

Insights



October 30, 2019

Pro Bono Participation in Charleston County's New Housing Court Proves to be a Rich and Rewarding Experience

By [Olesya V. Bracey](#)

I had the honor of participating in the very first Housing Court session held in the state of South Carolina on Oct. 2, 2019. It was a truly unique pro bono experience. The Housing Court's aim is to provide legal services to indigent tenants who live in Charleston County and are facing eviction from local housing. This new court was created after North Charleston was listed as having the nation's highest eviction rate in a recent study published by the Eviction Lab at Princeton University.

I was surprised to learn just how many different legal groups, providers, and partners came together to get this pilot Housing Court program off the ground, including South Carolina Legal Services, One80 Place Legal Services, Charleston Legal Access, Charleston Pro Bono Legal Services, Charleston County Magistrate Courts, Charleston School of Law, Nelson Mullins Pro Bono Administrator Norah Rogers, Trident Urban League, 2-1-1 Hotline, and the City of Charleston. I had the pleasure of meeting several folks involved, and their passion and commitment to this pro bono project inspired my participation. Our firm, and Norah Rogers in particular, has also been instrumental in supporting this program, which is a great source of pride to me.

Prior to the start of the pilot program, I attended a training session provided by the project for the volunteers. The project also held a mock trial, which unfortunately I had to miss due to a scheduling conflict. In addition, a very helpful manual was compiled by the project and provided to the volunteers. Going in, I still did not know exactly what to expect. We had no idea who our clients would be or what their issues were until they showed up right before their hearing. This was a bit intimidating, particularly since I did not have prior experience handling landlord/tenant issues. However, I brushed up on South Carolina landlord/tenant law and reviewed the provided materials a couple of days before the hearings, and this preparation helped me tremendously.

On Oct. 2, the North Area 1 Charleston Magistrate Court conducted the first Housing Court eviction hearings. Merritt Abney, a partner in our firm's Charleston office, and I participated as pro bono attorneys representing indigent tenants. Judge Amy Mikell presided, and she was extremely patient and understanding with respect to the process. Several wonderful folks from the above-referenced groups were present to advise and assist us, and it was comforting to know they had our backs. This experience was a pure form of "on your feet" fast-paced issue spotting. While it was a little nerve-racking, I was excited to put my legal skills to this unusual test.

The goal of the Housing Court hearings is to provide all parties involved with an opportunity to resolve issues without an eviction. When put into practice, this is exactly what happened. At the Oct. 2 session in which Merritt Abney and I participated, it became evident that a lack of communication between the landlord and tenant led to most of the evictions being filed. Having a pro bono attorney present certainly helps indigent tenants understand their options and rights. But from my experience, it seems even more important that the pro bono attorney can help the landlord and tenant communicate in order to reach an outcome positive to both sides. Further, if all else fails, the pro bono attorney can negotiate with the landlord to let the tenant move out without a formal eviction judgment on his or her record. Such a judgment is very detrimental to securing future housing.

At the Oct. 2 session, we avoided evictions for three tenants, and one of the cases was continued. Another case was dismissed because the tenant moved out voluntarily prior to the hearing. It felt very gratifying to help kickstart the first successful Housing Court session. There are some kinks, inherent in any new program, that will need to be worked out to smooth over the process. Judge Mikell, Judge Ellen Steinberg, and Judge Joanna Summey-Fuller, whose courts were chosen for the Housing Court program, are all committed to ensuring the success of this project. I know that the above-referenced legal groups, along with the Charleston Magistrate Judges, are already hard at work on improving this process. For instance, they now have figured out a way to give pro bono attorneys notice of the clients and issues in advance of the hearings.

From an attorney's perspective, I can honestly say this was one of the most interesting and rewarding experiences I have ever had. I feel honored and proud to be a part of the Housing Court project. I believe this will be a great and successful program that will help many tenants keep their homes and landlords keep their tenants. I look forward to volunteering again, and I hope to see engagement from many of my Charleston Bar colleagues. Young attorneys and/or those with limited courtroom experience, like me, would also greatly benefit from participation in this project, in addition to having the chance to help people facing eviction navigate this difficult and often scary situation.

To volunteer for this great pro bono opportunity, please contact Jeff Yungman at jyungman@one80place.org.

Olesya Bracey is an associate in the Charleston office of Nelson Mullins who practices in the areas of general litigation, complex commercial litigation, and business tort litigation.

[View on Website](#)

These materials have been prepared for informational purposes only and are not legal advice. This information is not intended to create, and receipt of it does not constitute, an attorney-client relationship. Internet subscribers and online readers should not act upon this information without seeking professional counsel.

MEET OUR AUTHOR



Olesya V. Bracey

Associate

T 843.534.4326

olesya.bracey@nelsonmullins.com