

California Eviction Defense 2.0: Beyond the Basics of Protecting Low-Income Tenants 2018

San Francisco, Live Webcast and www.pli.edu,* March 7, 2018

Why You Should Attend

“It is hard to argue that housing is not a fundamental human need. Decent, affordable housing should be a basic right for everybody in this country. The reason is simple: without stable shelter, everything else falls apart.” (Matthew Desmond, *Evicted: Poverty and Profit in the American City*.) In California, where the cost of housing is on the rise every year, more and more low-income families are rent-burdened to the point that they are at high risk of eviction. For those who are evicted, finding other stable and affordable housing becomes increasingly difficult, and the risk of homelessness looms. Even if they are lucky enough to find new housing, evicted tenants’ lives are often disrupted and altered in myriad ways: they are displaced from their communities, jobs, health care, and places of worship; they are driven into debt by moving costs and higher rents; their children lose time in school.

In this context, protecting low-income tenants from evictions is increasingly critical. Attorneys who have a basic understanding of California eviction defense and housing law can advance justice for low-income tenants and prevent harm from unnecessary displacement. Housing advocates and more local governments around the state recognize that representing tenants makes a difference in tenants’ lives.

This training is designed to help mitigate California’s housing affordability crisis by providing attorneys with an understanding of key procedural issues in eviction defense and protecting tenants’ rights. Participants will have an opportunity to connect with non-profit legal service agencies able to facilitate pro bono representation of low-income families facing this predicament.

What You Will Learn

- Civil procedure tools in the accelerated unlawful detainer context;
- When and how to use pre-Answer motions to protect tenants;
- Tips for conducting discovery for maximum effect;

- How to best utilize affirmative defenses and when to consider affirmative lawsuits;
- Best practices for drafting settlement agreements to protect tenants;
- Tenant rights to jury trial and tools to consider in your trial strategy;
- When and how to file a post-trial motion or appeal.

Who Should Attend

Practitioners who handle or are interested in handling eviction defense matters should attend. The training will prove helpful for new attorneys and for those with experience who want to deepen their use of California procedure and explore new tools to include in their practice. The sessions will touch on avenues for affirmative litigation to protect low-income tenancies.

Program Schedule

Morning Session: 9:00 a.m. – 12:30 p.m.

9:00

Opening Remarks

Lorraine López, Alex Prieto

9:15

Pre-Answer Motions: Demurrers, Motions to Strike, Motions to Quash

Interviewing tenants who are facing eviction, common questions come up such as: Was the tenant served? Does the unlawful detainer complaint contain necessary allegations? Is the complaint clear? This panel will address when to consider filing a motion instead of an Answer, what motions may be filed, timing considerations, and what to expect.

Oliver Ehlinger, Lisa Greif

10:15

Formal & Informal Discovery in Unlawful Detainers

Attorneys who represent low-income tenants may gain rapid experience with discovery tools to develop evidence in the case and prepare for trial and settlement discussions. Key issues to be addressed by this panel include form and special interrogatories, depositions, document demands, when to serve discovery, and how to get documents from government entities and other third parties.

Ubaldo Fernandez, Leah F. Simon-Weisberg

11:15 Networking Break

11:30

Habitability, Retaliation, SLAPP, & Other Considerations

Tenants with substantive defenses nevertheless face challenges enforcing the law. When should tenants invoke affirmative defenses? What special statutes apply? When may attorney fees be awarded? When should an affirmative suit be considered? This panel will address substantive rights of tenants facing eviction.

Denise McGranahan, Deepika Sharma

12:30 Lunch Break

Afternoon Session: 1:30 p.m. – 4:45 p.m.

1:30

Writing Effective Settlements

How an unlawful detainer case resolves may have a lasting impact on a low-income tenant's future ability to find housing. What key language should be included in settlement agreements? What are the options for the form of a settlement agreement? When should tenants elect to go to jury trial? This panel will address these and other considerations in bringing the unlawful detainer case to resolution.

Erin Katayama, Shirley Gibson

2:30 Networking Break

2:45

Trials & Writs

This session discuss preparation for trial, strategic considerations for determining when requesting a jury trial will benefit your client, preparation for trial, evidentiary issues and how to incorporate writs into your defense strategy.

Lorraine López, Alex Prieto

3:45

Appeals & Post-Trial Motions

Unlawful detainers are summary proceedings, and both represented and unrepresented tenants may not get the result they desire at trial. When should a motion for reconsideration or new trial be filed? When should an appeal be considered? This panel will address key considerations and procedures in post-trial motions and appeals.

Christian Abasto, Richard Walker

4:45 Adjourn

Faculty:

Co-Chairs:

Lorraine López

Supervising Attorney
Inner City Law Center
Los Angeles, California

Alex Prieto

Senior Litigator
Western Center on Law & Poverty
Sacramento, California

Christian Abasto

Managing Attorney
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