

JENNIFER RICHARDSON

September 2, 2009

Dan Ruben
Executive Director
Equal Justice America
Building II, Suite 204
13540 East Boundary Road
Midlothian, VA 23112

Dear Mr. Ruben:

I had the privilege of spending my 1L summer interning with Volunteer Legal Services Program's (VLSP) Housing Negotiation Project (HNP) where I gained a great deal of client experience and perspective on the issues involved in unlawful detainer cases.

The HNP takes place every Wednesday and Thursday at court-ordered Mandatory Settlement Conferences for eviction proceedings. Most tenants do not have legal representation for the Conferences and would be at a great bargaining disadvantage if VLSP were unable to bring volunteer attorneys to assist them. If unable to reach a settlement at the Conferences, they are required to go to trial the following Monday – likely without counsel. The landlord attorneys are often at the Conferences every week, or at least every other week, so besides being experienced attorneys, they know the ins and outs of the Conferences and what they can expect to gain from unrepresented clients.

My primary tasks were to schedule volunteer attorneys to come to the courthouse, and deal with any language issues or other problems ahead of time. On morning of the Conferences, another organization (Eviction Defense Collaborative) gives a presentation to the tenants on what to expect and how the court system works for unlawful detainer cases. During this time, Supervising Attorney Cary Gold and I welcomed the attorneys and gave them their case files and model documents to use at the courthouse. Ms. Gold would then go over the cases to give the volunteers an overview of what to demand from the landlord attorney as well as any statutory rights the tenants have to certain payments. After, clients would meet with their attorney for about 15 minutes before we walked as a group to the courthouse.

For this particular project there are no low-income requirements to obtain a VLSP volunteer attorney because VLSP knows so little about the tenants until meeting them at the court. However, the great majorities are low income or on Social Security or Disability benefits, and a good deal are long-term tenants of San Francisco's residential hotels. There were a great variety of clients and situations, but two were memorable to me.

One client had lived in a residential hotel in the Tenderloin for over 13 years and had recently fallen behind in rent enough for the manager to bring an unlawful retainer case. The unit was not rent controlled in any way, so there was no particular reason for the tenant to fight to stay in the unit and pay off the debt, but he was very adamant that it was his home and wanted to remain. Even though the tenant was only behind a few hundred dollars, creating a pay and

stay agreement to pay off the debt would be very difficult on his budget. The attorney fought very hard for his client's interest and was able to draft a pay and stay agreement wherein the tenant paid around \$20 extra every month until the back rent was paid. It was a stretch for the tenant, and he could have walked away from the small debt with a move-out agreement and started fresh, but it was more important for him to stay in the unit, so his attorney bargained for what he wanted.

Another family was living in a unit when the grandmother accidentally left a burner on, creating a small fire that damaged the unit enough that the Red Cross came to their assistance to find them a temporary home in Daly City. After repairs, they wanted to return to their apartment (and under their lease still had a right to possession) but the manager asked them not to return and initiated court proceedings to evict the family. The tenant protections in San Francisco are incredibly strong and this family was able to receive a statutory relocation payment of over \$15,000 to give up possession (since one family member was elderly, one was a minor, and one was disabled). The tenants were amazed at the settlement their attorney was able to help them reach and they would unlikely have received anywhere near that deal without assistance from the VLSP volunteer.

Helping to provide this valuable assistance to tenants in need allowed me to see the true value of a legal education. I love learning about property issues from lectures and readings, but seeing the life-changing applications of these concepts was amazing. For the attorneys spending the afternoon volunteering at the courthouse, these were rather basic tenant-landlord issues and negotiation strategies, but for the tenants this experience kept them from becoming homeless or allowed them to start fresh by wiping away an unfortunate and large debt for their finances.

Jennifer Richardson
University of California, Hastings College of the Law
J.D. Candidate 2011