Law Students and Local Attorneys Partner with St. Louis City and County to Provide Free Mediation Services in Landlord-Tenant Courts

A decade into the recovery from the 2008 economic recession, thousands of low- to middle-income St. Louisans are still scrambling for stable housing. In 2017, landlords filed more than 15,000 lawsuits against tenants who were unable to afford rent, resulting in over 40 eviction filings a day. Hundreds of these landlord-tenant cases end up before a judge, without a lawyer present for either side.

The St. Louis Mediation Project has worked successfully with the St. Louis City Circuit Court landlord-tenant dockets most Friday mornings for almost a decade, with volunteer lawyers and law students providing free mediation services to the parties. Due to the success of the Mediation Project in St. Louis City, mediation services were requested in St. Louis County Circuit Court last year. The Mediation Project now provides mediation services for the St. Louis County landlord-tenant pro se dockets on Tuesday afternoons.

The Mediation Project is a joint endeavor of the Washington University School of Law Civil Rights & Community Justice Clinic, the St. Louis Equal Housing & Opportunity Council, and U.S. Arbitration & Mediation. Law school faculty and volunteer lawyer mediators assist with the mediations and oversee the work of law students.

The Mediation Project addresses multiple problems: the high rate of eviction in St. Louis, overcrowded courts, and the important need to introduce law students and lawyers to pro bono community-based lawyering and dispute resolution.

“The mediation process allows landlords and tenants to negotiate workable resolutions that help everybody,” said Washington University Law Professor Karen Tokarz, who teaches the Civil Rights & Community Justice Clinic and directs the school’s Negotiation & Dispute Resolution Program. “Evictions exacerbate the housing crisis in St. Louis, and negatively impact families, landlords, the community, and the local economy. In the end, mediation means better outcomes for everyone.”

Preliminary data demonstrate the success and value of the project, according to Professor Tokarz. About 80 percent of mediated cases settle, removing the need for a trial. And, while a mediated agreement does not totally eliminate the possibility of an eviction, more than three-quarters of the cases in which agreements have been reached in mediations do not result in eviction, a much lower rate than those cases that go to trial.

“Housing court mediations help balance the scales and allow all parties to better meet their needs,” added Mike Geigerman, managing director of U.S. Arbitration & Mediation in St. Louis. “Plus, it’s a wonderful opportunity for lawyers and law students to give back to the community.”

According to Sam Stragand, staff attorney at the St. Louis Equal Housing & Opportunity Council, “No one wins in evictions.” Landlords lose income from unpaid rent and the legal costs in evictions. Tenants lose the security of a roof over their heads, and have marred rental records that can impair their ability to rent in the future. Children in families that are evicted must shift to
new schools, and fall behind their peers. Unstable neighborhoods continue to churn, “because no one’s putting down roots,” he added.

Many landlords agree. “The last thing you want to do is to have to evict,” said Wes Kozeny, an attorney for Kozeny & McCubbin, which represents the mortgage banking industry, commercial real estate owners, and residential lenders. “When I represent a landlord for the first time, I go over the right way and the wrong way to work out disputes with tenants. What really gets their attention is the fact that doing it the right way is also the most cost-effective way to either get the tenant back on track, or recover possession of the rental unit.”

St. Louis City and St. Louis County judges are uniform in their praise of the Mediation Project and have actively embraced mediation services. Judges presiding over the pro se landlord-tenant dockets work closely with attorneys and law students to enhance services to landlords and tenants.

Judge Nicole Colbert-Botchway, Associate Circuit Judge in the 22nd Circuit in the City of St. Louis, is currently presiding over a Friday morning landlord-tenant pro se docket for the second time. “I have seen how the St. Louis community benefits from the Mediation Project with improved relations between landlords and tenants, increased agreements on tenant move-outs and payment plans, and fewer forced evictions through the sheriff’s office,” she said.

Judge Colbert-Botchway added: “Our court gains from its message to the community of its willingness to work with parties to achieve justice. The mediations lessen the burden on the courts, allowing judges to spend more time on the cases that need to go to trial.”

Judge Ellen Dunne, Associate Circuit Judge in the 21st Circuit in the County of St. Louis, presided over the first landlord-tenant docket mediations in the County last year. “Emotions run high in landlord-tenant disputes, and can be tough,” Judge Dunne said. “The Mediation Project offers assistance to the parties, provides law students real-world experience and an understanding of the contribution pro bono service can make to clients and the community, and helps our courts address a serious need in our region. This project is a win-win-win for all of us.”

For more information or to volunteer, contact: http://bit.ly/STLMediationProject

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