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Pro Bono Litigation Over Homeless Issues Spurs Major Change In Orange County

By Meghann Cuniff | Jan. 8, 2019

An ongoing federal civil rights lawsuit has led to what attorneys and city officials describe as unprecedented change



Attorneys Carol A. Sobel, left, and Brooke A. Weitzman monitor police efforts to disperse a homeless encampment in an Anaheim park in December 2018.

ANAHEIM -- Pro bono litigation by two lawyers led in 2018 to an unprecedented effort to help homeless people in Orange County, with a federal judge overseeing the emergence of a social services network that includes shelters and mental health care.

Brooke A. Weitzman, co-founder of the Elder Law and Disability Rights Center, and Carol A. Sobel, a Santa Monica sole practitioner, have for the last year pursued a federal civil rights lawsuit on behalf of people living at a large homeless camp in Anaheim that the county targeted for closure.

Along the way, they've seen a seismic shift in attitudes and actions that's led to more shelters and a focus on long-term services aimed at keeping people off the streets.

"There's certainly a long ways to go, but the level of change is unprecedented," Weitzman said. "It took a few political leaders who were willing to make brave decisions, and the jurisdiction of federal court."

Weitzman and Sobel in February sought a temporary restraining order and an injunction to bar the enforcement of anti-camping ordinances at the Anaheim site. U.S. District Judge [David O. Carter](#) issued the order, then used the threat of an injunction to encourage county officials to work with Weitzman and Sobel on a plan to move people into shelters and transitional housing.

He led attorneys on early morning walks through the sprawling encampment, held marathon hearings that lasted late into the night and often summoned county officials to his courtroom on a whim in what was essentially a months-long, public mediation.

He also ordered the dispersement of a longstanding homeless camp near the Central Justice Center that had drawn complaints from potential superior court jurors. *Orange County Catholic Worker v. Orange County et al.*, 18-CV00155 (C.D. Cal., filed Jan. 29, 2018).

Lately, Carter, Weitzman and Sobel have been monitoring efforts to disperse small encampments, including two early morning excursions to parks in Anaheim where police were using the city's anti-camping ordinance as leverage to get homeless people out of the park and into shelters.

No one has been arrested under the ordinance, said Anaheim city spokesman Michael Lyster, but the ability to enforce it can encourage people to seek help who otherwise might not.

"They need to know that you have the ability to do so even though that's not the goal," Lyster said.

Police had for months been restricted from enforcing it as city officials negotiated a plan to build more shelters, with Weitzman and Sobel citing a 9th U.S. Circuit Court of Appeals decision in *Jones v. Los Angeles*, a 2006 case that said cities must have adequate shelter space to enforce anti-homeless laws.

The opinion had been vacated because of a settlement, but the 9th Circuit issued a second decision last September that reiterated the unconstitutionality of barring people from sleeping outside without providing adequate shelter. *Martin v. City of Boise*, DJDAR 8871 (9th Cir. Sept. 4, 2018).

Carter has repeatedly cited the rulings while demanding action from the county and defendant cities, and he's seen results. The cities of Orange and Tustin have finalized settlements, and agreements are in place with Anaheim and Costa Mesa.

"I've lived in Orange County my whole life, and I've never seen as much being done to address this issue as there is now," said Lyster, who is 51. He said Carter "really brought us all together and said, 'Let's figure out how we can come together and address the issue humanely.'"

"He could have gone a very familiar route with the lawsuit of going, 'OK, here's your injunction,'" Lyster said. "Instead of doing that, he brought everybody together."

Weitzman and Sobel expect to amend their complaint soon to include cities in south Orange County as defendants. The current complaint includes cities in northern Orange County, and as officials there settle their cases with shelters and services, they're wanting more action from their neighbors to spread the burden throughout the county.

She said north county politicians have cited the power of the federal courts when explaining decisions about shelter placements and other controversies to residents, so "we'll see whether South County is going to make similar decisions to North County ... or whether South County is going to spend years in court fighting it instead."

Weitzman completed a two-year fellowship with the Public Law Center before opening the Elder Law and Disability Center with Legal Aid Society veteran William R. "Bill" Wise Jr., in late 2016.

She met Sobel while a student at UC Irvine School of Law, where she graduated in 2014. A veteran of Los Angeles homeless battles, Sobel was well known for her work with homeless people, which includes litigating the 9th Circuit's *Jones* case.

When Weitzman sought her out as a mentor, "I certainly didn't imagine that 21/2 years later, we'd be co-counseling cases to change the face of Orange County."

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