

THE LOCK-OUT

G.G. Johnson General Information

Complainant G.G. (Gee Gee) Johnson is the single, unemployed parent of two children and is supported solely by public welfare. Respondent Sean Gavin is a wealthy well-known attorney who owns and manages a six-flat apartment building. Gavin rented a basement apartment to Johnson under an oral month-to-month agreement for \$1,200 a month, with a \$1,200 security deposit. During the third month of the tenancy, Johnson failed to pay the rent, maintaining the money was needed for auto repairs. Johnson ignored demands on five different days that month to pay or move out. Two days after the next month's rent was due, the Johnson family came home and found that the apartment lock had been changed.

Gavin told them they could have access when the rent was paid. Johnson moved in with relatives. Gavin let the Johnson family move its things out in exchange for an agreement that Johnson would pay two months' back rent when Johnson had the money. Johnson has not paid. Recently, Johnson went to the courthouse to discuss his/her options for settling Gavin's claim for back rent. Johnson told the court clerk that:

1. \$200 worth of food had spoiled,
2. the car keys had been locked in the apartment which meant Johnson could neither drive the children to school (they had to miss school) nor look for a job for ten days,
3. Johnson is paying \$200 per week to stay with the relative,
4. the family was saddled with \$175 in utility bills for the month even though they were locked out, and
5. their cat died of starvation in the apartment.

The court clerk suggested mediation, and Johnson agreed to try it.

Confidential Information

Although your name is G.G. Johnson, most people call you "Gee Gee" you never make an issue over it. You were not surprised when Gavin locked you out because you had ignored repeated requests for the rent. Nor did you have any idea whether the lock-out was legal or illegal. You hadn't even thought about that. You just figured you were in a money bind, you owed Gavin some rent and were ready to absorb the other losses. You're still living with your relatives but you have to find something on your own right away -- the living conditions are impossible for you and the kids.

Last week, when you tried to buy a television set, a check of your credit rating showed Gavin's report that you had not paid the rent. Even worse, you know that your credit rating will affect your ability to get another apartment. You do not know whether you need to pay because you are unsure whether or not a lock-out is illegal. Your brother-in-law instructed you to ask the mediator to predict the outcome of a trial if you sued Gavin. You are to follow his advice. If the mediator refuses to predict, press the mediator to tell you your rights under the law. Explain to the mediator how difficult it is to make an informed decision if you don't know your rights. If the mediator doesn't cooperate, continue the negotiation.

You would be willing to pay \$500, your last savings, to take care of this if you cannot get any assurance that you could recover in court. When you sense you are near agreement, leave to check out the proposed settlement by phone with your brother-in-law. You have a job interview scheduled nearby and would like to be out of mediation as soon as possible. You don't want to share this information with anyone. At the time in the role play that you leave to make the phone call*, obtain additional instructions from one of the trainers or coaches.

**At least 20 minutes before the end of the time allotted for the mediation (simulation).*