

## Real Estate Matters at Volunteer Lawyers Network

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Imagine you are "Ibraheim," a 19-year-old born in Somalia—now living in the Twin Cities—barely making ends meet. Your parents are still in Somalia. Your landlord is trying to evict you from public housing based on a false claim of marijuana use.

This was the fact scenario presented to one of the Volunteer Lawyers Network attorneys in a case recently tried in District Court. After a four-hour hearing, the judge dismissed the case and Ibraheim was able to remain in his apartment, with his housing record clean.

VLN, the pro bono arm of the Hennepin County Bar Association, provides opportunities for attorneys to help vulnerable low-income people like Ibraheim in real estate and housing matters in Hennepin County. VLN does this in a variety of settings.

### The Housing Court Project

The Hennepin County Housing Court Project provides legal advice and, sometimes, full representation, to low-income tenants like Ibraheim. Located on the 17th floor of the Hennepin County Government Center, it runs Tuesday through Friday, 8:30 a. m. to noon, in partnership with the Minneapolis Legal Aid Society and the Hennepin County District Court. An experienced Legal Aid attorney works on-site and acts as a mentor/coach for the VLN attorneys.

If the VLN attorney is inexperienced in housing matters (and wants to learn), he or she may start by just giving advice to those who come to this drop-in clinic or by shadowing the Legal Aid attorney. The Legal Aid attorney and the volunteer determine who can best handle the matter for the client. Legal Aid does not take full representation cases at this clinic, but as they become more experienced, VLN attorneys are able to pick and choose what level of representation they feel comfortable giving the clients. The VLN volunteer can help on the day of the hearing in court, and can even take on full representation in matters that are scheduled for a later hearing. If law firms want courtroom experience for their newer attorneys, VLN can have them in court in a week for a full-fledged trial.

Legal Aid has provided comprehensive reference materials available for all to use. These are available both on-site and on the VLN Web site. The Answer Form is a CLE course in and of itself and provides all the possible defenses that are available to an eviction action. After interviewing the client, an attorney may simply copy the form, and just check the defense that applies to the individual client's case. Often the volunteer lawyer helps the client prepare this written answer and then sends the pro se client into court to handle the matter. Other times, the attorney will help the client present the answer and then help negotiate a settlement. Both approaches have resulted in many cases being dismissed by the court, giving the tenant more time to figure out a way to keep a roof over his or her head.

If the case is not settled, and the attorney has the time and expertise to continue, the matter can be set on for either a court hearing or a jury trial.

### VLN Full-Representation Cases

VLN also gets referrals on housing matters from other sources. Attorneys can choose to be on a panel of attorneys who accept



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housing cases that come from those sources. The timeline on housing cases is quick, so VLN needs many attorneys to be on this type of panel since often an attorney cannot handle a matter on the short notice that is provide. DThe clients are among the most needy in the county and attorneys might just be able to keep them with a roof over their head for a longer time than they would have been able to do on their own.

## **Predatory Lending**

VLN is working with the Don't Borrow Trouble campaign in the area of predatory lending. Often, clients are pressured into signing on to a loan that is guaranteed to go into default from the beginning, and that will, without help from a volunteer attorney, end up with the client on the street and the predatory lender holding title. Sometimes the client believes that he or she is signing loan documents when what actually has happened is that the property has been deeded to the predatory lender and there has been a lease back. Then when there is a default, the lender goes into housing court and quickly has the client remove. DVLN needs more volunteer attorneys to defend clients from these predatory practices that are stunningly cruel.

VLN has agreed to review the cases that cannot be resolved without litigation. VLN has a panel of attorneys who will determine if predatory tactics were used and if there is a reasonable possibility of getting some form of relief for the client. The hope is to keep people in their homes with a loan that can be pai. DVLN also has a group of attorneys who get together on a regular basis to discuss various tactics in fighting predatory lending tactics. VLN has community partners who are also a part of the Don't Borrow Trouble campaign who provide VLN with referrals and technical assistance.

## **LegalCORPS**

Another way that one can work in transactional real estate is in the area of the new business law pro bono program. LegalCORPS is a new 501(c)(3) corporation set up through the state bar association to handle legal work for small nonprofits and microenterprises. VLN is helping in case placement and volunteer recruitment. LegalCORPS has only recently been launched, but based upon information from others who have been working in housing and real estate, it is likely that one of the big areas where volunteers will be needed is for lease reviews. There will also be some other real estate transactions that will occasionally require volunteer attorney time.

## **Conclusion**

Please visit our Web site at [www.volunteerlawyersnetwork.org](http://www.volunteerlawyersnetwork.org). It has many links that are useful for real estate lawyers as well as for volunteers at our other clinics.

Thank you to all of you wonderful volunteers. You have truly made a difference in the lives of those in our community who have nowhere else to turn. We can be reached at 612-752-6655.