

Does Anyone Make Decent Money Representing Residential Tenants?

Do any of you make decent money representing residential *tenants* in Landlord/Tenant court? If so, how do you do it? I am trying to settle a debate with a friend. I used to do take some tenant cases when I first started my practice and found it not profitable, but she doesn't believe me. She seems to think it's a very lucrative practice area because we have a mutual friend attorney who does it and he lives in a very affluent town, but I point out that he also does personal injury, real estate, and criminal/traffic defense.

If there's a way to make good money doing it, I'll try to take some L/T cases again. It's just that at this point in my career, I can command a high fee for a day in municipal court than what I would earn for a (potentially longer) day in L/T court. Maybe I'm missing something.

Naturally, an attorney can have a very successful L/T practice if he or she has a good book of business on the landlord side, but I do not.

Define "decent".

I've an acquaintance who assures me one is lucky to earn 40k/yr doing "eviction defense". I remarked I could make as much and more as a freelance web-programmer.

Since the topic is on the table, yes, I am a lawyer, but I was a web-programmer first. Happy to hear from you off-list if I might be of service.

Robert Link, California

I guess I meant "decent" to mean that after considering your opportunity costs of working on other types of matters, it's still profitable to spend a few hours to a whole day or two a week in L/T court.

Jason Komninos, New Jersey

Depends somewhat on whether your State has adopted a liberal version of the uniform landlord tenant act. My state provides treble damages to aggrieved tenants for certain violations and lawyers' fees at your full rate.

Duke Drouillard, Nebraska

That's a good point, Duke. My state does, in fact, allow treble damages for violations on the landlord's part. Do you get a lot of these cases? In my experience, most cases I have handled or watched in L/T court were routine eviction for lack of payment cases

Jason Komninos

For a glimpse of "opportunity costs" one is invited to visit <http://oblios-cap.com> where one can find a nice representation of, in the language of chess, the opportunity cost of poor play by white.

Robert Link

I work as a prosecutor now, but I knew a couple of attorneys who made good use of the statute. It wasn't their only area of practice, but complimented other areas serving indigent or low-income clients. Abuses tend to be rampant in low income housing.

Duke Drouillard

It depends on what you mean. Exclusively? No. Finding tenants who can pay is difficult. But, I take a couple of cases a month, make a little extra cash and keep my trial skills honed. So, the benefits are more than just the income.

Jonathan Stein, California

The problem with defending eviction cases is that most of the time the people are being evicted because they aren't paying rent, and are unlikely to have money to pay you. So that leaves you with cases where they have a good claim for damages against the landlord. That is hard to predict from an initial consultation in my experience. It is also hard to make decent money representing landlords in my area unless you are doing volume business and have multiple cases scheduled for the same date and time.

Otherwise you will lose money just sitting in small claims court for your one case to be called while the firms that represent large property owners are having their dozens of cases called.

I found making a good connection with a process server who served a lot of eviction papers helped. When she would have unrepresented landlords who didn't want to appear in court, she would send them my way.

Brian C. Hagner, Wisconsin

Good points, Jonathan. I did not mean exclusively, more like, if one can earn enough from L/T that it does not take away from his or her other practice areas and still be worthwhile. Naturally, as you indicate, if you enjoy a practice area and/or there are other benefits to taking on a case, then the fee is less important. I don't go out of my way to advertise collection law, but I'll do it for the right client due to my prior experience in that field and for the satisfaction of helping someone get out of debt.

Jason Komninos

You can make money taking LLT cases in which your client is the PLAINTIFF.

This requires appropriate LLT statutes, a large housing market and very good advertising since you're only taking 10% of possible LLT cases.

For example, if you limit your Massachusetts practice to "clients who have not gotten their SD and it's more than 30 days after the tenancy" you can sue the LL and win many of them on SJ and it's perfectly efficient. Same with "clients who have been locked out" and so on.

You can also make money in high-rent areas doing some defenses, because it can be more efficient for the tenants to pay you than to pay their rent

Erik Hammarlund, Massachusetts

IN NYC, you can make plenty of money representing just tenants and without any of the damage cases. Only a small fraction of my practice is related to tenant defense. However, the firms that make good money do a high volume (appearing in 10+ calendar appearances in one day, though an associate or of counsel).

Nick Bowers, New York

Interesting. Down here in Virginia, at least, it's a different story. In a past life I did collections work for a realty company that managed apartment complexes throughout Tidewater. We brought over 1000 unlawful detainers a month, and I probably tried dozens of cases over the course of

3 or 4 years involving tenants who felt they shouldn't have to pay their rent. I think I remember 2 cases where the tenants actually hired an attorney, and both of those settled before trial.

Kevin Grierson, Virginia

Here is what I learned representing tenants: Don't do it without money up front because you will not get paid.

Timothy A. Gutknecht, Illinois

Typically, the amounts in dispute are not as high as a reasonable hourly rate times the hours required to resolve. Some use these cases as a loss leader to get tenants with more lucrative claims due to bad conduct by the landlord, but the cases need to be screened heavily.

Darrell G. Stewart, Texas

Depending on your statutes, you can make money representing the RIGHT residential tenant.

You're not likely to make much money on evictions, normally; if tenant can't pay rent they can't pay you.

However, in Florida, we have statutes on 'self help' evictions; basically LL can't change locks, shut off utilities, etc. without writ of possession. And if LL tries it, they're statutorily liable for 3 months rent plus attorney fees plus costs. I've made money off a few of these cases. But you need the RIGHT case.

My blog post gets me inquiries from time to time:

<http://flawyer.us/ProbateThoughts/http://flawyer.us/ProbateThoughts/no-no-nanette-you-cant-turn-off-the-electricity-just-because-theyre-not-paying-the-rent>

Ronald Jones, Florida

NY is different from all of the above in that we have rent regulated apartments that can often have rents well below fair market value. There are lot of tenants

that will pay to not lose that savings, and a lot of landlords that litigate to avoid trying a few hundred thousand dollar buy-out of the tenant.

Nick Bowers

Absolutely not. Although it's a great area of law. I couldn't make a living representing residential tenants exclusively. Now, it's about 30% of the time.

I also represent small landlords (40% of my practice). 30% of my practice is family and employment law.

The problems with residential tenants are (1) they don't see the value of having an attorney until it's too late; (2) they want payment plans; and (3) most are extremely unsophisticated.

Paula J. McGill

I agree with you Jonathan. My trial skills have improved substantially over the last 5 years because of my appearance in landlord-tenant cases.

Those skills can be transferred to the larger cases.

Paula J. McGill

Generally, they need you because they didn't pay the rent. So, if they have no priority on paying to keep a roof over their head unless you get it all up front they'll never keep their payment schedule.

John Davidson, Pennsylvania

I used to handle quite a lot of them, and they were generally break-even at best (assuming they paid at all).

To that list, I would add:

(4) most are facing summary ejectment because they didn't have the money to pay the rent.

I will consider cases, but rarely get engagement anymore now that I demand payment up-front, and if the hearing is in less than two weeks, payment must be in cash or money order. Why? Over 10 years of practice, my highest rate of client non-payment is in LL/T cases. (Second highest is probably clients who came to the initial consultation with, or claiming to have, only the minimum fee, alleging a misunderstanding of the fee structure, but not disclosing this until *after* the consultation, and then promising to mail the balance. This often happened in putative workplace harassment or discrimination claims that proved to have no basis in fact. "I waited and waited, and when no response came, I knew it must be from you." -Ashleigh Brilliant)

Two years ago, I was defrauded by a residential tenant (and I'm now in civil litigation) who paid me (and through me) with checks drawn on closed accounts, which took remarkably long to be returned. Not counting anguish and anxiety, the calculable damages (excluding lost fees) approached \$20K, and I nearly lost my house to foreclosure because I had to scavenge personal funds to cover the bounced check into the trust account that had bounced *after* subsequent distribution to the landlord.

Most of the tenant-side cases I take now are disputes over living conditions, ADA, etc., that have not yet reached summary ejection. They're not especially profitable.

Rick Rutledge, North Carolina

I am sure that it depends on the jurisdiction. In Florida there was a time where we could get evictions dismissed easily based on technical issues in the Three-Day Notice, and upon dismissal we could recover attorney's fees.

One attorney I know was making about \$25,000-\$30,000 per month for a short period of time until an appellate decision came out that required the tenants to put the unpaid rent in the court registry. That same year the legislature made it harder to get the case dismissed on a defective notice.

Dennis Chen, Florida

