



Preventing Homelessness through Pro Bono Legal Services

BY JACKIE CASEY

In La Plata County in Southwest Colorado, with a population of just over 55,000 people concentrated in the city of Durango, the threat of eviction poses a problem for many residents. An eviction order can be devastating and can lead to homelessness because many landlords and most low-income housing providers won't or can't rent to someone with a record of a prior eviction order. The La Plata County housing stock is expensive, and affordable rental housing is in short supply, so an evicted tenant will struggle to find a new home. Once homeless, myriad

other issues can ensue, including interference with children's education, loss of social support networks, job loss, property loss, and various psychological effects.

The Eviction Pilot Project

Colorado Legal Services (CLS)¹ identified a clear way to help in La Plata County, which already had a consolidated docket of eviction cases. With seed funding from the American Bar Endowment's (ABE) Opportunity Grant Program,² CLS's Durango Office developed and launched the Pro Bono Eviction Defense

Project as a mechanism for pro bono lawyers to advocate for low-income tenants facing eviction. CLS believed that with pro bono attorneys at the ready, eviction orders could be at least delayed and, in many cases, avoided. They were right.

With the primary goal of reducing homelessness, pro bono lawyers helped prevent an eviction order for 16 of the 18 tenants (plus 32 household members, including 15 children) served by the Project, thus demonstrating the viability of the concept. These successful efforts provide a roadmap for growing the Project

in La Plata County and replicating it in other parts of the state.

A Team Effort

To ensure success, CLS recruited nine volunteer attorneys. Once trained, the attorneys appeared in court on the days of the eviction docket to help financially eligible tenants better understand their rights, mount a defense to the eviction, or negotiate a settlement with their landlords.

One of these attorneys was Pat Hall, a former La Plata County judge and current of counsel attorney with Maynes, Bradford, Shipp & Sheftel LLP. Hall came to the Project with many years of landlord-tenant law experience and felt she could make a difference for low-income clients at risk of losing their homes. A landlord herself, she could see the challenges from both perspectives. Hall also serves on the CLS Board of Directors and is a strong advocate of pro bono service. According to Hall,

There aren't enough financial resources for legal services organizations to be adequately staffed with paid attorneys. Volunteer lawyers play a critical role in the delivery of services to low-income clients. In the case of the Eviction Defense Project, we had excellent training by experienced CLS staff that prepared us for our role. To me, this means that any lawyer, at any stage in her career, even retired, can do this work successfully and

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feel good about her contribution. So much of landlord-tenant law is about negotiation, and lawyers, no matter in what area of law they practice, have that skill.

Initially, CLS expected the volunteer attorneys to help a high volume of tenants in a fast-paced, limited advice clinic that would produce mixed, but overall positive outcomes. Instead, the volunteers provided much more in-depth and nuanced legal advice and assistance to a

smaller volume of clients with complex cases, nearly all of whom avoided eviction. Hall noted,

I didn't actually represent a client—on my volunteer days, the cases were either defaults or continuances. Yet it was important for me to be there. Landlord-tenant law is complicated. Tenants representing themselves are in real crisis with the threat of losing their homes looming. In so many cases, children, pets, and livestock are also in jeopardy. I knew that with my training and skills, if needed, I could help the tenant negotiate the best outcome legally.

Another volunteer was Angie Buchanan, a mediator in Southwest Colorado with her own firm, Angie Buchanan LLC. She, too, has many years of landlord-tenant law under her belt and volunteered her skills, mostly as a mediator and collaborative law practitioner. Buchanan was able to put her skills to work through the Project, helping a tenant avoid an eviction order so her family could move into a more suitable home. Buchanan explained,

I was motivated to volunteer because I know how much the CLS staff is trying to do and how much help they need. I also know that facing a threat of eviction is frightening to parents and children. My practice focuses largely on helping children, so this Project was a perfect way for me to use my skills to help families.



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Both Buchanan and Hall recognize that without pro bono lawyers, most low-income people would never get the help they need and deserve.

According to Buchanan, the training opened the pro bono team's eyes to many issues beyond actual landlord-tenant law by covering related issues of homelessness, housing discrimination, and the overall housing crisis in La Plata County.

Many of the eligible tenants' cases would likely not have been positively resolved without a lawyer's help. Buchanan noted,

Facing eviction feels like a personal attack. When people feel that way, they have difficulty successfully advocating on their own behalf. In my assigned case, I was able to negotiate with the landlord's lawyer to ensure that the tenants had ample time to move out and knew what was expected of them. It was a win-win. They were able to move into a different home more suitable for their family and the landlord had a clean unit that could be immediately re-rented.

Expanding the Project

Both Buchanan and Hall recognize that without pro bono lawyers, most low-income people would never get the help they need and deserve. And both believe the Project could be successful in other parts of the state, especially rural Colorado. Apparently, the Colorado legislature agreed. Senate Bill 19-180, Eviction Legal Defense, signed by Governor Jared Polis on May 29, 2019, created the Eviction Legal Defense Fund in the Judicial Department. The fund, totaling \$750,000, will award grants to qualifying nonprofit organizations in each county that will provide legal advice, counseling, and representation to indigent clients facing or at risk of eviction.

Statistics support the development of additional innovative programs to ensure that tenants' rights are protected. According to The Eviction Lab, in 2016, 2.3 million eviction filings



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were made in courthouses across the United States—a rate of four evictions per minute.³ Between 2000 and 2016, one in 40 renters was evicted from his or her residence.⁴ Closer to home, in 2016 there were 45,000 eviction cases in Colorado,⁵ and five Colorado cities ranked among the nation’s “Top Evicting Areas” by eviction rate (i.e., the number of evictions per 100 renters).⁶

Conclusion

The Pro Bono Eviction Defense Project was made possible through the dedicated efforts of pro bono lawyers and CLS staff. In addition to Hall and Buchanan, the following lawyers donated considerable time and expertise to the Project: Dave Albrechta, David Bode, Michael Goldman, Gail Harriss, Ashley Powell, Kim Perdue, and Michael Wanger. Cooperation from the court was also instrumental to the Project’s success.

The Project’s lasting effects include a deeper understanding of the nature of eviction cases in the county, a successful process for assisting clients facing eviction, the development of pro bono expertise in eviction law, and the development of an Eviction Defense Handbook to serve as a model for other eviction defense projects in Colorado and across the country.⁷ For more information about the Project, contact Lindsay Marshall at lmarshall@collegalserv.org or (970) 385-7378. 



Jackie Casey is a lawyer and the assistant executive director of the American Bar Endowment. She has dedicated her career to serving in a leadership role with several nonprofits. Most recently at the ABE and the ABA, she has helped advance access to justice and improve the justice system through fund development and grantmaking—(312) 988-6402, jcasey@abenet.org.

NOTES

1. CLS has helped low-income individuals in Colorado for over 90 years. Its mission is to provide meaningful access to high-quality, civil legal services in the pursuit of justice for as many low-income persons and members of vulnerable populations throughout Colorado as possible. Its staff of slightly over 100 attorneys, paralegals, and support personnel is assisted by hundreds of pro bono professionals throughout the state. To learn more about volunteering with CLS, visit <https://www.coloradolegalservices.org>.

2. Established in 1942, the ABE is an independent, nonprofit public charity. The ABE provides lawyer members of the ABA with a unique way to protect themselves, their families, and their professional endeavors through participation in a range of ABE-sponsored insurance products underwritten by New York Life—with the option to seamlessly give any available annual dividends they would otherwise receive to the ABE as a tax-deductible donation. In turn, the ABE makes annual grants that support critical law-related public service, educational, and research programs such as the one awarded to CLS. At its core, the ABE is a charitable organization powered by generations of lawyers committed to ensuring equal access to justice for all. For more information about ABE-sponsored insurance, visit www.abendowment.org. For information about ABE Opportunity Grants, contact the author.

3. Eviction Lab, Top Evicting Large Cities in the United States, <https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&lang=en>. The Eviction Lab is a team of researchers, students, and website architects who believe that a stable, affordable home is central to human flourishing and economic mobility.

4. Eviction Lab, National Estimates, <https://evictionlab.org/national-estimates>.

5. Hasvold and Regenbogen, “Facing Eviction Alone: A Study of Evictions” at 1 (2017), https://cclponline.org/wp-content/uploads/2018/04/Facing-Eviction-Alone-2017-Report_Final-1.pdf. The Colorado Center on Law and Policy advances the health, economic security, and well-being of low-income Coloradans through research, education, advocacy, and litigation.

6. Top Evicting Large Cities in the United States, *supra* note 3.

7. For answers to eviction questions, visit the CLS website at <https://www.coloradolegalservices.org/node/34/questions-and-answers-about-evictions>.

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