

Winston Pro Bono Team Secures Meaningful Access to Courts for Tenants in Alabama

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A Winston Houston team and The University of Alabama School of Law's Civil Law Clinic scored a critical win for a single mother in Alabama, and in the process changed the law to better protect vulnerable tenants statewide.

Bridgette Morrow leased a home for her family in Tuscaloosa, Alabama. But the home, including its electrical system, was in constant disrepair. Because the landlord refused to make any repairs, Ms. Morrow requested an inspection from the city housing authority. In response to the city inspector's deficiency notice, the landlord retaliated against Ms. Morrow by hand-delivering an eviction notice to her children. The landlord then sued for possession, and Ms. Morrow and her children moved. The landlord sought voluntary dismissal of his action for possession, which the court granted—with prejudice.

Subsequently, with help from the Civil Law Clinic, Ms. Morrow brought claims against her former landlord under the Alabama Uniform Landlord and Tenant Act for, among other things, retaliation. But the trial court dismissed Ms. Morrow's lawsuit, finding that her claims should have been raised in the landlord's prior action.

The trial court's decision fit with years of local practice in Alabama courts, where tenants—many of whom were *pro se*, indigent, and facing imminent homelessness—were required to identify and raise counterclaims during an extremely short window before the hearings in their landlords' actions for possession, or risk having those claims forever barred.

Partner Paula Hinton and Associate William Logan, along with Yuri Linetsky and Caryn Roseman from the Civil Law Clinic, represented Bridgette Morrow on appeal. Legal Services Alabama and Alabama Applesseed filed an invaluable *amici* brief in support of Ms. Morrow's positions. The team argued that a tenant's monetary counterclaims are not mandatory when a landlord sues for possession, and that a dismissal just because a tenant has moved is not sufficient to support a *res judicata* bar, even where the dismissal was with prejudice. A unanimous Alabama Court of Civil Appeals agreed, allowing Ms. Morrow's lawsuit against her former landlord to proceed, in the process ensuring that courthouse doors across Alabama are no longer barred to similarly situated tenants. This decision is binding precedent for trial courts statewide.

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