

A Latham & Watkins Pro Bono Win

Supreme Court Brief

BY **MARCIA COYLE**

The justices' decision Monday declining to review a petition filed by Gibson, Dunn & Crutcher on behalf of Boise, Idaho, was deemed a victory not just for the homeless who had been prosecuted or threatened with prosecution for sleeping outside on public property but also for **Latham & Watkins**.

The law firm, in partnership with the National Law Center on Homelessness & Poverty and Idaho Legal Aid Services, said it had spent a decade and more than 7,500 pro bono hours fighting Boise's camping and disorderly conduct ordinances.

Latham partner **Michael Bern** argued and won the Eighth Amendment challenge in the U.S. Court of Appeals for the Ninth Circuit and wrote the brief in opposition to high court review.

Boise said in a statement: "Today's news is disappointing. We believe that the 9th Circuit's most recent decision in this case leaves the city's fundamental ability to protect public health and safety on its own streets very uncertain."

Bern said some of the individual plaintiffs still have constitutional claims against the city and the firm will continue to be involved in the litigation.

"Our hope is this moves beyond the legal question to think about the policy question,"



he said. "The evidence shows the criminalization of homelessness, particularly where there is no available shelter, does absolutely nothing to solve the terrible problem of homelessness. We're hopeful cities will look to real solutions rather than falling back on criminalization."

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