

THE LOCK-OUT

Sean Gavin 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. Apparently, Johnson moved in with relatives. You 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

You are convinced Gee Gee (you always use "Gee Gee," never "Mr./Ms. Johnson") was trying to rip you off for as much rent as possible. Gee Gee had no right to put auto repair money before the rent. You know that lock-outs are illegal in your state but most tenants--especially those who are low income--do not know that. Besides, if you had not used a lock-out, the apartment would have been tied up with no income for months. You will have not gotten the rent, but you filed a complaint with the credit bureau and guess this is what brought Gee Gee to the courthouse to straighten this out.

It is important that you resolve this matter quickly and with a confidentiality agreement. You received word last night that the President of the United States plans to nominate

you to a top position in the Justice Department today. You know that If word gets out that you locked out a tenant, you will never survive the Senate confirmation hearings. If a landlord locks out a tenant, the landlord is liable for resulting damages.ⁱ

ⁱ Adapted from "The Lock-Out" © 2019 Matthew Bender & Co., Inc.