



Pro Bono: Attorneys help family move and recover its security deposit

Volunteers needed for the Eviction Defense Self Help Project at Jacksonville Area Legal Aid.

By: [The Jacksonville Bar Association](#) | Staff Writer

By Missy Davenport • JBA pro bono committee chair

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Now in its fourth year, Jacksonville Area Legal Aid's Eviction Defense Self Help Project focuses on assisting tenants facing an eviction or dealing with unsafe conditions in a rental residence owned by a private landlord.

Stable housing often is the foundation for steady employment, educational achievement, good mental and physical health and economic autonomy.

The project originated from a collaboration with Smith, Gambrell & Russell and the law firm continues to support the effort with several attorneys volunteering each month.

Project volunteer [Amy Nicotra](#) describes one of the cases that she and her SGR colleague, James Cummings, accepted for full representation:

What were the basic facts of your case?

This started as a conditions case where the clients made several attempts to get the landlord to address certain issues in their apartment unit, including electrical issues, roof leaks and mold. Despite our many efforts to get the landlord to correct these issues, we were unable to get a response.

After we assisted our clients with a conditions letter and guided them through the statutory process, our clients were able to move their family out of the unit and start fresh somewhere new.

Unfortunately, upon their move-out, the landlord failed to follow the statutory requirements to make a claim against the security deposit. Our clients sustained a hit to their credit scores due to the landlord sending them to collections and wrongfully withholding their security deposit.



We filed a lawsuit against the landlord to attempt to recover the clients' security deposit, which resulted in a favorable settlement agreement.

What were you able to accomplish for your client?

Ultimately, we were able to obtain a full refund of our clients' security deposit, plus court costs and attorneys' fees.

We also were able to get the landlord to agree to work with our clients to reverse any negative impact to their credit scores as a result of this occurrence.

Why was the outcome important to your client?

Our clients bravely attempted to battle this on their own with the landlord for several months. The condition of the unit they were living in was dangerous to not only our clients, but to their young children.

They felt hopeless as they continued to write letters asking for the landlord to step in and fix the issues, only to be ignored.

This outcome not only puts our clients' security deposit back in their pocket, but it also provides relief to them with respect to their credit score wrongfully and negatively impacted by this occurrence. This will help them get back on their feet when it comes time to purchase a home, or make their next move.

What did you gain from the experience?

It is a reminder as to my purpose for becoming a lawyer: to help people.

This experience allowed me to not only file my first lawsuit, but it equipped me with invaluable interpersonal and communication skills to strengthen present and future client relationships.

What is the name of your firm? In what areas do you practice?

Smith Gambrell & Russell. I practice in corporate and business law, real estate, and intellectual property.



Why would you recommend other attorneys get involved in the Pro Se Eviction Defense project?

Take any opportunity to get involved and take on a case. Your assistance could make a life-changing difference for someone in need.

The Eviction Defense Self Help Project is a resource available 1-4 p.m. every Wednesday at Jacksonville Area Legal Aid, 126 W. Adams St.

Tenants of private landlords who receive an eviction summons and who may have defenses or who are dealing with poor conditions meet with volunteer attorneys to complete their answers using JALA's Eviction Answer Builder Tool or conditions rent withholding letter. Because of COVID-19, the clinic is being conducted virtually for the foreseeable future.

The goal is to have participating law firms commit to staffing the project once a month to assist tenants to create answers to their eviction summons or rental conditions letters.

When additional assistance is needed, attorneys are encouraged to consider representing clients in either a full or limited capacity, especially those that may be harder hit by eviction such as renters with disabilities, single parents and older adults.

Through participation in the project, new associates get client interviewing, representation and litigation experience. Participating attorneys build a core of expertise and have the opportunity to collaborate on short term cases.

Training webinars with CLE credit are provided. Suzanne Garrow, JALA staff attorney and project coordinator, is available to assist as needed and guide the process.

The logos of participating law firms are included on project information.

Law firms and attorneys are encouraged to contact Missy Davenport, chair of the Jacksonville Bar Association Pro Bono Committee, for more information about the Eviction Defense Self Help Project and other opportunities for pro bono involvement in the 4th Judicial Circuit at missy.davenport@jaxlegalaid.org.