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The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment

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This article presents results of the first randomized experimental evaluation of a legal assistance program for low-income tenants in New York City's Housing Court. The results demonstrate that the provision of legal counsel produces large differences in outcomes for low-income tenants in housing court, independent of the merits of the case. For example, only 22% of represented tenants had final judgments against them, compared with 51% of tenants without legal representation. Similarly large advantages for tenants with an attorney also were found in eviction orders and stipulations requiring the landlord to provide rent abatements or repairs. In addition, the results suggest that a program of legal assistance for low-income tenants would not increase significantly the number of appearances in court, although it would increase the number of days to final judgment. The program may enhance the efficiency of adjudication by reducing the number of motions filed, particularly post-judgment motions. Limitations and policy implications of the study are discussed.

We particularly want to acknowledge the contributions of the Legal Aid Society's Community Law Office (CLO) and the Association of the Bar of the City of New York, who jointly devised and implemented the Housing Court Litigation Project, including recruitment of the participating law firms. The project and the study also could not have been done without critically needed funding from the IOLA Fund of New York State and the wholehearted support of the then Administrative Judge of the Civil Court of the City of New York, the Hon. Jacqueline B. Silverman. Judge Silverman allocated very scarce space in the courthouse of the New York County Civil Court to house the project's staff, selected the judges who participated, and secured the cooperation of the clerks of the Housing Court to assign the treatment and control cases to the same judges. A very special thanks, as well, is due to the CLO staff who operated the courthouse office, worked with the evaluators to implement the study design, and mentored the volunteer counsel. The staff members were supervising attorney J. Lorch Brooks, staff lawyers Michael Bournes-Ney and Judith Whiting, and paralegals Aida Serrano and the late Cathey Goell. During a long project, Ms. Goell's commitment to clients, good humor and attentive administration of the case files proved critically important.

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Introduction

This article reports findings from a randomized experiment to test the effects of a program that provided legal representation to low-income tenants in New York City's Housing Court. While almost all landlords in Housing Court have the benefit of legal representation, the vast majority of tenants do not (Task Force 1986; Community & Training Resource Center 1993). Legal advocates for the poor have thus argued for a right to legal counsel in Housing Court, similar to the right that exists in Criminal Court, on grounds that it would ensure due process of law and procedural safeguards in an area of vital interest to tenants, their families, and society (*Gideon v. Wainwright* 1963). Aside from the question of cost, arguments against a right to counsel in Housing Court center primarily on the administrative burden on the Court that such an expansion of legal assistance might entail (Heydebrand & Seron 1990). Briefly, the findings from this experiment show that low-income tenants with legal representation experience significantly more beneficial outcomes than their counterparts who do not have legal representation, independent of the merits of the case. Furthermore, the findings from this experiment suggest that the presence of legal representation may impose only modest time delays or other indicators of administrative burden on the court system and may even be more efficient for the courts in certain respects.

The article begins with the background of the study, including the history and function of Housing Court, prior research on the operations and outcomes of Housing Court, and the design and development of the legal assistance program that was the object of the evaluation. It then presents the experimental design of the evaluation, presents empirical findings, and discusses the limitations as well as the implications of the findings for housing policy and the reform of Housing Court in New York City.

Background

In the early 1970s, the State of New York created a specialized Housing Court Part under the jurisdiction of the Civil Court of the City of New York (hereafter referred to as Housing Court) to enforce state and local laws regulating housing conditions and to adjudicate landlord-tenant disputes. A number of other large cities established specialized housing courts as well during this time (Galowitz 1999). While New York's Housing Court hears disputes

between landlords and tenants over a range of issues, by far the most common case is a claim filed by a landlord to evict tenants for nonpayment of rent. Annually, New York's Housing Court handles about 300,000 cases and issues nearly 100,000 warrants of eviction (Galowitz 1999). Although the vast majority of tenants in Housing Court appear in court *pro se* (that is, they represent themselves without an attorney), most landlords have lawyers. For example, one study found that 21% of tenants in Housing Court were represented by a lawyer, whereas 78% of landlords were represented by a lawyer (Citywide Task Force on Housing Court [Task Force] 1986). A more recent study estimated that only 12% of tenants have legal representation, compared to 98% of landlords (Community Training and Resource Center 1993).

New York's Housing Court plays a crucial role in the city, particularly as it affects the housing conditions and welfare of the city's poor. Seventy percent of New York City's 2.8 million households are renters, 500,000 of which have incomes below the federal poverty line (Schill & Scafidi 1999). The housing stock of the city is very old and in comparatively poor condition, with low-income households much more likely to live in the most dilapidated and neglected buildings. Still, rents in New York remain unaffordable to many: 19% of the city's renters and 95% of low-income renters pay half or more of their income in rent (Schill & Scafidi 1999). The city has long had a chronically low rental-housing vacancy rate, particularly at lower rent levels, and homelessness continues to be a major social problem that many believe is linked to the city's housing woes. It is important to note that New York's housing market is characterized by extensive rental controls and other housing regulations that, although designed to protect tenants and maintain housing standards, further complicate Housing Court adjudication.

The lack of legal representation for most tenants, the severe housing problems of the city, and the complex regulatory system in New York have led legal advocates for the poor to argue for a right to counsel in Housing Court (Scherer 1988). This argument rests in large part on the principle of due process of law, a key element of which is protection against procedural error. It is often argued, however, that legal representation slows down the wheels of adjudication. Lawyers may be effective, but they engender inefficiencies by filing multiple motions, or they may demand changes in scheduling to stall resolution of the dispute (Heydebrand & Seron 1990). Such tactics and delays may in turn encourage tenants to hold out without paying rent and deprive landlords of vital rental income to maintain and operate their buildings.

In 1993, the Interest on Lawyer Accounts Fund (IOLA) of New York provided funds to support The Pro Bono Project against Homelessness. The funds were jointly granted to the Le-

gal Aid Society Community Law Offices in the Society's Volunteer Division (hereafter referred to as CLO) and to the Association of the Bar of the City of New York (ABCNY), and CLO was designated as project coordinator. The goal of the project was to enlist the services of volunteer (i.e., pro bono) attorneys, many from the largest law firms in the city, to represent low-income tenants in Housing Court. Because of the enormous need for attorneys, a related goal of the program was to "concentrate on cases that meet two principal requirements: a) they could lead to eviction and b) they give reason to believe that a lawyer could have a significant impact on the outcome" (Housing Court Litigation Project 1992-1993:4). Also, in focusing on eviction cases, a goal of the study was to protect families against breakup, a common side effect of homelessness.

CLO established an in-take office in the Manhattan Housing Court, with support from the Administrative Judge of the Civil Court. Staff from CLO managed the program, including screening of cases and assignment and supervision of pro bono attorneys.¹ Attorneys from 17 firms were recruited and received basic training by CLO attorneys in the housing code and related matters of litigating in Housing Court. Because the volunteer attorneys in the program were not specialists or even necessarily experienced in Housing Court litigation prior to the program, CLO staff assisted the volunteer attorneys in developing a plan of action for each case. The staff paralegal worked on the welfare aspects of the case with the volunteer attorney, while the staff attorney assisted the volunteer attorney in preparing papers and thinking through case strategies. In other words, CLO attorneys worked closely with volunteer attorneys on all phases of the case, including negotiating, drafting stipulations of settlements, and trying cases before the Court.

An independent evaluation of the program was requested as a condition of funding. The evaluation was intended to answer two primary empirical questions:

1. Does the provision of legal counsel affect outcomes for low-income tenants in Housing Court, including final judgments, warrants of eviction, and stipulations requiring rent abatement or repairs to the property?
2. Does the provision of legal counsel for low-income tenants produce delays and other inefficiencies for the Court, including a lengthening of the average time required by the Court to dispose of a case and an increase in the number of motions filed?

The evaluation initially included two additional research questions. The first concerned the post-trial experiences and per-

¹ For the duration of the Project, five legal aid staffers: two full time staff attorneys, one supervising staff attorney, and two full time paralegals were responsible for assisting volunteer attorneys and administering the project's operations.

ceptions of tenants. Building on a large body of research in the area of procedural justice (see, e.g., Tyler 1990; Lind & Tyler 1988), there was a concern to examine whether clients were significantly more satisfied with their experience in Housing Court, regardless of the outcome, when they perceived the process to be procedurally fair. However, funds were not available to conduct follow-up surveys with clients. The second question concerned the use of less intensive legal services, particularly the provision of legal advice by a lawyer and assistance by paralegals, as a potentially more cost-effective alternative to full representation by an attorney. The allocation of cases to "assistance" and "advice," however, was abandoned during the course of the experiment.

Method

The evaluation was designed as a randomized experiment involving a treatment group of legal aid-eligible tenants that was targeted to receive legal counsel through the Pro Bono Project and a control group that was not. In the terminology of research designs, the evaluation is a simple randomized experiment with a post-test only (Cook & Campbell 1979). This section describes the selection and assignment of participants from among those waiting in line in Housing Court and their random assignment to either treatment or control conditions. It then describes the use of court records to extract outcome and process measures for each case after it had closed.

Selection and Assignment of Participants

Participants in the experiment were recruited from among tenants responding to nonpayment of rent petitions and waiting in line at the Clerk's office of Manhattan Housing Court. Recruitment began on September 13, 1993, and continued through June 27, 1994. The following steps were followed:

1. A paralegal assigned to the project asked individuals in line if they had an attorney and, if not, if they met the federal poverty guidelines.² If the individual indicated that he or she would be interested in having legal representation and met the income eligibility for legal aid, he or she was invited to meet with an attorney. For the study period, 377 cases were screened by a paralegal.
2. A CLO attorney met with each client to confirm that the case met the legal criteria for the project, (i.e., that the prospective client faced eviction), that the client would benefit from legal support, and that the prospective client

² Eligibility for legal aid services is based on federal poverty guidelines as established by the Department of Health and Human Services. For example, in 1993-1994, HHS established poverty at \$18,500 for a family of four (45 CFR 1611).

met the income eligibility for legal aid. The CLO attorney then made a decision about the level of intervention that the client was to receive: full representation by an attorney, assistance from a paralegal, or advice from an attorney. Assistance and advice cases were viewed to raise relatively less complex issues than cases that were deemed to require legal representation.³ At this point, the CLO attorney was required to fill out the first part of an in-take form, which provided space to summarize the client's financial eligibility and legal problem.

3. The in-take attorney next left the client and went to a research assistant hired by the evaluators. At this point, the assistant handed a numbered envelope to the in-take attorney; the envelope was opened and contained the instructions, "proceed/treatment" or "control." The results of this step were recorded on the in-take form, including (a) the envelope number, (b) the time of day the envelope was opened and the initials of the assistant, and (c) the instructions as indicated in the envelope. The card and the envelope were then stapled to the in-take form. For the study period, 189 cases were assigned to "proceed/treatment"; 188 cases were assigned to "control."
4. If the instructions indicated "control," the in-take attorney returned to meet with the client and explained that it was not possible to provide legal representation. The client was then escorted back to the Housing Court line where he or she could return to the same place in the queue. If the instructions indicated "proceed/treatment," the in-take attorney then assigned the case to a volunteer attorney. The experiment was designed so that neither the in-take nor the volunteer attorneys knew whether the case was part of the actual experiment as opposed to the broader Pro Bono Project. Of the 377 cases screened between September 13, 1993, and June 27, 1994, 268 had been randomly preselected for study; 134 were assigned to treatment and 134 were assigned to control.
5. Following an agreement with the Administrative Judge of the Civil Court, control and treatment cases were rotated through the same three judges for the duration of data collection for the evaluation. Judges did not in any way know which cases were in the study. Also, the Administrative Judge implemented a procedure whereby the cases were assigned to judges who have a particularly strong reputation as equitable and fair decisionmakers who are willing to assist *pro se* defendants.

³ See Appendix A for the original and complete definition of representation, assistance, and advice cases.

After the commencement of the program, the CLO staff reported at various meetings that the assistance and advice categories were not viable because it was impossible to distinguish normatively a case that required a lawyer from a case that required a lesser level of intervention (see, e.g., Berk et al. 1988). After much discussion, the decision was made to abandon the triage design and simply determine legal aid eligibility. Therefore, cases were assigned to either (1) treatment/representation or (2) control/representation. There was some inconsistency, however, in the provision of legal services to those initially categorized as needing assistance or advice.

Table 1 Distribution of Treatment and Control Cases by Legal Representation

	Treatment	Control
Represented	75 (56%)	5 (4%)
Unrepresented	59 (44%)	129 (96%)
Total	134 (100%)	134 (100%)

The data in Table 1 show the number and percentage of participants in the program who did and did not receive an attorney for treatment and control cases. Among the cases in the control group, only 4% of the respondents in fact had an attorney; that is, these respondents went out and secured other, private legal representation. This low level of legal representation among tenants in the control group is in keeping with prior research on New York City Housing Court tenants.⁴

Among the treatment group, only 56% received legal counsel and 44% did not. The fact that not all of those within the treatment group received legal representation is the result of inconsistent delivery of legal services to those cases that were initially categorized as “advice” or “assistance.” Thus, in our analysis, we estimate two effects: the effect of the initial assignment, or intention to treat, regardless of whether the tenant in fact received the benefits of legal representation; and the effect of the treatment itself on those treated. The assignment effect is estimated through a simple comparison of means; the treatment effect is estimated using a basic instrumental variables (IV) approach (Angrist et al. 1996).

Outcome Data and Measures

Prior to any data analysis or hypothesis testing, the outside evaluators and professional staff of CLO identified a limited number of measures from the coded case records, obtained from the Office of the Clerk of the Housing Court, as the best availa-

⁴ See page 421, where other findings show that about 12% of tenants in Housing Court are represented by an attorney.

ble test variables for the two major hypotheses described earlier. Five variables were selected to test the hypothesis concerning the effect of the program on substantive legal outcomes:

- Whether or not the tenant defaulted or failed to appear;
- Whether a judgment was made in favor of or against the tenant;
- Whether or not a warrant for eviction was ordered;
- Whether or not a stipulation requiring repairs was entered; and
- Whether or not a stipulation requiring rent abatement was entered.

Four additional variables were selected to test the hypothesis about the effect of the program on the efficiency of the Court.

- The number of court appearances required in a case;
- The number of days required to dispose of the case, from initial answer to final disposition;
- The number of motions filed in the case; and
- The number of post-judgment motions filed.

Again, these variables were identified, a priori, as the conceptually clearest and most relevant measures available to test the two major hypotheses.

Table 2 Comparison of Outcomes for Treatment and Control Groups

Outcome	Treatment	Control	Test Statistic, <i>p</i> -Value (two-tailed test)
Default or failure of tenant to appear	15.8% (<i>n</i> = 133)	28.2% (<i>n</i> = 124)	$\chi^2 = 5.82, p = 0.016$
Judgment against tenant	31.8% (<i>n</i> = 132)	52.0% (<i>n</i> = 123)	$\chi^2 = 10.71, p = 0.001$
Warrant of eviction issued	24.1% (<i>n</i> = 133)	43.5% (<i>n</i> = 124)	$\chi^2 = 10.95, p = 0.001$
Stipulation requiring rent abatement	18.8% (<i>n</i> = 133)	3.2% (<i>n</i> = 124)	$\chi^2 = 15.54, p < 0.001$
Stipulation requiring repairs	45.9% (<i>n</i> = 133)	28.2% (<i>n</i> = 124)	$\chi^2 = 8.53, p = 0.003$

Findings

The data in Table 2 report the comparison of outcomes for treatment and control cases for the first hypothesis, i.e., the program has a beneficial effect on the outcomes experienced by tenants. These results represent a conservative estimate of the treatment effect because, as mentioned, a substantial minority of tenants in the treatment group was never provided with an attorney. Still, on all five measures, tenants in the treatment group experienced significantly more beneficial outcomes in Housing Court than controls. Not only are the effects highly significant statistically, but the magnitude of the differences are also large in

substantive terms. Notably, while approximately 28% of the control cases show defaults or failure to appear in Housing Court, only about 16% of treatments do so. And although judgments were issued against 52% of control cases, only approximately 32% of the treatment cases had judgments against them. Similar differences in favor of the treatment group can be seen in the percentage of warrants for eviction and the percentage of stipulations for rent abatements and repairs.⁵

Table 3 Comparison of Court Process Indicators for Treatment and Control Groups

Court Process Indicator	Treatment	Control	Test Statistic, <i>p</i> -Value (two-tailed test)
Mean number of court appearances	4.15 (<i>n</i> = 119)	3.61 (<i>n</i> = 108)	<i>t</i> = 2.22, <i>p</i> = 0.138
Mean number of days from answer to final judgment	111.48 (<i>n</i> = 124)	82.32 (<i>n</i> = 120)	<i>t</i> = 5.05, <i>p</i> = 0.026
Mean number of motions filed	0.95 (<i>n</i> = 133)	1.12 (<i>n</i> = 124)	<i>t</i> = 0.89, <i>p</i> = 0.347
One or more post-judgment motions filed	12.8% (<i>n</i> = 133)	29.0% (<i>n</i> = 124)	χ^2 = 10.35, <i>p</i> = 0.001

The findings reported in Table 3 address the issue of delays or burdens on the Court, again looking only at the effect of initial assignment. Overall, the findings reported in Table 3 do not provide much evidence in support of the hypothesis that lawyers create inefficiencies for the court system. Though treatment cases sit on the docket for significantly more time (about 111 days) than control cases (approximately 82 days), treatment cases do not generate significantly more court appearances or motions than control cases. In fact, the findings actually suggest that lawyers may create some efficiencies for the Court. Treatment cases are significantly less likely to have post-judgment motions filed (approximately 13%) than control cases (29%). Post-judgment motions may take one of three forms: (1) motions seeking a stay on eviction and extensions of time to pay arrears; (2) motions seeking to set aside the stipulation entered into, as it was unduly harsh or improvidently entered into; and (3) motions seeking to be restored to an apartment after eviction. Post-judgment motions are especially burdensome for the Court because they require a case to be reviewed and reopened after what was supposed to have been a final resolution of the dispute. These results suggest that counsel are effective in obtaining stipulations and compliance, and this in turn may produce significantly fewer of these motions when clients are represented.

⁵ It should be noted that a court order to require that a landlord make repairs to a building is the necessary first step in the process of securing actual repairs. Resources for this study did not permit systematic analysis of whether the repairs were actually made, but without the first step actual repairs are not possible.

In interpreting these findings, it is important to note again that the treatment category includes some cases ($n = 59$) in which the client did not in fact receive the services of a lawyer (see Table 1). It is reasonable to assume that the impact of a lawyer, that is the impact of the treatment on the treated, may be larger than that reported in Tables 2 and 3.

Table 4 Instrumental Variables Analysis of Outcomes for Represented and Unrepresented Tenants

Outcome	Represented (coded "1")	Unrepresented (coded "0")	Test Statistic, <i>p</i> -Value (two-tailed test)
Default or failure of tenant to appear	6.3% ($n = 133$)	28.8% ($n = 124$)	$t = -4.44, p < 0.001$
Judgment against tenant	21.5% ($n = 132$)	50.6% ($n = 123$)	$t = -4.51, p < 0.001$
Warrant of eviction issued	10.0% ($n = 133$)	44.1% ($n = 124$)	$t = -5.66, p < 0.001$
Stipulation requiring rent abatement	31.3% ($n = 133$)	2.3% ($n = 124$)	$t = 7.48, p < 0.001$
Stipulation requiring repairs	63.8% ($n = 133$)	25.4% ($n = 124$)	$t = 6.30, p < 0.001$

Thus, Table 4 reports the results of an instrumental variables (IV) estimation of the effect of legal representation itself on the same outcomes as in Table 2. The IV analysis adjusts for the fact that not all of those in the treatment group received the help of a lawyer, as well as the fact that a few of those in the control group found lawyers on their own. Thus these results can be interpreted as the effect of the treatment itself on the treated (Angrit et al. 1996).⁶ As the data in Table 4 show, the treatment effects on all five outcomes are highly significant statistically and of larger magnitude than the results shown in Table 2.

Table 5 similarly shows the IV results for the court process measures (Table 3). The difference in the mean number of court appearances is no longer statistically significant, as it was in Table 3. However, the difference in days is larger than in Table 3, and it remains significant statistically. Finally, the difference in post-judgment motions remains significant and somewhat larger in magnitude than the results in Table 3.

⁶ The IV results, which appear in Tables 4 and 5, were produced using two-stage, least-squares (2SLS) regression. The first-stage equation is $X_i = \alpha_0 + \alpha_1 * Z_i + v_i$ and the second-stage equation is $Y_i = \beta_0 + \beta_1 * X_i + \varepsilon_i$, where X_i is an indicator variable for legal representation (the treatment itself), Z_i is an indicator variable for initial assignment to treatment or control conditions, and Y_i is the outcome of interest. In the second-stage equation, the predicted values for X_i are substituted for the observed values. Tables 4 and 5 show β_0 and $(\beta_0 + \beta_1)$ as the adjusted means for the control group and treatment group, respectively.

Table 5 Instrumental Variables Analysis of Court Process Indicators for Represented and Unrepresented Tenants

Court Process Indicator	Represented (coded "1")	Unrepresented (coded "0")	Test Statistic, <i>p</i> -value (two-tailed test)
Mean number of court appearances	4.27 (<i>n</i> = 119)	3.72 (<i>n</i> = 108)	<i>t</i> = 1.39, <i>p</i> = 0.166
Mean number of days from answer to final judgment	131.77 (<i>n</i> = 124)	81.77 (<i>n</i> = 120)	<i>t</i> = 3.61, <i>p</i> < 0.001
Mean number of motions filed	0.90 (<i>n</i> = 133)	1.10 (<i>n</i> = 124)	<i>t</i> = -1.03, <i>p</i> = 0.304
One or more post-judgment motion filed	6.3% (<i>n</i> = 133)	27.1% (<i>n</i> = 124)	<i>t</i> = -3.93, <i>p</i> < 0.001

Discussion and Conclusion

The findings from this experiment clearly show that when low-income tenants in New York City's Housing Court are provided with legal counsel, they experience significantly more beneficial procedural outcomes than their *pro se* counterparts. Represented tenants are much less likely to have a final judgment and order of eviction against them and more likely to benefit from a stipulation requiring a rent abatement or repair to their apartment. Because this evaluation is based on a true randomized experiment, these differences in outcomes can be attributed solely to the presence of legal counsel and are independent of the merits of the case. Moreover, these outcomes do not appear to come at much expense in terms of the efficiency of the Court; in fact, the presence of an attorney at the tenant's side may actually enhance efficiency by reducing the number of motions, particularly post-judgment motions.

It is important to consider several features of this evaluation that limit as well as fortify its conclusions.

To begin with, the results can be confidently generalized only to the population of cases in Manhattan Housing Court that met the criteria for legal assistance under the Pro Bono Project at the time of the study. Because the cases were selected in part on the basis of a CLO attorney's judgment regarding expected benefits from the provision of legal assistance, the effects of the program may not be as large in a more general cross section of cases involving low-income tenants facing less severe legal challenges. The results also refer only to Manhattan, and the rental housing market in Manhattan is different in important ways than other housing submarkets in the city. For example, housing costs are generally higher, there is a larger proportion of rental housing, and, therefore, a larger proportion of housing is subject to rent regulation in Manhattan than in the other boroughs of the city (Schill & Scafidi 1999). In addition, Housing Court as an institu-

tion has undergone some reforms since the time of the study (See Rent Regulation Reform Act of 1997).

The generalizability of the findings also relates to the characteristics of the judges and lawyers involved in the study. The judges selected to hear both treatment and control cases have a reputation for fairness and for providing guidance to *pro se* litigants concerning the procedures of Housing Court. To the extent these judges may assist *pro se* tenants more than other judges in Housing Court, the experimental results may underestimate the impact of legal counsel. The Pro Bono Project also involved volunteer lawyers, mostly from corporate law firms, not lawyers with experience in Housing Court. In interviews with CLO staff attorneys who managed the Pro Bono Project, they reported that it took a notable amount of their time to work with volunteer lawyers to prepare cases. Housing law has the reputation for being a particularly arcane area of practice and, at the very least, one that is unfamiliar to attorneys who handle the cases typical of a corporate Wall Street practice (see, e.g., Heinz & Laumann 1982). Furthermore, most of the volunteer attorneys only had the opportunity to represent one or at most two clients during the duration of the Pro Bono Project. Attorneys who specialize in Housing Court practice, or volunteer attorneys with more Housing Court experience, might produce even more beneficial outcomes for tenants.

The results reported previously refer only to outcomes of cases as recorded by the Office of the Clerk of the Housing Court. One limitation of these records is that they do not include information on any separate disputes that may subsequently arise involving the same tenant and landlord. A broader picture of the long-term social outcomes would be achieved if case records could be assembled according to the name of the tenant or apartment address (which could not be done for this study).

A related and important issue concerns the eventual outcome in society—in the life of the tenants and the condition of their housing—after a final judgment of the Court. For example, it is unknown from this study whether court orders of eviction or stipulations requiring rent abatements or repairs resulted in actual evictions (and perhaps homelessness), abatements of rent, or repairs made (and hence improvement of the housing stock). Tenants may simply move on to another unit before an eviction occurs, and landlords may delay or fail to provide rent abatements or repairs stipulated by the Court. As mentioned, resource constraints prevented a follow-up survey of tenants that would have shed some light on this question of eventual outcomes in society. It would be informative also to conduct a follow-up inspection of the apartments. Still, procedural outcomes remain important in their own right, not only because they have at least

a plausible connection to tangible outcomes in society but also because they represent due process of law.

Another limitation of this study is that we cannot directly answer the question, What specifically did the lawyers do that produced these substantive results? We interviewed the CLO attorneys on this question. They report that, substantively, lawyers, either from CLO or pro bono lawyers working under the close supervision of CLO colleagues, were able to perform a number of key tasks because of their familiarity with and understanding of the legal culture of Housing Court. These include (1) determining what is actually owed by way of rent; (2) negotiating a reasonable time period for payment when money is owed; (3) negotiating with or litigating against welfare when, e.g., the agency has not issued the full amount of arrears, has issued them to the wrong landlord, or when the client qualifies for a special grant to cover rent; and, (4) obtaining abatements of rent when repairs were not completed in a timely manner. Each of these substantive steps is extremely difficult to accomplish without representation.

While the findings from this experiment provide robust evidence that low-income clients do better in court with legal representation, the question remains whether some other form of legal assistance short of full legal counsel would be similarly effective in some instances. Louise Trubek, a leader in the area of legal services to the poor, has developed highly innovative programs to use paralegal support to extend services provided to the elderly (see Simon 1988; Doremus 1997). Although housing law may be highly arcane, the range of issues that arises is relatively predictable and may lend itself to a more expansive use of paralegal support (also see Kritzer 1998). Of course, unlike a lawyer, a paralegal cannot advocate directly for a client in court. And, the simple fact that a lawyer appears in court may be the critical factor in explaining the outcome of housing disputes adjudicated in a court of law. Nonetheless, whether paralegal support can be an effective and efficient strategy to augment the legal resources of low-income clients in Housing Court remains an empirical question that could be answered through the design and evaluation of a program.

Having said all of this, if resources were extended so that all eligible clients received legal representation, would the findings reported in this study be sustained on a larger scale, extended over a longer time frame and across other jurisdictions? Of course, without empirical analysis a definitive answer is impossible. Nevertheless, in this pilot program, where clients were represented by CLO attorneys or by pro bono attorneys working closely with CLO colleagues, the results are extremely robust. The findings reported here suggest that replication of this pro-

gram in other jurisdictions coupled with rigorous empirical evaluation is warranted.

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Appendix A

Criteria for Allocation of Cases into One of Three Tracks

I. *Representation cases*: The representation category consists of Housing Court cases in which the assignment of counsel appear *likely to prevent the tenant's eviction*. Examples of such cases include:

1. Tenant does not have all of the rent money that is legally due but is entitled to governmental rental assistance;
2. Tenant does not have all of the rent money that is legally due but is entitled to an abatement or set-off of some or all of the rent due to substandard housing conditions (e.g., tenant is not receiving heat or hot water);
3. Tenant's apartment has building code violations or other conditions not caused by the tenant that are dangerous to the tenant's life, health, or safety (and may cause constructive eviction, e.g., broken elevator, burst pipes);
4. Tenant's ability to pay future rent is jeopardized by illegal conduct by landlord (e.g., tenant is being overcharged);
5. There may be a variety of individual circumstances specific to the tenant which may make the assignment of counsel more compelling, including tenant's more limited disabilities or inability to communicate effectively; tenant's family size (young children or governmental subsidized apartment which would make relocation difficult and increase the likelihood that eviction will lead to homelessness and disruption of family); or, tenant has resided in the apartment for many years and has particular ties to place of residence.

II. *Assistance cases*: Assistance cases are categorized as such when risk of eviction appears less likely than in representation cases for the following reasons:

1. Tenant has most of the rent money;

2. Tenant is able to get the rent money that is owed on his/her own (one-shot grant from DSS, rent from DSS is owed and has to be issued or reissued, or money can be borrowed);
3. Rent money that is owed is all from a subsidy and therefore tenant is not liable;
4. Tenant has most of the rent money and conditions are not a threat to health or safety of tenant;
5. Tenant has most of the rent money and can pursue defenses on his/her own (rent overcharge);
6. Tenant is articulate and can negotiate court system or agency bureaucracy by him/herself.

Assistance will be performed by a paralegal or a lawyer and will include the following kinds of tasks short of representation in court: help with preparation of subpoenas, demands for bill of particulars, welfare advocacy, application for Senior Citizen Rent Increase Exception (SCRIE) or other subsidies; assistance with inspection of reports and writing letters to agencies.

III. *Advice cases*: Advice cases include all other situations, i.e., when, in the view of the screening attorney, the standard for representation or assistance cannot be met the case is assigned to this category. Advice is a residual category.