

A Step-by-Step Overview to Full Rep Eviction Defense cases:

There are two main ways to get connected with a full rep eviction defense case through VLN:

- Take an Eviction Representation Project (ERP) shift. For ERP, you will sign up for a shift at an eviction court calendar, get connected with a client going through an eviction that day, and begin your representation right then and there (currently via zoom).
- Respond to an email blast with cases from VLN. Periodically, VLN sends an email to all its volunteers with cases that need full representation. You can respond to this email with a case you'd like to take. If you do not already receive these periodic emails, you sign up by contacting [Kait](#).

Once you get a case, here is approximately what you can expect:

1. Review initial paperwork: Once you agree to take a case, VLN will send you the contact and demographic information for the client, all the documents filed with the court in the eviction, and any other paperwork or documentation the tenant has provided to VLN. VLN will also send you an electronic representation agreement to go over and sign with the client when you are ready.
2. Interview your client: The paperwork will give you a sense of what is going on, but you will need to talk to your client to hear their story and fill in the details. What does your client have to say about the claims in the eviction complaint? Are they accurate? Is there anything else going on that helps explain the events in the complaint, such as an abusive relationship, inattentive/bad landlord, or disability? In addition to getting your client's side of the story, you will need to ask your client what they want. Do they want to stay in the property or leave? If they want to leave, what do they need in order to leave? Time? Money? This eviction off their record? If they want to stay, what needs to happen to make it possible for them to stay? Can they create a payment plan to make up for overdue rent? Do they need a reasonable accommodation, an HRO against a neighbor or the landlord to make repairs?
3. Review the Eviction Defense Checklist. VLN has put together a checklist for you to use as you work up your client's case. Understanding your defenses and the client's ultimate goals will be the basis for starting negotiations with the landlord. This checklist will help you go through your case and note which defenses might be available.
4. Attend the initial appearance hearing and begin negotiating with landlord: If you are taking your client through an ERP shift, you will be doing all this at the initial appearance calendar. The court will request that the landlord and tenant attempt to negotiate a settlement agreement at this hearing. And really, this is just the first bite at the apple.

There are 3 primary paths at the initial appearance and moving forward. There are essentially three different types of paths an eviction case can take. Which path you pursue depends on the facts and your clients wishes, and you can pursue more than path at the same time. For example, a case with a good service issue can lead to dismissal, but may also be used in settlement negotiations. The three general paths are:

- Dismissal. You can argue before the judicial officer at the initial appearance that the case should be dismissed. Not all cases are able to be dismissed, but many are, particularly where there are issues with service or notice. If dismissed, always request that the court expunge the case. Cases are not automatically expunged (i.e., removed from a tenant's record), even if dismissed by the court.
- Negotiate a settlement. You can advise your client based on the situation and negotiate with the opposing side. Settlement may include entering a payment plan, agreeing to a move out date, or possibly getting money for your client to leave (cash for keys). Don't forget to ask to have the case expunged as part of the settlement, and for the landlord to provide neutral/positive references for your client.
- Set the case for trial. When you can't agree on a settlement and there are fact issues in dispute, you can get your case set for trial at the initial appearance hearing. Negotiations between the parties can and do continue until trial, and many cases will still settle even after being set for trial. When the court sets the case for trial, make sure to pick a day for discovery exchange. Discovery is informal, but deadlines (most commonly an exchange of witness lists and exhibits a few days before trial) can be set at the initial appearance hearing. Rules of evidence still apply.

Conclusion:

This is just a very basic overview of how eviction defense cases work, but we're hopeful that it will encourage you to give eviction representation a try! Fully representing a client through an eviction is a great way to make an immediate and real impact on a tenant's life.