

We Must Protect This House!

Eviction Defense with VLS

© 2022 Volunteer Legal Services of Central Texas

- Questions?
- Carl Guthrie
- Cguthrie@Vlsoct.org
- (512) 575-8013

Roadmap



1. Real Cost of an Eviction

What is the real cost of an eviction?



Moving Costs?

First Month's Rent?

Security Deposit?

Disruption of Life?

Everything.
It's the cycle of poverty.

1. Real Cost of an Eviction



1. The Housing Stability Crisis is a Racial Justice Crisis
2. For far too many Austinites, eviction is one bad month away
3. 90% of Landlords are represented by attorneys
4. 90% of Tenants are not.
5. Evictions are rigged...

2. Life in the JP Courts



JP Court Generally

Representation, Rules, Role of the Judge

- **Representation-** Self-representation, attorneys, or an authorized agent in an eviction case *Tex. R. Civ. Proc. 500.4*
- **Rules-** 500s section of Texas Rules of Civil Procedure.
 - Other rules don't apply except when Judge wants them to. *Tex. R. Civ. Proc. 500.3*
 - Discovery is limited to that which the judge considers reasonable and necessary. *Tex. R. Civ. Proc. 500.9*
- **Role of the Judge-** Judge's role is to develop the case. *Tex. R. Civ. Proc. 500.6*
 - Meaning they can question the witnesses to ensure a 'correct judgment and speedy disposition'

3. Eviction Law 101



Eviction cases are bite-sized

- Small cases with recurring issues
- Expedited Timelines
- You still know more than the client

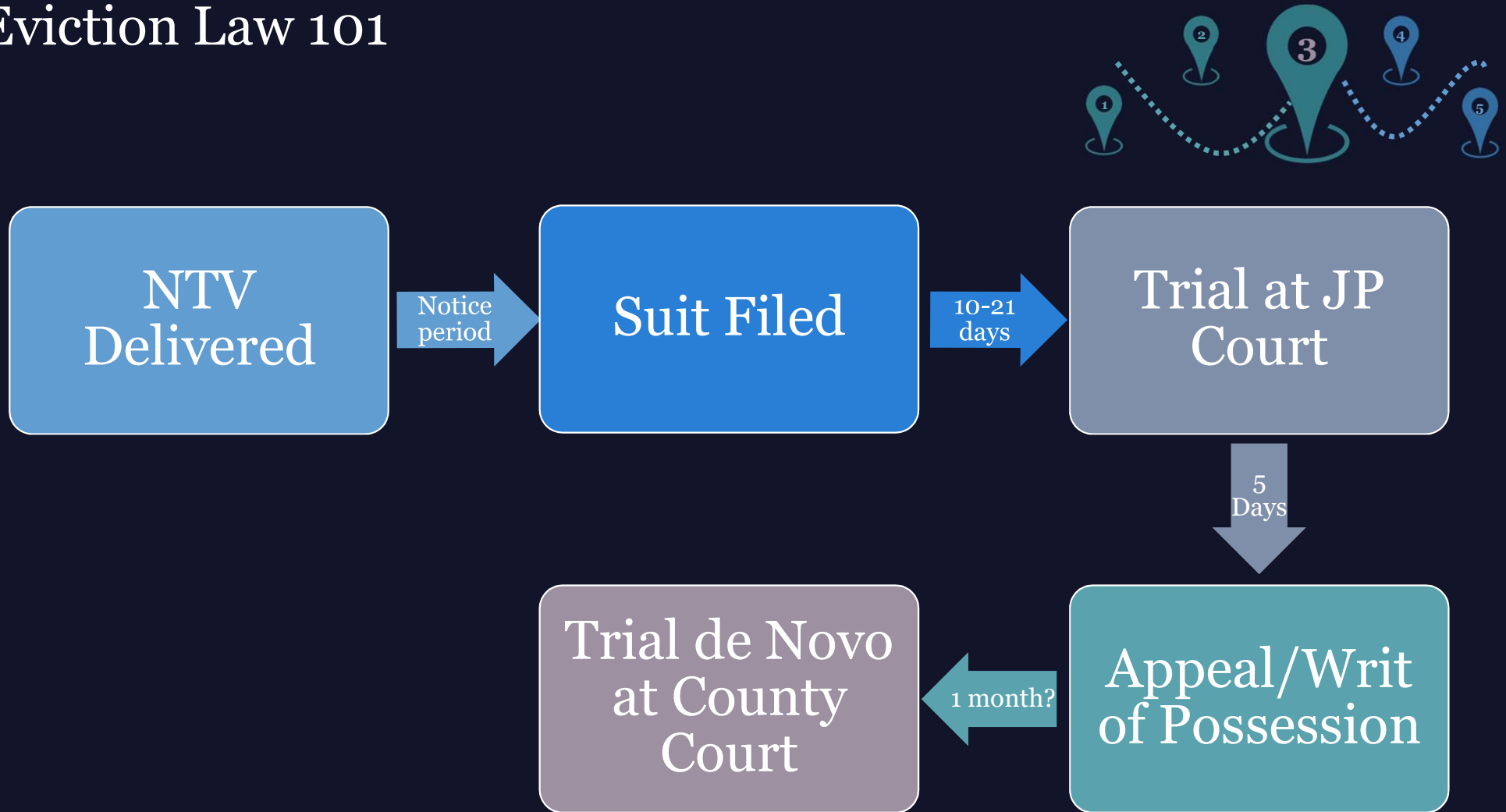
Only issue is possession (sometimes rent)

- No Title Issue
- No Security Deposit
- No Damages
- No late fees*
- No Utilities*
- Attorney Fees

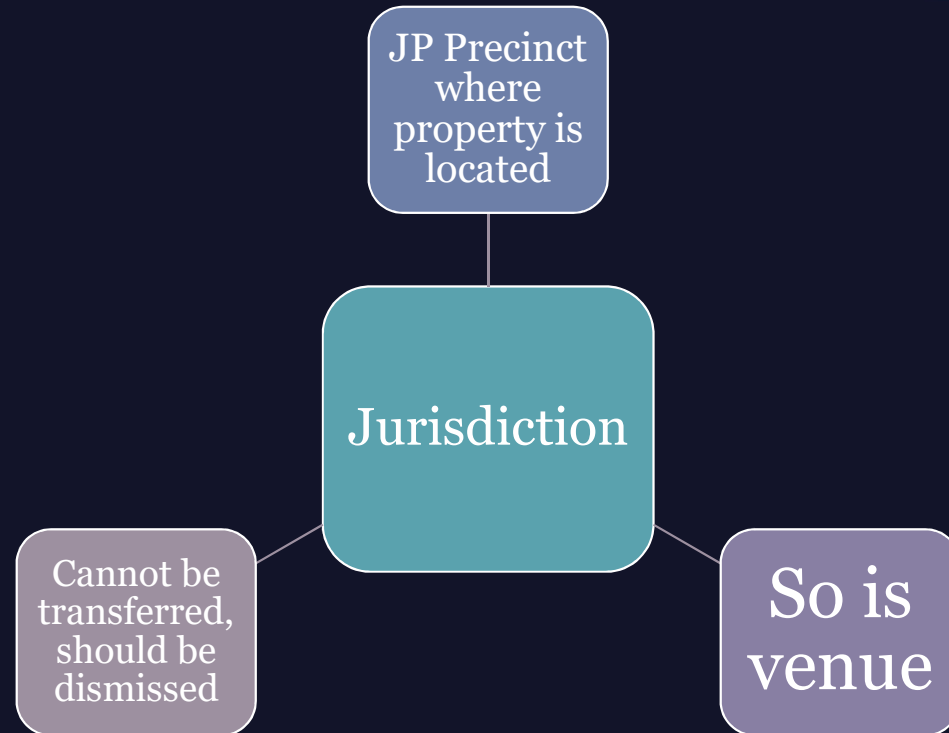
Elements

- L-T Relationship
- Evictable Tenant
- Proper NTV
- Notice Period
- Tenant still in possession

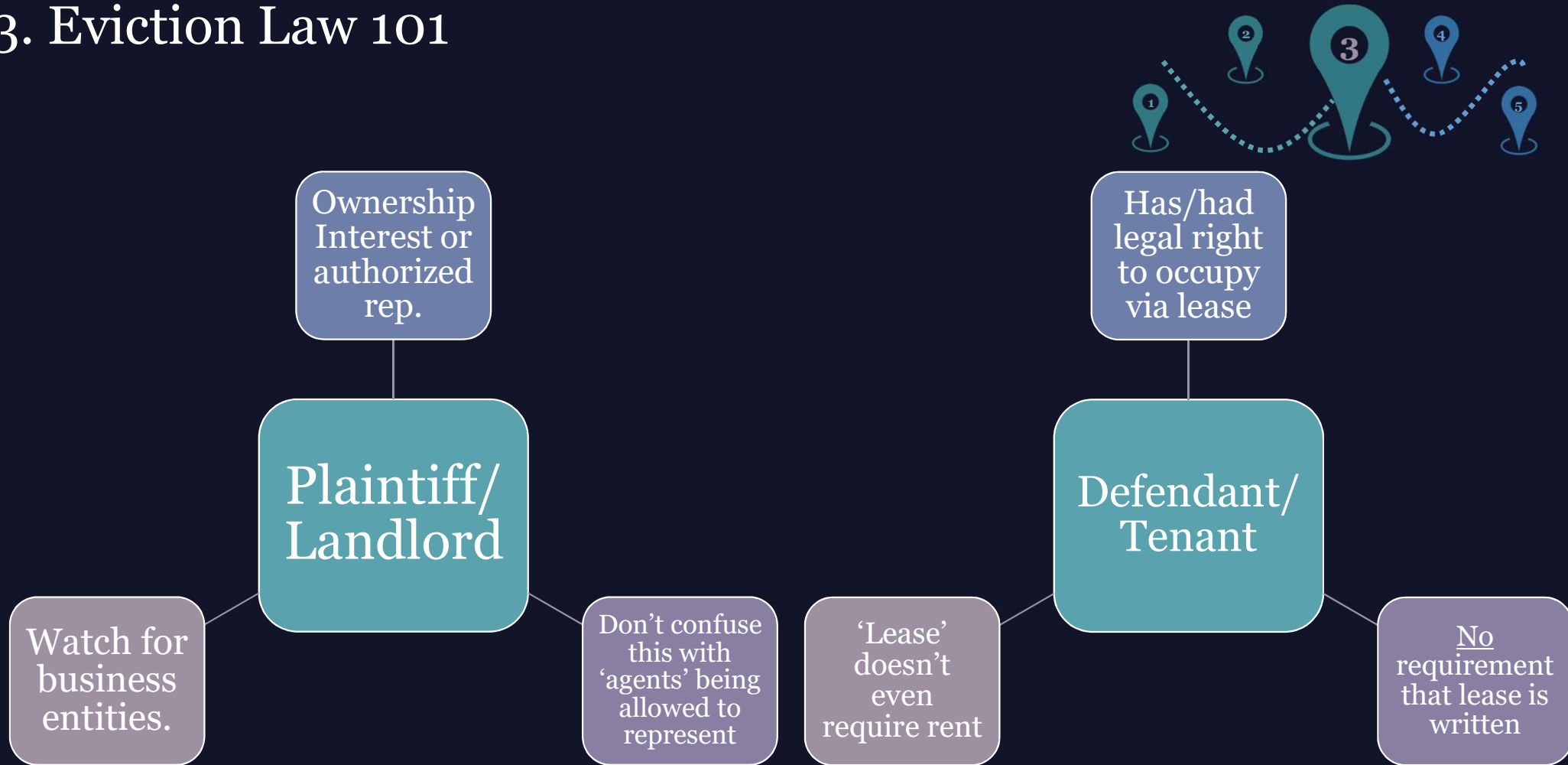
3. Eviction Law 101



3. Eviction Law 101



3. Eviction Law 101



3. Eviction Law 101



4. Analyzing an Eviction Case



The Client Interview: 3 Tips for getting the client's story

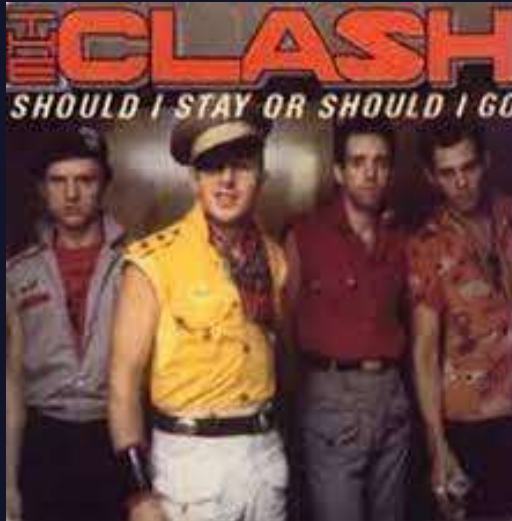


1. Understand what they're dealing with.
2. Explain the boundaries of your representation
3. Ask for the details that matter to the case.

4. Analyzing an Eviction Case



What is the client's stated goal?



I want to Stay!

- Can we get landlord to agree?
 - Because they can try again
- Payment Plans

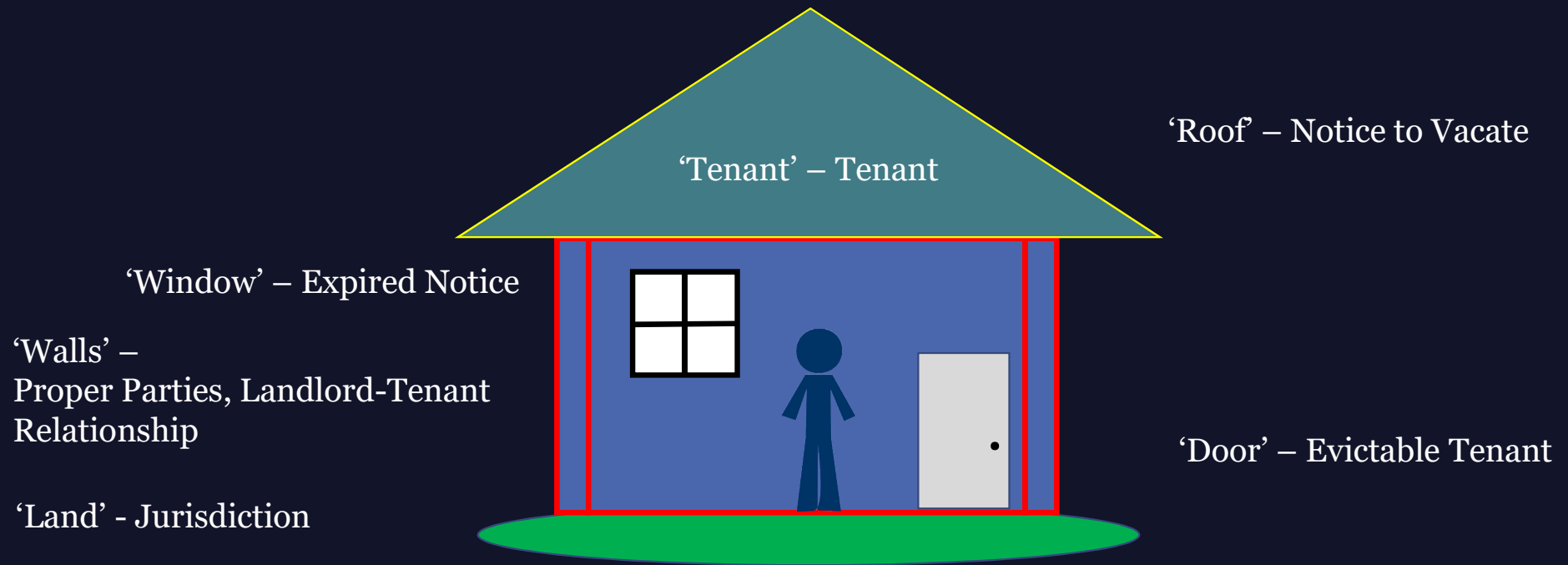
I just want to Go!

- No-fault termination
- WHERE are they going?
- Clean up / Security Deposit

4. Analyzing an Eviction Case

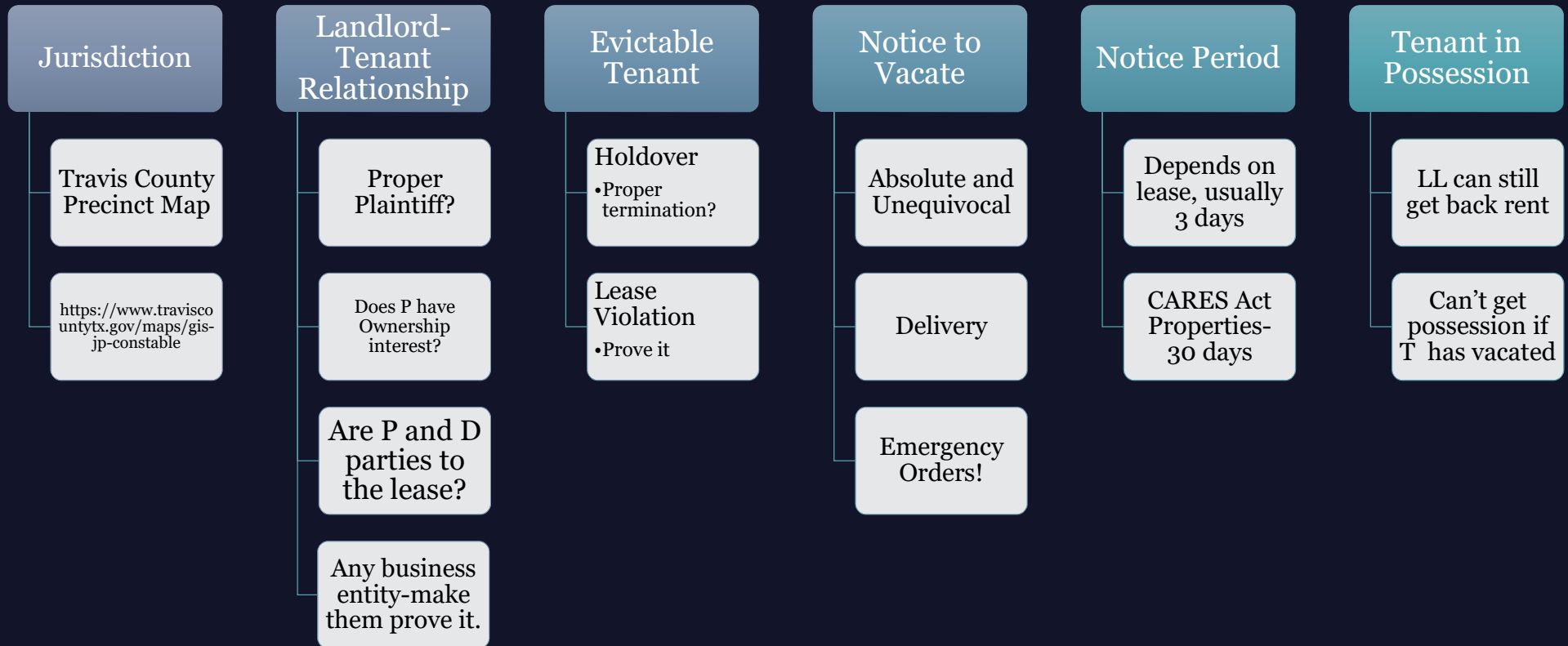
Any legal claim is like building a house.

To be successful, you need all the pieces, the elements.



4. Analyzing an Eviction Case

A successful eviction claim needs all these elements



If any of these are missing, we win!

5. Eviction Task Force



The Ask

1. Sign up for at least one shift every 60 days, 60-90 minutes
2. Appear via Zoom at the scheduled docket
3. Do the best you can

5. Eviction Task Force

Three Propositions:



1. Allegations are only one side of the story. A person is more than their worst decision, or worst day.

2. No absolutes- except the absolute right to counsel

3. If people are denied access to the justice system, then we're creating second-class citizens.



5. Eviction Task Force



Before the Docket

- You'll get information for conflict checks and Zoom link

The Structure

Day of Docket

- Breakout room for staff and volunteers
- Tenants are assigned an intake specialist and an attorney
 - Case Review to read over and the court's file
 - 10-15 min intake –financial eligibility
 - After that, it's your show!
 - Client Interview
 - 7 Day Continuance
- Please stick around until released by Court

5. Eviction Task Force



VLS has got your
back!

- Template Answer
- Template Motion for Discovery
- Case Review
- VLS qualifies clients
- VLS handles Professional Services Agreements
- Mentors and Staff Attorney assistance available!



Questions?

Carl Guthrie- VLS Housing Stability Staff Attorney

Cguthrie@vlsoct.org

(512) 575-8013

<https://youtu.be/irz4o8FS-Lw>