

The Homeless Court Movement
Interview with **Jonathan Cole** from Baker Donelson

On August 2, 2021, Pro Bono Institute (PBI) Intern Kristen Bolster interviewed Jonathan Cole, a shareholder from the firm [Baker, Donelson, Bearman, Caldwell & Berkowitz](#), on the firm's efforts to reduce homelessness and establish homeless courts. Below is the interview transcript.

On Homeless Courts:

Question: Please describe how Baker Donelson attorneys are actively involved with the homeless court programs in New Orleans and Nashville?

Answer:

- In New Orleans, Baker Donelson was first approached by [Federal Judge Jay Zainey](#), who is a big pro bono advocate and pro bono patron in the New Orleans market. He said that he was interested in getting a homeless court started. New Orleans has had significant issues, in terms of people who are experiencing homelessness and not able to get back on their feet or being hampered by various court issues or legal issues that are impeding their ability to get a license, get a job, and get permanent housing.
- Judge Zainey asked Baker Donelson to get involved, and one of our attorneys did, to basically serve as the facilitator of the court.
- New Orleans homeless court has a 'court-based system.' Attorneys go to the courthouse and have a separate docket for homeless courts where certain kinds of cases will be assigned to be adjudicated. They have the involvement of the local DA and the public defender in addition to the judiciary.
- In Nashville, Baker Donelson looked to San Diego's homeless court model of taking the court out into the community.
- The first thing the Baker Donelson Nashville team did was engage the judiciary. Most of the kind of misdemeanor offenses that you would normally file or find that are relevant to those experiencing homelessness fall onto a court called General Sessions Court, which is our court in Tennessee that handles small claims and misdemeanor offenses. We had first reached out to the presiding judge of that court and started having discussions on a monthly basis for about three or four months to get the lay of the land, how it would generally work, and who are the people that we needed to bring together.

- Baker Donelson, along with the Judiciary, convened meetings of stakeholders around town in terms of the city government, the court system, and the homeless community. A group of about 25 or 30 people got together on a monthly basis. This group talked about the different models and how it would work best for our market.
- That committee was then narrowed back down to basically a steering committee, which consisted of the judge, the public defender's office, the DA's office, and us, the law firm, just to facilitate that. After looking at several different models, the steering committee followed San Diego's model and ended up putting it at a place that actually is a focal point for a large segment of the homeless community in Nashville called the [Room in the Inn](#), based on the story of Jesus, Mary, and Joseph trying to find a place to stay on Christmas Eve in Bethlehem. It's a religious based organization, and the model that they've been using for over 35 years features a network of churches, synagogues, and other faith communities, each of whom will take a certain number of people every night. These facilities will provide dinner, a place to sleep, showers, if available, breakfast the next morning, and most of the places will provide a sack lunch.
- The homeless court is conducted on a pretty much monthly basis, where the judge, the public defender, and the DA will come to a makeshift court room that's been set up by a Room in the Inn. That is where we conduct court.
- Baker Donelson also had a previous relationship to the Room at the Inn through the HELP legal clinic, which is a clinic we do once a month (prior to the pandemic), providing basic civil legal services to people there.

Question: Does Baker Donelson directly represent clients at the homeless courts?

Answer:

- Baker Donelson serves as the facilitator or the court clerk of the homeless courts, and could possibly serve as the defense counsel, but the public defender has done that consistently since we've been involved.

On Baker Donelson's involvement with [HELP](#) (Homeless Experience Legal Protection program):

Question: What preparation is required before a Baker Donelson attorney participates in a legal clinic for the homeless?

Answer:

- We do HELP in a lot more locations than we do the homeless court. We have a manual that's state specific and sometimes jurisdiction specific with information on the applicable laws for typical questions, such as housing issues, landlord tenant, or debt relief.

- For the HELP legal clinics, Baker Donelson also tries to engage other law firms in town. Typically, we do at least one or two months for which we're signed up, and we'll fill in if a law firm falls out or is unavailable that month. We try to engage mostly other large firms, but some other groups like the Young Lawyers will also take a month. Whenever another firm is running it, we will have people that go just to make sure everything is running well and to fill in any gaps.

Question: What does a Baker Donelson pro bono lawyer do during a typical legal clinic for the homeless?

Answer:

- We serve in both the facilitator role and other times we're actually providing the services.
- We have the facilitators there because there's an intake process. A lot of times non-lawyers, like paralegals, even support staff are able to figure out what the person's issue is. Facilitators have a basic understanding of the scope of services that we can provide. Sometimes people come in and they have something much more elaborate, or something you can't get solved, or they just need to be pointed in the direction of some type of other service provider.
- The attorneys who are actually meeting with clients and providing services will be around at different tables. The people doing the intake will come over, and they typically have a form that somebody has filled out, which will explain that 'X' client has this issue, and they need to figure out what they can do about it.
- Some lawyers feel comfortable doing certain things and not others, and so we make sure it's a match. Typically, the person who's doing the intake will come over and say 'Hey, we have a person with a landlord tenant issue--or whatever the issue is--would you feel comfortable talking with them?' The client will then come over and be introduced, and then the facilitator leaves for the client and the attorney to meet and have the discussion.

Question: Does Baker Donelson typically need to do any additional recruiting efforts for homeless court or legal clinics?

Answer:

- We've found that we can have as much litigation work as we want. There's never a dearth of those kinds of projects. However, sometimes engaging corporate attorneys, business lawyers, is a little bit more difficult. These homeless courts and the clinics have been particularly conducive to attracting business lawyers because it's something that they can do pretty easily, and they're not having to go to court or anything like that.

- We also try to always have a business lawyer as one of our coordinators, and so they're recruiting people, but in a more informal way. We do send out emails to say when we're running a homeless court, so we do recruit people to come, but we've never had a problem filling the ranks.

Question: Does HELP manage the legal clinic, or does Baker Donelson manage the clinic?

Answer:

- We don't really have separate staff. The HELP clinic is run by people within our firm. The general number for a clinic is usually about six or eight attorneys, which is limited by the size of the room. We need a minimum of four lawyers typically, and a maximum of eight or nine to run it.
- Sometimes we'll also pair people up, so two attorneys might sit at a table, or a younger attorney is paired with an older one. We want to be able to run at least four tables providing services to the clients.
- A team of about three Baker Donelson attorneys typically organize the HELP legal clinic. We try to make sure that we have people from different parts of the firm that make up those three, and it rotates. Somebody will do it for a year or two and then they'll roll off. One of the three of them will be there every time whether or not Baker Donelson is the one providing the services or it's another law firm.

Question: How does the work done in HELP legal clinics translate to what happens at homeless court, if at all?

Answer:

- They work together. The clinics are more civil based and the homeless courts are more criminal based in terms of their records, but a lot of times people have issues on both sides. So, they may need to go to the clinic to get something addressed in terms of dealing with something on a civil matter, but they might also need to clean up their record or take care of outstanding warrants that are precluding them from moving forward in getting housing, a job, a license, or something like that, so they will work together.

Additional Questions:

Question: Are there any prominent success stories that you would like to share from homeless court?

Answer:

- It's not that dissimilar from general pro bono. We've had some great success stories, even just from one-time interactions at the clinic.

- For example, we had an interesting thing happen where one time the head of our corporate Securities Department was at the legal clinic, and somebody came in who had some securities that had been gifted to him. He didn't know how to deal with them, and it was just kind of serendipitous that we had somebody who's a securities lawyer. And frankly, most people who show up to assist at these clinics wouldn't have any idea on how to deal with it. So, it's nice that that client came to the HELP clinic that day and one of our leading lawyers in that particular field happened to be there. It's a nice meld in terms of specific expertise at the clinic.

Question: Anything else you would like us to include?

Answer:

- It's been very fruitful for our firm. I always just really enjoyed it, and it's nice making a significant impact on a big issue like that, that's present in all our cities that we have offices.

Thank you to Jonathan Cole and Baker Donelson for their tremendous pro bono work and efforts to help end homelessness.

To read more about the homeless court movement, [click here](#).