

News Advisory

From the Rhode Island Judiciary



Volunteer lawyers help smooth the way in District Court eviction proceedings

December 2, 2020: As eviction filings continue to climb toward a critical level in the ongoing COVID-19 pandemic, more than 60 attorneys in Rhode Island have come forward since August to volunteer their time and services to assist tenants who otherwise would not be represented in court.

Rhode Island District Court Chief Judge Jeanne E. LaFazia said she is “thrilled” with the response from members of the Bar. While the volunteers earn continuing legal education credits for taking part, Chief Judge LaFazia said that many attorneys have contacted her to say they welcomed the opportunity to give back to the community during a time of need. She said she is grateful for the volunteers’ participation, particularly during the holiday season, and while the program is due to stop on December 31, she hopes it will continue into the new year.

“With winter coming, concerns about the pandemic and housing are at the forefront,” said District Court Associate Judge Christopher Smith, who hears eviction cases in Providence.

While many landlords have an attorney, the vast majority of tenants facing evictions are not represented by a lawyer, which was true even before the pandemic. That is why, with an expected surge in eviction filings, compounded by pandemic-related unemployment and delinquent rents, the District Court put out the call in August for a volunteer lawyer program.

“It has gone really well and all the volunteers have been extremely engaged,” said Judge Smith. “It is a great program that has been helpful to the court as well as to the litigants. The stipulations that we receive are both fair and well-balanced, and we have seen a decline in appeals.”

The volunteers “have utilized their considerable practice skills and experience in negotiating mutually beneficial consent agreements and stipulations,” said District Court Associate Judge Melissa DuBose, who hears cases in Kent County. “They have been tremendous in alleviating the fear and trepidation that most feel when appearing in an eviction proceeding.”

Since June, when the District Court resumed eviction matters after a temporary halt in the spring, cases have been heard and decided but the enforcement of eviction orders has been on hold. The federal Centers for Disease Control this summer imposed a moratorium on removal of tenants who owe back rent, but that directive expires on December 31 unless it is extended.

Lawyers who volunteer for a minimum of five half-day shifts in District Court eviction cases earn credit toward their annual mandatory continuing legal education requirement. Judge Smith said

some of the volunteers have exceeded the minimum. The lawyers serve as “friends of the court” who often give their counsel in the hallway without necessarily entering their formal appearance in a case, though Judge Smith said he has been pleasantly surprised when a few have done so for no fee to help resolve a particular issue.

The program has drawn a range of attorneys in age and experience, Judge Smith said. The majority of them practice in other fields of law and have more time because of the current restrictions on in-person appearances at state courthouses. Trainings were held in August, September and October at the Garrahy Judicial Complex in Providence and the Noel Judicial Complex in Warwick. There were several video conference trainings. Attorneys Murray Gereboff, who has a practice representing landlords, and Tiffinay Antoch of Rhode Island Legal Services, led the training with oversight from Judge Smith. The volunteers may have as many as 10 cases in a day during their shifts, the judge said. There have been 30 volunteers in Providence County, 15 in Kent County, and 4 in Washington County.

In Newport County, where District Court Associate Judge Colleen M. Hastings presides, 14 members of the Newport County Bar Association “have stepped in to offer their time and expertise to provide relief to tenants from the destruction that COVID-19 has had on communities and people’s basic need for shelter,” she said. “Volunteerism is a crucial component.”

“I am super appreciative of the volunteers’ involvement during this pandemic, that there are people who are willing to help other people out,” Judge Smith said. “Evictions can be emotional, and this program has made for a smoother process all around. It helps both tenants and landlords.”

Many of the volunteers have indicated an interest in continuing past the end of the year.

“I am so pleased that this program has been such a success,” said Chief Judge LaFazia. “I am very proud that these attorneys have gone above and beyond what was asked of them in August. I am thankful for them and I hope that the program continues into the future.”

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