

California Eviction Defense: Protecting Low-Income Tenants 2017

San Francisco and Live Webcast, March 8, 2017

9:00a.m. - 5:00p.m. (Pacific)

Why You Should Attend:

Across the state rent is skyrocketing. While tenants organize for rent control, evictions continue. Those who are evicted face not only the loss of their home, but also displacement from their community. Effectively defending an unlawful detainer is a profound way to impact a tenant's life; housing instability has long-term harmful consequences.

For newer attorneys with limited litigation experience, the fast-paced unlawful detainer is also an excellent opportunity to develop skills; your case may be heading into trial only a month after the summons and complaint are served. This training provides the basic knowledge you will need to effectively defend tenants from eviction.

What You Will Learn:

- How to draft an effective Answer to an Unlawful Detainer Complaint and spot defects in eviction notices;
- Strategic use of responsive motions to attack faulty notices and complaints;
- Trial skills, including evidentiary motions;
- Legal tools for preserving subsidized housing tenancies;
- Basics of anti-discrimination laws protecting tenants, and how to assert a fair housing defense in an unlawful detainer;
- How to craft a settlement agreement that protects your client's rights.

Who Should Attend:

All attorneys or law students interested in or currently assisting low-income clients with eviction matters would benefit from this program. Advocates without any experience in unlawful detainers would particularly benefit from the training.

Program Schedule

9:00

Program Overview and Introductions

Madeline S. Howard, Jith Meganathan

9:15

Introduction to Unlawful Detainers

This session will provide an overview of unlawful detainer procedures and basic defenses available to tenants in the summary process. Participants will be able to identify fatal flaws in eviction notices, draft an effective Answer to an Unlawful Detainer Complaint, and determine whether to file a motion attacking the pleadings before answering.

Sang Banh, Lili-Vo Graham, Irina Naduhovskaya

10:45

Networking break

11:00

Unlawful Detainer Trial

This session discusses preparation for trial, strategic considerations for determining when requesting a jury will benefit your client, jury instructions, and evidentiary issues including motions in limine.

Monique Farris, Shirley Gibson, Lorraine Lopez

12:30

Lunch

1:30

Subsidized Housing Terminations

Subsidized housing tenants are entitled to due process before losing their housing subsidy, and effective representation at termination hearings is critical to preserving affordable housing. Enhanced notice requirements also provide additional defenses to subsidized tenants defending unlawful detainer actions. This session will enable you to effectively represent tenants facing loss of their subsidized housing.

Lauren DeMartini

2:45

Networking Break

3:00

Fair Housing in Unlawful Detainers

Tenants can raise unlawful discrimination as a defense in an unlawful detainer action, including failure to reasonably accommodate a disability. This segment will discuss fair housing protections available under state and federal law and how these protections can be invoked to

shield tenants from discriminatory actions. Attendees will learn how to effectively enforce fair housing protections in the unlawful detainer context.

Laurance Lee, Deborah Thrope

4:00

Successful Settlement Agreements in Unlawful Detainers

The first step to negotiating a successful settlement is go to court! You have to be ready for trial in order to be in a strong negotiating position. This session will lay out the basics of an effective settlement agreement that protects your client's rights, and avoids pitfalls of ex parte judgments.

Erin Katayama, Claudia Medina

5:00

Adjourn

Faculty

Co-Chairs

Madeline S. Howard

Senior Staff Attorney
Western Center on Law & Poverty
Oakland, California

Jith Meganathan

Policy Advocate
Western Center on Law & Poverty
Sacramento, California

Sang Banh

Staff Attorney
Inland Counties Legal Services
Rancho Cucamonga, California

Lauren DeMartini

Staff Attorney
Bay Area Legal Aid
San Francisco, California

Monique Farris

Housing Attorney
La Raza Centro Legal
Oakland, California

Shirley Gibson

Directing Attorney
Legal Aid Society of San Mateo County
Redwood City, California

Lili-Vo Graham

Directing Attorney
Legal Aid Society of Orange County
Santa Ana, California

Erin Katayama

Supervising Attorney
Homeless Advocacy Project
San Francisco, California

Laurance Lee

Mabie-Apallas Fellow
Legal Services of Northern California
Sacramento, California

Lorraine Lopez

Supervising Attorney
Inner City Law Center
Los Angeles, California

Claudia Medina

Staff Attorney
BASTA
Los Angeles, California

Irina Naduhovskaya

Staff Attorney
Bay Area Legal Aid
San Francisco, California

Deborah Thrope

Staff Attorney
National Housing Law Project
San Francisco, California

Program Attorney: Christina Thompson