

# Daily Journal

MAY 7, 2025



PICTURED: Theane D. Evangelis | PHOTO CREDIT: Justin Stewart

CLASS ACTION  
**Supreme Court hands  
 over homeless  
 encampment policy  
 power to local  
 governments**

## CITY OF GRANTS PASS, OREGON V. JOHNSON ET AL.

THEANE D. EVANGELIS, GIBSON, DUNN & CRUTCHER LLP

**H**ow government entities deal with the vexed issue of homelessness ran into a major roadblock when the 9th U.S. Circuit Court of Appeals in 2019 held that municipal public camping bans violate the Eighth Amendment's prohibition on cruel and unusual punishments.

Officials complained that the 9th Circuit's *Martin v. City of Boise* decision led to sweeping injunctions that hampered efforts to shift the unhoused away from encampments and into shelters.

Theane D. Evangelis, co-chair of Gibson, Dunn & Crutcher LLP's global litigation practice group, joined her skill at designing and executing winning legal strategies with her longstanding interest in solving the homelessness crisis to persuade the U.S. Supreme Court to reverse *Martin* and let local governments manage their unhoused populations.

Her goal was to get the crisis out of the courts. "This is an issue that doesn't lend itself to being solved through litigation," she said. "Miring the courts in trying

to decide which shelters are adequate and other local policy questions just took resources away from the homeless themselves."

With Evangelis on the Gibson Dunn team were partners Bradley J. Hamburger, Jonathan C. Bond and Samuel Eckman, plus associates Daniel R. Adler, Patrick Fuster, Lefteri J. Christos and Josh Zuckerman.

Evangelis recruited amici, visited officials in Grants Pass, Oregon as part of a national media campaign and drafted the successful petition for certiorari that teed up the case. Then she argued it before the justices and won a 6-3 decision that allowed municipalities to regulate public camping to encourage people to accept shelter and services. *City of Grants Pass, Oregon v. Johnson et al.*, 23-175 (S. Ct., op. filed June 28, 2024).

The majority opinion by Associate Justice Neil M. Gorsuch showed the value of Evangelis' strategy. Gorsuch repeatedly cited the input from amici and, in footnote 3, listed at length the num-

erous cities, counties, states, civic associations and others that had lined up to support Grants Pass' petition for certiorari. Their goal was for the court "to assess the *Martin* experiment," Gorsuch wrote.

Evangelis, who has clerked for both Sandra Day O'Connor at the high court and for Judge Alex Kozinski at the 9th Circuit, has served on Los Angeles' blue ribbon commission on homelessness. "That really helped me understand the importance of getting the courts out of the issue," she said. "This was the perfect case for me."

The high court came to see it Evangelis' way. "Nor can a handful of federal judges begin to 'match' the collective wisdom the American people possess in deciding 'how best to handle' a pressing social issue like homelessness," Gorsuch concluded, citing language from another case.

"Now it will be up to local leaders to step in and solve this crisis," Evangelis said. "I'm very hopeful."