

How to Vacate a Default

Learn how to prepare, argue, and win your motion

Peter Houck, Staff Attorney, Housing Justice Project, Presenter

1.5: Law/Legal Credit
Approval #1075928

Friday, July 13, 2018, 12:00-1:30

King County Bar Association

This CLE is FREE to all new and current KCBA Pro Bono Services volunteers

Registration is required.

Attendance is in person or via video streaming.

In-Person Location

King County Bar Association

Please RSVP for

streaming instructions

Please RSVP to Arlen Olson at arleno@kcba.org

A motion to vacate a default judgment is one of the most important and complicated motions made by HJP volunteers. Renters who have been defaulted are at the greatest risk of being physically evicted, and this motion is usually the only way to protect them. To succeed, volunteers need to know not only the defenses to evictions, but also the procedural rules and case law that control the process for vacating a judgment.

In this training, we'll learn the civil rules, the local rules, and the case law that control a motion to vacate. We'll work together to closely read the language of the rules and the reasoning of the cases to create persuasive arguments grounded in the law. We'll learn the nuts and bolts of writing, filing, and serving a motion. And we'll practice making arguments at a mock hearing. Participants will leave the training with the practical skills needed to successfully vacate a default, skills that are transferable to most areas of civil litigation.

AGENDA

12:00 – 12:05 pm	Review of what we'll cover
12:05 – 12:30 pm	The key rules CR 60 and 55 and the case law interpreting them. Close reading of the rules and cases. Policy arguments and how to use them.
12:30 – 12:45 PM	The procedure How to write and file the motion Recent case law that prevents stays: <i>Reynolds v. Harmon</i> How to deal with <i>Reynolds</i> : shorten time
12:45 – 1:00 PM	Putting it all together Read 2-3 short hypotheticals and, working as a group, brain storm arguments and counter arguments
1:00 – 1:30 PM	Practice Using our brainstormed ideas, a couple of brave volunteers will play the role of plaintiff's and defense counsel at a short mock hearing. Then the group will have a chance to ask questions.
1:30 PM	Adjourn

Biography

Peter Houck is a staff attorney at the Housing Justice Project, where he has represented renters since 2016. He deals with, and helps volunteers deal with, motions to vacate every week at HJP. He graduated in 2016 from the Seattle University School of Law and is a licensed member of the Washington State Bar Association.