

The Columbus Dispatch

Dividing Lines | At busy eviction court, people look for second chance

By Rita Price

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As she rode the elevator up to the 11th floor of Franklin County Municipal Court, Jennifer Clark wondered whether there was anything she could say that would change the likely course of events.

She sat down outside Courtroom 11A and waited for her case to be called. She watched dozens of people spill into the hallway, some of them lining up behind a desk with a sign offering mediation services, some of them crowded onto benches in the stuffy courtroom.

Clark was lugging a baby carrier, so she stayed put. "I didn't get any paid leave," she said, cuddling her month-old daughter. "And I'm only making \$9 an hour."

The North Side resident fell behind in her rent and was summoned to the state's busiest eviction court, where the docket hovers around 19,000 filings a year. The courtroom pace is breathtaking, even on what Magistrate

Kirk Lindsey described as just a "busy-ish" February morning with Clark's and 136 other cases on the board.

"I've been doing this since 2010, and it seems like there are fewer light days," Lindsey said. "There are days when the numbers are in the 200 range."

Court officials, legal-aid attorneys and mediators encourage landlords and tenants to talk, to strive for compromise. The stakes are often high: Striking an agreement over payment plans or property repairs might prevent a family from having an eviction record. It might keep a child from moving to a homeless shelter.

"Emotionally, it's very difficult," said Michael Cassone, an attorney who represents several large apartment complexes. "This process is the very last thing landlords want to do."



Joshua A. Bickel/Dispatch

Jennifer Clark, center, speaks with mediator Joy Marshall, right, of Community Mediation Services of Central Ohio, while waiting for her case to be called during eviction court hearings

In the past 13 or so years, Cassone figures, he's handled more than 150,000 eviction filings. "Last week alone, I almost did 400," he said. "I'm a pretty good judge of character. I can tell when someone's playing the system, or when someone is hard luck."

Hard-luck cases rooted in underemployment, low-wage work and a shortage of affordable

housing abound. But many struggling tenants don't try to plead their circumstances, or even show up in court. "A lot of people don't know that this is here, or what it is," said Joy Marshall of Community Mediation Services of Central Ohio. "Or they'll stop by the desk after, when it's too late."

Landlords in Franklin County aren't required to attend eviction proceedings.

They can, unlike in several other counties, submit an affidavit and send their attorneys. Advocates for the poor say that ease makes the process seem almost too efficient.

"Symbolically, I guess, for a lot of tenants it's like a slap in the face," said Jyoshu Tsushima, an attorney with the Legal Aid Society of Columbus. "They take off work. They're here."

Marshall, Tsushima and a handful of other advocates scramble during "rush hour," or the first chaotic minutes as eviction court gets underway. They explain mediation, offer resources and try to determine who has a good argument.

"We usually don't have a whole lot of time to prepare a case," said Tsushima, whose agency is launching a new Tenant Advocacy Program at the court.

He'd been trying for weeks to help a 64-year-old woman who says her landlord has refused to make repairs and address a cockroach infestation in her tiny apartment. The landlord disagrees and wants the full rent.

"We've been here three times," said her son, Brent Smith. "My mom is low-income. But all the money she's paid so far should be enough to get that place up to code."

Another man lingered in the doorway between the courtroom and hall, clutching employment- and rent-verification letters. "I don't get any government assistance," he said, asking that his name not be published for fear it would affect his employment or ability to rent. "I'm able-bodied and I want to work. I got two warehouse jobs, and all this ain't helping."

He said he moved from North Carolina to join a girlfriend in Columbus, falling into homelessness when the relationship failed. A nonprofit organization supposedly was covering his deposit and first-month rent, but the landlord said it didn't go through.

"I've never had an eviction before," the man said, his voice rising. "This is so stressful."

Clark, her 13-year-old twin girls and a 15-year-old son had been living in a one-bedroom apartment. The monthly rent was modest at \$425, but her razor-thin budget couldn't withstand the weeks she went without pay from her Downtown hotel job when she gave birth, she said.

Clark, 36, thought she had a better job a few years ago at a national company with a West Side distribution center, only to find that workdays could be suddenly cut short. "Some shifts, it would be just three hours," she said. "We'd just sit there in that cafeteria waiting for a bus. I couldn't do it anymore."

Before her case was called, Clark decided to seek help. Marshall, the mediator, worked quickly, but the landlord wasn't interested in a payment plan. The best Marshall could do was to negotiate a dismissal of the eviction if Clark agreed to move out.

She and her children would do so. Where they would go next, Clark said, was harder to say.

Marshall gathered her files and thought ahead to the next docket.

"This is every day," she said as the courtroom and the hallway began to clear. "It's yesterday and tomorrow, too."

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