address criminalization.

In this toolbox, each possible tool and partnership has its own specialized use and are combined in various **configurations** of legal support to meet discrete goals.

What do we mean by "configurations of legal support"?

We use the term "configuration" to describe any setup through which a legal tactic is used by LDC site staff to meet a legal need. Thinking of the toolbox example again, the term refers both to the specific tools organizers use (i.e., certain tactics or resources) as well as who will use the tool and how they will use it. One of the key features of the LDC model is that local sites have the flexibility and support to pivot between or combine different configurations as needed to meet community and organizing needs.

The following are *just some* possible configurations that local LDC sites might utilize:

- A group of volunteer attorneys, recruited to the LDC project by organizers, offers their time a few hours a month to defend individual community members against anti-homeless tickets and citations.
- Organizers provide legal support directly to their community by hosting self-help workshops teaching community members how to file their own administrative claims for personal property stolen during sweeps.
- Organizers partner with a local law school clinic in which law students (with training and supervision) appear with community members to challenge vehicle tows/impounds.
- A local legal organization is recruited to partner on a lawsuit that challenges a local anti-camping ordinance, potentially with the LDC host organization as a plaintiff.
- An LDC host site hires a staff attorney to be an employee of their organization; the attorney uses different legal tactics to meet organizing goals and community needs.
- Organizers partner with a local legal organization to run a mixed-issue clinic out of the host organization's space; the attorneys do this LDC work as part of their regular job at the legal organization.

Each of these example configurations targets different needs, leverages slightly different skills and experience, and requires different resources to work. In some cases, organizers may need to use multiple configurations at once; in others, it might make more sense to focus energy on one configuration at a time. To support organizers in determining what possible configurations they can draw on, and why/how/when each would be most effective, the LDC Core Staff will work with local sites in the early phases of implementation to craft a strategic plan around these questions (see **Implementation Roadmap Step 4: Strategic Planning** (p. 22)).

Importantly, none of these configurations are seen as ends in themselves, and all are used alongside non-legal organizing tools and within the broader LDC theory of change to advance broader organizing strategies. Each will also come with its own strengths and challenges related to attorney-client privilege and client confidentiality. The LDC Core Staff will work with sites to address these issues more fully, but for a brief overview see our primer.

More examples of configurations

Below is a non-exhaustive list of different tools and configurations we have brainstormed. These examples are offered as a means to better understand the many shapes local LDCs might take, but will likely be complimented by other configurations or tools we have not included here.

Possible legal tools:

- Community legal training and education
  - KYR (know your rights) training or materials, training on local enforcement practices, educational materials like manuals, pamphlets, etc.
- Self-help legal skill sharing and support
  - LDC staff/volunteers assist community members with discrete legal issues the individuals then proceed with on their own (e.g., administrative or other *pro se* civil claims, ID replacement, towed vehicle recovery, etc.
- Direct legal representation
  - attorneys represent and defend individuals in court defense on issues like anti-homeless tickets/citations/misdemeanors, or protester or organizer defense for actions related to the LDCs, etc.
- Representation in administrative hearings
  - attorneys or non-attorneys represent individuals in administrative proceedings that do not require a law license, e.g., vehicle tow hearings, etc.
- Affirmative/impact litigation
  - challenging a local anti-camping ban as unconstitutional or in violation of state law, suing the city for the practice of destroying property during sweeps, etc.
- Other legal advocacy
  - writing demand letters to city officials on behalf of encampment residents, legal research, etc.
- Policy or legislative work
  - drafting policy or legislation, testifying at government hearings, etc.



Possible relationships with legal workers:

- Partnership with law school clinic to offer student labor towards specific legal tasks
  - supervised representation, support with self-help workshops, legal research, policy writing, etc.
- Pro bono attorneys, recruited to take on specific tasks.
  - folks from big firms recruited to do citation defense, a legal research project, help with a more complex lawsuit, etc.
- In-house LDC staff attorney
  - lawyers employed by the LDC host organization to do a variety of legal tasks and work directly with organizers as fellow staff of the same organization
- Volunteer attorney(s) recruited to do legal support on their own time.
  - not as part of their paid attorney work or with the OK of their employers
- Partnership with a legal organization
  - the legal organization dedicates their employees' time towards LDC work (e.g., a local legal org allows one of their attorneys to do LDC work as part of their regular paid work, or agrees to hire an attorney specifically to help run a local LDC)
- Formal attorney-client relationship between an attorney/legal organization and the LDC host organization.
  - representing the LDC site organizers in affirmative litigation or other advocacy work, etc.



Template LDC Decision-Making Chart

Below is a template decision-making chart that Core Staff and Local Sites can use to outline their decision-making structure. This can be edited/added to as needed. It can also be adapted for local sites to use for their own LDC teams (e.g., to lay out decision-making roles between organizers, members, attorneys, etc.). The categories and the folks identified for each role are **suggestions** and should be **discussed and decided together in Step Two** of implementation.

	RESPONSIBLE	ACCOUNTABLE	CONSULTED	INFORMED
TASK	*This person/group performs the task and is responsible for its execution.*	*This person/group oversees the work of the "responsible" person or group and is responsible for the task's correct completion; has the power to make final decisions about/veto the item.*	*This person/group is asked for input in advance of any decisions being made.*	*This person/group is informed about the decisions that have been made, progress, and results achieved.*
General Implementation				
Finalizing decision-making structure between Core Staff and Local LDC teams	***EXAMPLES:*** *Core Staff Local site staff*	*Local site staff*	*Working Group*	*Working Group WRAP members Law Center*
Developing local site strategic plan	*Core Staff Local site staff*	*Local site staff*	*Working Group Host org staff + members*	*Working Group WRAP members Law Center*
Developing shared implementation work plans	*Core Staff Local site staff*	*Local site staff*	*Working Group Host org staff + members*	*Working Group WRAP members Law Center*
Facilitating LDC Working Group	*Core Staff*	*Working Group*	*WRAP Law Center*	*Working Group WRAP members Law Center*
Creating network-wide training materials	***and so on ...***			
Training of LDC site organizers				
Local legal/legislative strategies				
National legal/legislative strategies				



Data management				
Data collection				
Ongoing LDC network oversight				
Outreach and Recruitment				
Developing/executing local outreach plan				
Creating outreach materials				
Attorney recruitment				
Local legal/legislative strategies				
Budgeting and Fundraising				
Local site budgeting and fundraising				
Core Staff budgeting and fundraising				
Skill development				

Rules of the Legal Profession and the LDC Model

How client confidentiality, attorney-client privilege, and the unlicensed practice of law impacts the LDC project

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As we grow legal support for the movement to decriminalize homelessness through the LDC project, we must protect both unhoused community members relying on that legal support and the people and organizations offering it. An essential step in this process is to learn about the vulnerabilities that come hand-in-hand with the non-traditional LDC model and the precautions we must take collectively to limit them.

Organizers and allies already deal with these kinds of movement vulnerabilities regularly: movement leaders are targeted by the state and removed from communities; organizations successful at building power become targets of ruthless public smear campaigns; movement spaces are surveilled and infiltrated by cops, and so on. Organizers pushing back against power are all too familiar with these repressive tactics and understand the need to take steps to safeguard campaigns and membership from targeted blowback.

Similar threats exist for folks challenging dominant power structures from within legal institutions. All lawyers are bound by professional ethics rules and certain state laws that regulate attorney conduct—none of which were created to support radical, power-shifting movement practice. It is vital to understand how these rules and laws create vulnerabilities for those working in non-traditional models (like the LDCs) which push the legal profession into lesser-known territory.

One of the LDC project's greatest strengths also creates one of its clearest vulnerabilities. While the role of organizers and unhoused community members in directing LDC work infuses the model with an ability to build power that most legal services lack, this model also complicates traditional attorney roles imagined by most ethical rules and statutes. Without careful attention, this could create pockets of liability for the LDC project and the folks staffing it.

This level of complication should not scare us from taking the bold, creative action necessary to liberate our communities. But we must also act with intention and take special steps to protect our people. To this end, everyone working on the LDC project—whether at the national level or locally, as organizers or legal workers—needs a basic understanding of these laws and rules, and how they will impact the way work is done through the LDCs.

This primer offers a brief **overview of relevant legal rules (Part I)** and then outlines **steps** LDC partners will need to take **to keep the project secure (Part II)**



Part I: Brief Overview of the Relevant Legal Rules

This primer covers three legal rules that uniquely impact the LDC model: the **unlicensed practice of law**, **attorney-client privilege**, and **client confidentiality**. In offering a broad overview of these rules, we hope to contextualize the need to take certain steps and follow specific protocols while implementing the LDCs, both locally and nationally. This document is by no means all you will need to know about the rules, but we hope it helps build a common foundation of understanding from which we can shape and effectively operate the LDCs.

You may want to jump straight to "**Part II** (p. 83)" if you are already well-versed in the general scope and mechanics of the above three rules. If they are brand new to you or you could benefit from a refresher, sections A and B below outline what the rules are, the basics of how they operate, and the kinds of consequences that arise if the rules are violated.

A. UNLICENSED PRACTICE OF LAW

Key takeaway: these laws prohibit non-attorneys, or attorneys not licensed to practice in a state or court, from providing legal services or offering "legal advice." They can carry serious consequences, even criminal charges. Clear steps must be taken to train all LDC staff on relevant laws related to unlicensed practice and to create internal practices that distinguish legal from non-legal LDC work.

What is it? Rules and laws governing unlicensed practice prohibit:

- **attorneys** from practicing law without a valid license or in jurisdictions where they are not licensed (and in some cases, helping others do so), and
- **non-attorneys** from practicing law or providing legal advice. 1

This prohibition comes from both the legal rules of ethics and state statutory law.

Each state has its own **ethical rules**, sometimes called rules of professional conduct, that govern the conduct of lawyers licensed to practice in that state.

Statutory law is law created by the legislative branch of the government and signed by the executive, e.g., laws created by a state legislature and signed by the Governor.

What is it for? Unauthorized practice regulations are typically sold as necessary for protecting the public from predatory, fraudulent, or incompetent legal representation. However, they have been widely

1 "Practicing law" is defined differently across local rules and laws. Broadly speaking, it refers to performing or advertising services deemed to fall under the umbrella of "legal practice." This includes more obvious things like appearing in court or executing legal documents as someone's representative. However, it also applies to the act of "providing legal advice," which is much more difficult to delineate. Because "practicing law" is vaguely defined, we can anticipate that some of the work done by non-attorneys in the LDC network could be attacked as "unlicensed legal advice."

2 **See**, for example, ABA Model Rules of Prof. Conduct, Rule 5.5, Comment 2. Found online here.

criticized as mainly designed to restrict access to the legal profession to a narrow sliver of the public (mostly white and upper class) and to monopolize the economic benefits flowing from legal services for that narrow group. 3

In either case, the effect of these restrictions is the same: to limit who can provide legal advice or assistance and create punishment mechanisms for those found to transgress those limitations.

Why should I care about it? Of all the rules discussed in this primer, the prohibition on unauthorized practice of law carries the biggest potential for liability for the LDC network. This is because (a) the central role of non-attorneys in the LDC process may put the network in conflict with the prohibition in ways more traditional legal models do not, and (b) the consequences for violating these prohibitions, especially those codified into statutory law, are serious.

Most states have crafted the prohibition into statutes that make the unauthorized (a.k.a., unlicensed) practice of law a **criminal offense**, in some cases charged as a felony. 4 While ethics complaints don't sound as severe as criminal charges, attorneys found in violation of ethical rules can be formally disciplined and even lose their licenses. 5

It is critically important that everyone involved in running the LDCs understands that opponents may try to use unauthorized practice complaints as a tool to scare or undermine the LDC network. To best shield ourselves from these attacks, local LDC staff and partners (legal and non-legal) will need **concrete training** on their jurisdiction's specific licensing and practice rules. The national LDC network will also need to create—and agree to utilize—**organizational practices** that help avoid/limit situations where LDC staff may be accused of violating these rules.

See "**Part II** (p. 83)" for more on the steps the network will take to this end.

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3 See, for example, Deborah L. Rhode and Lucy Buford Ricca, *Protecting the Profession or the Public? Rethinking Unauthorized-Practice Enforcement*, 82 Fordham L. Rev. 2587 (2014), online **here**; Derek A. Denckla, *Nonlawyers and the Unauthorized Practice of Law: An Overview of the Legal and Ethical Parameters*, 67 Fordham L. Rev. 2581 (1999), online here; David E. Bernstein, *Licensing Laws: a Historical Example of the Use of Government Regulatory Power Against African-Americans,* 31 San Diego L. Rev. 89 (1994), online **here.**

4 This 2019 report from the Battered Women's Justice Project provides a good overview of these laws. While a good place to start, the report is a few years old and misses some relevant laws (e.g., in New York's "Education law" that governs licensing of all professions in the state, see EDN § 6512, online here).

5 Some common consequences for violating ethics rules are suspension (temporary loss of license), disbarment (permanent loss of license), sanctions (usually monetary fines), and public censure (a formal statement of misconduct). For more see Rule 10 of the ABA's Model Rules for Lawyer Disciplinary Enforcement, online here.



B. CLIENT CONFIDENTIALITY AND ATTORNEY-CLIENT PRIVILEGE

Key takeaway: These rules work together to protect the information shared between attorneys and their clients. To reduce vulnerabilities under these rules, legal teams and their clients must take specific steps to ensure certain information stays private. These steps will impact the work of everyone helping to run the LDCs, whether or not they are part of the legal team. Taking steps to stay within the bounds of these rules is important for building trust in local communities, and for protecting the attorneys, clinic users, and organizations who are part of the LDC network.

What are they? Both confidentiality and attorney-client privilege rules aim to **protect the information that clients share with their attorneys.** 7 While similar, the two rules cover different information, apply in different contexts, and carry different consequences.

What do they do? The logic behind both rules is that for legal representation to be effective, clients must be able to confide in their legal team without the fear that what they share will be used against them later. To this end, the rules work together to limit both what attorneys must share about their clients and what they can share (voluntarily or accidentally).

Client confidentiality comes from the legal rules of ethics (see p.2). It protects clients from having their attorney or legal team share their sensitive information with outside folks, intentionally or not. Confidential information includes everything a client tells their attorney in confidence, from information about their case to basic things like their home address and even the fact that they are being represented by a lawyer. Confidentiality rules also require attorneys (and their "agents," see p.5) to take proactive steps to protect client information from being discovered by people outside the legal team, like keeping files in a safe space and training non-legal staff on how to properly handle client files and information.

In a basic example, confidentiality prohibits attorneys from sharing personal information about a client in media interviews, or even with loved ones around the dinner table, without the client's consent.

Attorney-client privilege is a rule that comes from the legal rules of evidence. This privilege protects attorneys and clients from being forced to share details about certain communications they've had with each other. Specifically, "privileged" communications are **(i) confidential, (ii) between an attorney and their client** (or their

The **rules of evidence** are rules that govern what evidence can be considered by a judge or jury, and how it must be presented and vetted to be admissible.

There are both federal and state rules of evidence, and they apply in different contexts. Local LDCs will need to take stock of all evidence rules in their jurisdiction and create practices to ensure privilege is always maintained. See **Part II** for more on this.

6 These legal rules use the word "client" to refer to folks receiving services from attorneys. While this primer uses the word here and there for brevity and clarity, we acknowledge that it does not reflect the breadth or scope of the role that community members accessing LDC services play in driving the project.

7 This includes certain people working as "agents" of either the client or attorneys, see the box on p.5.

8 For more, see LII's summary of "attorney's duty of confidentiality" here.

"agents," see p.5), and (**iii) made to get/give legal advice**.[9] As another example, attorney-client privilege prevents a prosecutor from calling a criminal defendant's lawyer to the stand at trial and asking questions like "Did your client admit to you that they committed this crime?"

The major consequence of not protecting attorney-client privilege is that LDC attorneys may be forced to turn sensitive information about the people or organizations they represent over to opponents. These opponents (typically city governments, BIDs, or other powerful entities) can then use this information to discredit the case, smear reputations, or even support future legal actions. Because all information within attorney-client privilege is considered confidential, attorneys who don't properly protect privilege might also be subject to discipline under local ethics rules (see p.3).

Another related protection to note is the **work-product doctrine.** This protects the materials, notes, or other documents that attorneys create as part of their preparation for litigation. While technically a different protection than attorney-client privilege, it has similar effects: limiting what attorneys are forced to turn over or divulge about their clients/cases. [10]

Do the rules on confidentiality and privilege apply if I am not an attorney?

The simplest answer is even if they don't apply directly, they will impact your work with the LDCs.

Attorneys typically work with many non-attorneys (receptionists, paralegals, law students, translators, etc.) to provide legal services. These folks are generally considered "**agents**" of the attorneys, meaning their involvement is necessary to provide legal services and does not break privilege or confidentiality.[11] Agents fall under the license of the attorneys they work with, meaning the attorneys are held responsible—and can be penalized—for the conduct of their agents. Clients may also have "agents," particularly if they need a family member, external translator, or other consultant to help make legal decisions.[12]

Because the LDC model includes many non-attorneys (organizers, law students, volunteers, etc.), we must take stock of how (or if) these folks fit within the parameters of "agents," and thus whether they can have access to confidential/privileged information. See "**Part II** (p. 83)" for more on this.

Why should I care about these rules? Though the definitions of confidentiality and privilege rules are a little abstract, they have the potential to seriously impact the LDC network's people, organizations, and legal theories. Growing our collective skills and practice on preserving privilege and confidentiality is vital for **keeping our people—and the whole LDC project—safe and strong,** internally and externally. **Externally**, keeping information privileged and confidential protects LDC clinic users (or lawsuit plaintiffs), attorneys, and legal theories from outside attacks. Individuals and organizations who

9 For more, see the Legal Information Institute's (LII) summary of "attorney-client privilege" here. For the full federal rule, see Fed. R. of Evidence 502, online here. For state rules of evidence, see the compilation made by folks at WomensLaw.org here.

10 For more, see LII's definition of "attorney work product privilege" here.

11 See Restatement (Third) of Law Governing Lawyers § 70 cmt. (g), online here

12 For more on client agents, see Restatement (Third) of Law Governing Lawyers § 70 cmt. (f), online here.



fight back against criminalization put themselves at risk of retaliation simply by speaking up. Safeguarding sensitive information about these folks is the least LDCs can do to honor the risks they are taking, and to protect their safety, liberty, and reputations. Protecting client information and legal team materials is also a way of ensuring our opponents don't get access to our strategies before we can execute them. Finally, taking proper steps to maintain confidentiality and privilege protects LDC attorneys from discipline or other retaliatory attacks aimed at scaring them off or draining their capacity.

Internally, confidentiality and privilege can be helpful tools for **building trust** with unhoused community members and organizers. The LDCs are designed to serve poor, multiply-oppressed communities relentlessly targeted by state violence. This includes direct violence from police or other agencies (e.g., sanitation) and from the myriad of other officials and institutions that gatekeep life-sustaining resources and services. Understandably, many folks in these communities won't trust professionals, even those with good personal politics who are working in organizing spaces. This mistrust may also exist among organizers who might feel nervous about putting their members or organizations at risk based on bad past experiences with lawyers. Having clear structures and practices to point to about how LDCs keep the information folks are sharing with the legal teams safe is an important step for [re]building trust.

See "**Part II** (p. 83)" for more examples of how these rules may impact the LDCs, and what steps we can take to minimize risks to our people and movement.

Part II: Best Practices in the LDC Model

With a basic shared understanding of why the LDC network must navigate these attorney rules, we can begin building a collective sense of how the LDC network can do so in a way that challenges dominant power structures while protecting our people and strategies. Doing this will involve two interconnected steps: **learning** about the rules that impact our work at each site (and nationally) and **creating practices** that we all collectively agree to follow to deal with those rules.

A. LEARNING

Like all pieces of the LDC model, navigating overarching legal rules begins with learning more about the bigger context. Here, that context includes pinpointing specific rules that apply at every level of the project (nationally and at each local site), mapping out details (e.g., what specific conduct they require or prohibit, what consequences they carry, etc.), and taking stock of the various tools and tactics we can use to navigate them. In a basic sense, this learning involves three main steps:

1. **Initial Research**
    - LDC **Core Staff** research the legal rules that impact network-wide communications and strategy, and what tools and tactics exist to minimize threats.
        - This includes learning from experts in the field and other organizations doing similar, non-traditional legal work.
    - From this research, the Core Staff craft a set of **baseline internal protocols** that shape how certain core aspects of LDC work are done, nationally and locally.
        - For example, one protocol might lay out how local sites can properly store information about clinic users (e.g., filled-out intake forms and other case files) to preserve privilege and confidentiality. Another might require that local host organizations and Core Staff enter into certain formal agreements before discussing sensitive case information (e.g., common interest agreements, agent agreements, etc.).

    - These protocols are vetted through the projects' two national partners and the LDC Working Group. Local sites will help shape and adjust the protocols as needed to make sure they are **realistic and feasible** in the local context.

2. **Training**
    - The Core Staff then makes sure that local organizers and legal workers develop a **common understanding** of what the rules are, how they operate, and why the protocols are necessary.
    - Core Staff will develop **training materials** that cover these issues, and meet with point staff from each site early in implementation to go over them. The same will apply to other allies who are brought in to be part of the LDC Working Group.
    - This information will also be folded into materials provided to local sites to train their own staff and volunteers. Some may also be woven into Know Your Rights (KYR) or other public education materials to increase the overall legal competency of local communities.



3. **Ongoing research and training**
    - As implementation moves forward, the context may change and new vulnerabilities might become apparent.
    - The Working Group and Core Staff will track these changes, repeating steps 1 and 2 to adjust internal protocols and training as necessary.

B. PRACTICE

While specifics on how the LDCs will navigate overarching legal rules are best kept to internal conversations and training, below are some general best practices that all local LDC sites (and the national Core Staff) can anticipate folding into their work. Keep in mind that this is not an exhaustive or detailed list and that, as described above, all practices and protocols for handling sensitive information will be vetted through the two national LDC partners and the Working Group's specific practices; all point staff will be trained on them thoroughly.

Sharing information, generally

- Because of the collaborative nature of the LDC project, Local Sites will regularly share information with and between their broader staff or membership, other LDC sites, the LDC Core Staff, and the Working Group.
- Some information can be shared widely and won't need much, if any, special care. Things in this category include documents like this primer, the Gen Ops Manual, KYR materials, or abstracted data reports which have no personal information in them.
- However, **certain precautions must be taken** any time this information contains:
- (a) clinic users' personal information or case details; (b) legal strategies; or (c) anything else you would not want to fall into the hands of police or other hostile forces.
- This is equally true when it comes to sharing information **verbally**: confidential information that clinic users share with their legal teams and specifics of legal strategy should be kept close to the chest and not discussed with folks outside the core LDC team (e.g., media, general membership, staff not involved in the LDC).
    - This doesn't mean that LDC staff can't talk about the work they are doing or promote the project; it simply means that when they do, they must be careful not to disclose confidential details.

Handling clinic-user information

- All information that clinic users or lawsuit plaintiffs provide to LDC staff (e.g., personal info, case details, etc.) is potentially privileged or confidential. As explained in Part I(B) above, this means that it needs to be protected and kept private.
- This will look different at each site, based on how the space is set up and what configurations of legal support are used. At a minimum, protecting this information involves limiting who it is shared with, or who has access to it, to the core team involved with staffing the LDC (e.g., point organizers and attorneys).
    - For example, if a host site relies on volunteers beyond the core team to run its LDC, staff will need to make sure that these volunteers are not tasked with doing things that expose them to clinic users' private information (e.g., doing intakes or entering intake forms into digital spreadsheets, listening to conversations between individuals and attorneys, etc.).
    - If the host site is a big organization with lots of staff working on different projects, the LDC point organizers will need to make sure that confidential information about clinic users can only be accessed by the LDC core team.

- **Paper documents**
  - These include documents that clinic users or plaintiffs give to LDC staff, including completed intake forms, personal paperwork (e.g., citations, bank statements), or other evidence for their case (e.g., photos).
  - While each host site will have different physical setups, at a minimum these kinds of paper documents need to be stored somewhere that the general public can't access and will likely need to be protected by a lock (e.g., in a locking file cabinet or office with a locking door).
- **Digital information**
  - This includes things like digital intake forms, scanned paper documents, client emails, spreadsheets on which LDC organizers compile data trends about cases coming through their clinics, etc.
  - Digital information is particularly important to protect because it has the potential of being accessed from anywhere at any time. It's also easy for digital information to be shared accidentally, for example by cc'ing the wrong person or sharing the wrong file in an email exchange.
  - As with paper forms or documents, these files will need to be stored in a safe place in the host organization's computer system that cannot be accessed by every person who uses a computer at the organization. This might mean setting up password-protected files or using secure file management applications which cordon LDC files off from the organization's general staff or members.
  - This also means that if certain information or data needs to be digitized (for example, entering paper outreach responses or intake forms into a spreadsheet) the actual work of entering it should only be done by certain staff at the host organization (e.g., local point staff).
  - The Core Staff will help local sites set up, and in some cases will provide, these secure spots and practices for storing digital information.

Handling information about legal strategies and organizing tactics

- A main feature of the LDC network is that folks from different sites work with the national staff and a core group of allies to develop collective strategies and tactics. While local sites should **take care to protect confidential information** about their specific clinic users in this process, there may be times when this network-wide strategizing requires sharing information that would typically be kept private.
- For example, to effectively create group strategy sites may need to share:
  - specific facts about cases and legal or organizing tactics they used in those cases;
  - certain documents that would typically be kept confidential at local sites, including legal research or other work that attorneys put together in anticipation of litigation; or
  - ideas about new tactics or legal theories that *could* be used in the future.
- To protect this kind of information, point staff at every level of the LDC project will enter into certain **formal agreements** that ensure shared information is protected under the legal rules described in "**Part I** (p. 78)".
- This might include common interest agreements (for attorneys), agent agreements (for non-attorneys), and potentially even formal attorney-client agreements between LDC attorneys and host organizations.
- Don't worry if these kinds of agreements are new to you. The LDC Core Staff will walk Local Sites and Working Group members through the different agreements the network will use, and what exactly they entail, early on in implementation.



- Where **documents** are shared as part of this strategizing (e.g., legal research, sample legal memos or legislative drafts, etc.), they will need to be stored in ways that keep them confidential among members of the LDC Working Group and point staff at each LDC site.
  - As with clinic user information discussed above, this will mean storing them in ways that are not accessible to the general public and taking care to not share them, or details about them, beyond the core LDC group involved.
  - The Core Staff will help to set up these secure channels for sharing information.
- The same care needs to be taken when it comes to **meeting notes or minutes** from or about LDC Working Group meetings or strategy sessions.
  - For reasons that future trainings will get into more deeply, it's important that Local Point organizers keep any notes about LDC meetings separate from general notes about the work of their organization as a whole.
  - The same goes for notes or minutes that are taken during LDC Working Group meetings or other LDC network strategy sessions. Because these kinds of notes might contain bits of information that need to be kept confidential, they should be protected in the same ways that other confidential documents are protected.

Talking about LDC work with external folks

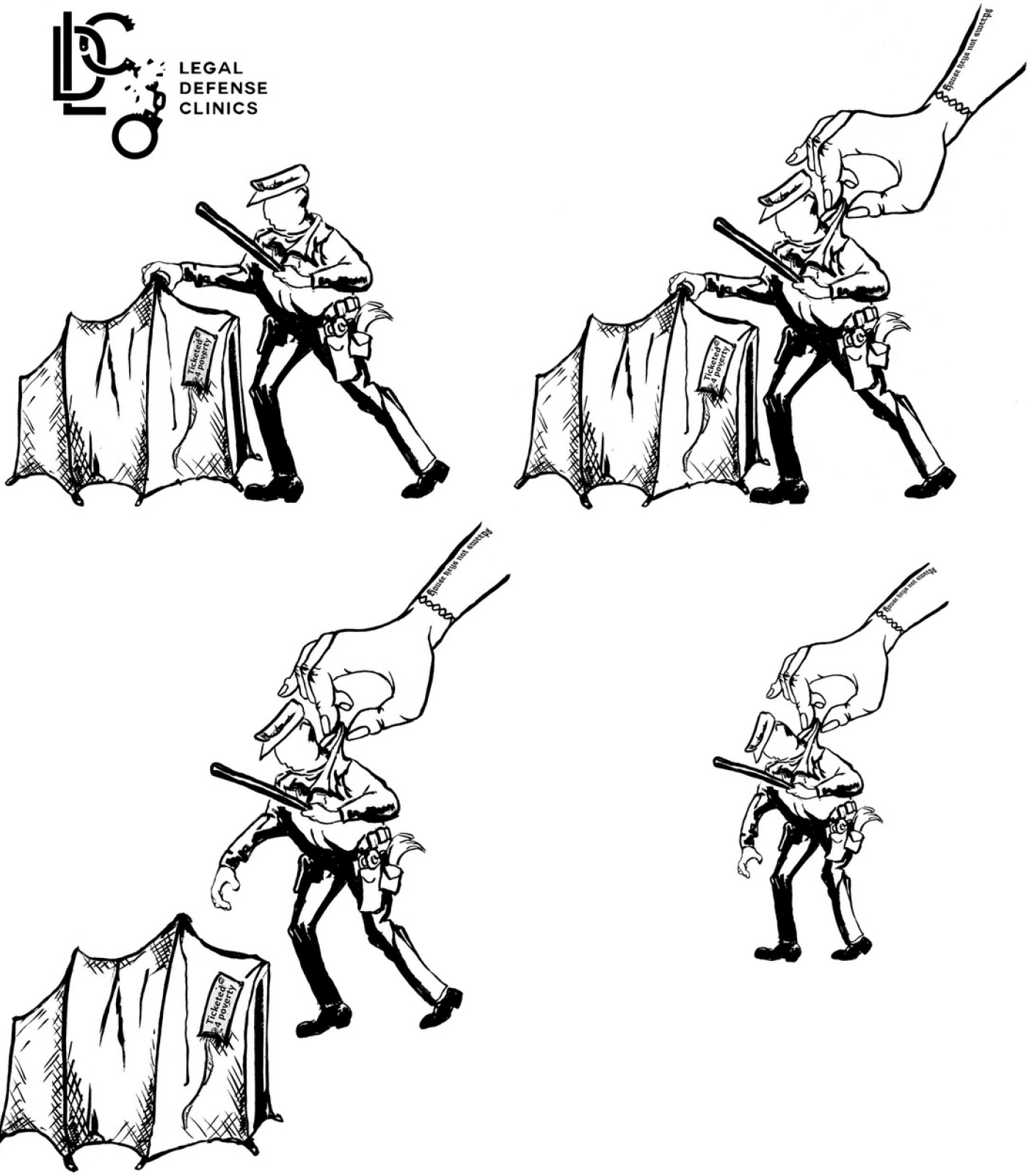
- It's going to be very important to talk about the LDC project: with community members, with media, with external partners, and in all kinds of other circumstances! As we do, it will be important to take care to make sure we are not disclosing confidential information or misrepresenting the work that is happening through the LDCs.
- **Promoting work to your community**
  - When promoting the LDCs to community members, whether verbally or in written/printed materials (e.g., posters, pamphlets, social media), it's **important to distinguish** between legal-adjacent support done by non-attorneys and legal representation done by attorneys. This has to do with laws around the unauthorized/unlicensed practice of law, described in "**Part I(A)** (p. 78)" above.
  - Practically, this means that if LDCs are doing primarily **administrative work** (e.g., property claims, fighting vehicle tows, etc.), or are doing a mix of formal legal work and administrative work, they will have to make sure this is clear in how they talk to the community about support the LDC is offering.
  - For example, say a local LDC runs a clinic that deals exclusively with administrative claims for property stolen or destroyed in sweeps and vehicle tows. Organizers know that these issues are legal-adjacent (and might come with formal legal consequences), but because they are administrative in nature, non-attorneys are trained to help clinic users with their claims.
    - This is a perfectly good system. But if it's not properly described, community members might be under the impression that they are speaking with attorneys when they come to the LDC. This is a problem for building trust in the community, and it also exposes the host site to vulnerabilities under "unauthorized practice" laws, described in "**Part I(A)** (p. 78)".
  - The LDC Core Staff will support sites to develop promotional materials and train Local Site staff and volunteers to effectively promote and describe their work while making these important distinctions.

- **Media**
  - Reporters and other media contacts should be treated the same as others external to the core LDC team: we shouldn't shy away from talking to them about the important work of the LDCs, but when we do we should make certain we aren't giving away any confidential information or misrepresenting work we are doing.
  - All LDC staff will get more in-depth guidance on talking about the LDC's work to the media, but some general rules of thumb are:
    - As much as possible, keep things abstract and broad when talking about the specific work of your LDC. For example, stick to talking about broad trends rather than individual cases (e.g., "our LDC defends against all camping citations," rather than "our LDC helped Person X with their camping citation").
    - Reporters or other media contacts should never get access to confidential client information (e.g., names, contact info, case details, or files with that information in it), and should only be given general information about the function of the LDC and its strategies.
    - Photos may also be confidential if they capture images of the people who are accessing an LDC (e.g., pictures of folks in line for the LDC or meeting with the legal team). This is because the very act of meeting with an attorney and seeking legal support on an issue may be considered confidential information (see Part I(B) above). No photos should be taken or published of individuals using the LDCs without their informed consent.
    - If it becomes strategic and important to uplift individuals' stories about the support received through the LDCs, people being assisted need to know where and how their information will be shared and give informed consent to use their stories and/or images.



LDC GENERAL OPERATIONS MANUAL 2023

LEGAL DEFENSE CLINICS



Western Regional Advocacy Project
2940 16th Street, Suite 200-2
San Francisco, CA 94103
Phone: 415.621.2533
Email: wrap@wraphome.org
Web: wraphome.org

WRAP
HOUSE KEYS NOT HANDCUFFS

NHLC
NATIONAL HOMELESSNESS LAW CENTER

National Homelessness Law Center
2000 M St NW, Suite 750-E
Washington, DC 20036
Phone: 202.638.2535
Email: ldc@homelesslaw.org
Web: homelesslaw.org