

6 THE LAW FAILED TO PROTECT THE
POOREST AND MOST VULNERABLE CITIZENS. 9

CHRISTIAN MAMMEN

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RENE THOMPSON LIVES IN SAN FRANCISCO'S Western Addition neighborhood—for now. Ill and on public assistance, the 66-year-old woman faces the threat of being evicted from her rent-controlled home of 18 years. Thompson isn't behind on her rent or disruptive. But the landlord knows that he can replace her with a tenant willing to pay triple her current rent of \$630 for a two-bedroom apartment.

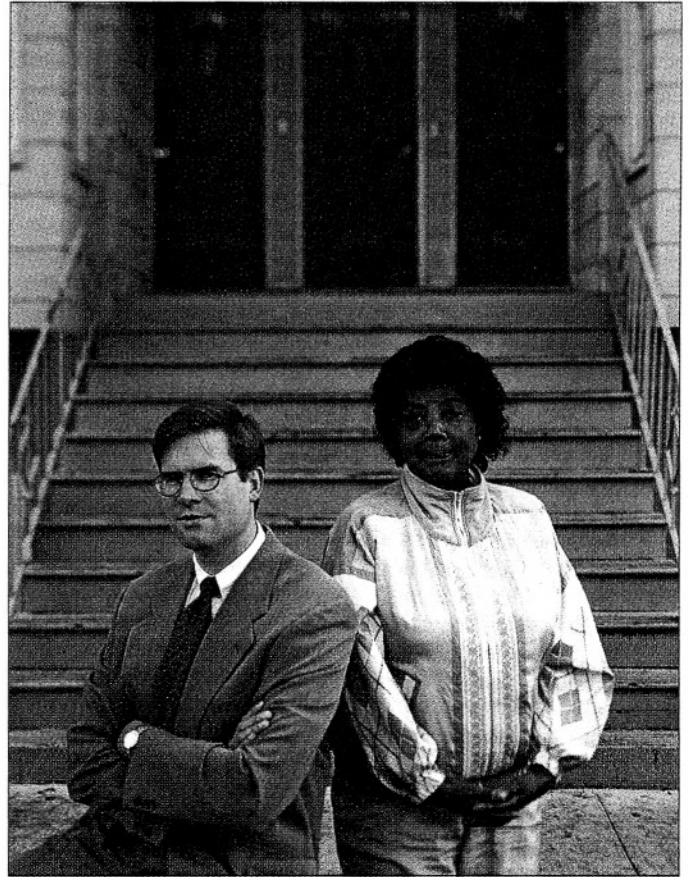
In early October, Thompson was referred to Christian Mammen, a third-year associate at Heller Ehrman White & McAuliffe. Thompson's case is complicated—the landlord has claimed an unusual exemption in the rent law that is difficult to challenge. So Mammen has been negotiating with the landlord's lawyer and advising Renee on her options so that she isn't left homeless. For Thompson, just having Mammen on her side has been a huge relief. "Chris has given me the peace of mind to survive from day to day," she says.

Stories like this have become all too common in San Francisco. As the economy has boomed, and wealth has gushed from nearby Silicon Valley, housing costs in the city have skyrocketed. In this forbidding market, evictions have soared. Landlords, eager to rid their buildings of tenants whose rent is kept below market by local rent control laws, try to evict them by any means possible. Firms like Heller have benefited from the surging economy, so it seems particularly fitting that the firm should help poorer residents who have been trampled by it. And Heller has a strong pro bono tradition. The firm has received numerous pro bono awards, including the 1998 Law Firm Award of Merit from the Legal Aid Association of California for its work ranging from clinic staffing to "impact" litigation to asylum representation.

In the last year and a half, Mammen has taken eight eviction cases, most from a walk-in clinic run by the San Francisco Lawyers' Committee for Civil Rights. Early on, he was assigned three women who were being evicted from their one-room apartments in the city's run-down Tenderloin district because the landlord wanted to raise their rent from about \$600 per month to \$800. The eldest woman was in her seventies, wheelchair-bound, and on oxygen; another was in her sixties. Mammen discovered that the women's rent was paid through a federal housing program, and that a loophole in the city's rent ordinance allowed landlords to evict so-called Section 8 tenants simply to raise the unit's rent. To evict any other tenant covered by San Francisco's rent law, a landlord has to establish one of several "for cause" grounds (such as failure to pay rent). But Section 8 tenants were out of luck. "The law failed to protect the poorest and most vulnerable citizens," says the 29-year-old Mammen.

The Heller associate negotiated some additional time for his clients to move, and some nominal moving expenses. But he wanted to do more, since San Francisco has at least 5,000 households that could be affected by this type of eviction, according to the city's housing authority. Near the end of last year he and other housing advocates formed a committee that met several times at Heller's offices to explore this problem.

"Close to Christmas last year we were all feeling pretty desperate," recalls Delene Wolf, deputy director of the San Francisco Residential Rent Stabilization and Arbitration Board. The group worried that any



Mammen, with housing client Renee Thompson

local change would be preempted by federal law. But Mammen researched the issue and crafted an approach that got around the preemption problem and brought Section 8 tenants under local eviction protection. Drafting a change to the local rent ordinance wasn't easy. "It was more involved than I could have expected in my wildest imagination," says Mammen, who represented the Lawyers' Committee for Civil Rights and the three evicted women in this effort. "He did all the hard work," says Wolf. "When we were fine-tuning this legislation, he would invariably figure out the fix and go back and forth between city representatives." After four months of drafting, the amendment passed and was signed by the mayor. It became law on August 30.

Mammen has spent about 200 hours this year—10 percent of his time—on pro bono matters. His billable time goes to intellectual property litigation and insurance coverage disputes. Even with the Section 8 change accomplished, there are still plenty of tenants like Renee Thompson who need help. "I was one of the fortunate people to have found [Chris]," she says. "A lot of people don't have a Chris to work with."

—SUSAN BECK