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To: Jim Greiner
From: Hasaan Munim
RE: Carroll Seron et al., *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment*, 35 Law & Society Review 419 (2001).
Date: August 15, 2018

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

Authors: Carroll Seron, Gregg Van Ryzin, Martin Frankel

Location: New York, NY

Sample: N = 268

Timeline: September 13, 1993-June 27, 1994

Target group: Low-income tenants facing housing court proceedings

Intervention type: Legal counsel

Research papers: <https://www.jstor.org/stable/3185408>

Partners: Legal Aid Society, Association of the Bar of the City of New York, IOLA Fund of New York State

Abstract

Low-income tenants could not afford lawyers, disadvantaging them in housing court. Researchers tested the effects of representation on court outcomes and court burden in a randomized control setting. The study found representation helped tenants secure significantly more favorable judgments and that representation reduced court burden on net.

I. Policy Issue

Most landlords in housing court hired attorneys, whereas low-income tenants could not afford them. Legal advocates argued for a right to counsel in Housing Court in order to uphold the due process principal. However, critics argued that legal representation would have encouraged tenants to engage in adverse behavior, such as withholding rent, which would increase court burden. Did legal representation for low-income individuals in housing court improve outcomes and increase court burden?

II. Context of Evaluation

The New York Housing Court handled approximately 300,000 cases, where 98 percent of landlords and 12 percent of tenants hire representation. Housing Court affected the housing conditions and welfare of 500,000 low-income renters, 95 percent of whom paid half or more of their income in rent.

New York was a city with low quality yet unaffordable housing. Given New York's low rental-housing vacancy rate, especially at lower rent levels, evictions often led to homelessness. The numerous regulations intended to protect renters exacerbated complexity in Housing Court adjudication and placed self-represented tenants at a disadvantage to landlords, among whom representation was ubiquitous.

The Interest on Lawyer Accounts Fund of New York (IOTA) funded Legal Aid Society Community Law Offices (CLO) to coordinate a project serviced by pro bono attorneys to represent low-income tenants in Housing Court. CLO established an intake office in the Manhattan Housing Court to concentrate on cases that could lead to eviction and cases that CLO believed a lawyer could make a difference in. As a condition of funding, IOTA requested an empirical evaluation to determine how the program affected housing outcomes and court burden.

III. Details

The evaluators produced a simple randomized experiment with a post-test only. The treatment group received legal counsel and the control group did not.

Recruitment of participants occurred by finding individuals waiting in line at the Clerk's office and asking if they had an attorney and, if not, whether they met the federal poverty guidelines. Individuals interested in legal representation met with a CLO attorney to confirm they met the criteria. After deciding the amount of intervention – full representation, assistance from a paralegal, or advice from an attorney – the participant would receive, a research assistant would randomize cases to treatment and control groups. A preselection process selected 134 cases for assignment to treatment and control groups. CLO later discontinued the paralegal and advice categories, leading the evaluators to estimate both an intent-to-treat and as-treated effect.

IV. Results and Policy Lessons

Beneficial effect on outcomes

Despite a substantial minority of cases not receiving an attorney due to mid-study changes in procedure, all studied effects regarding substantive legal outcomes had significant differences between experimental and control groups when analyzed as initially assigned ($p < 0.05$). Whereas judges issued judgments against control group defendants in 52% of cases, 32% of treatment cases had judgments against them. Similar differences exist in favor of the treatment group in the percentage of warrants for eviction (43.5 percent of control vs. 24.1 percent of treatment), stipulations for rent abatements (3.2 percent of control vs. 18.8 percent of treatment), stipulations for repairs (28.2 percent of

control vs. 45.9 percent of treatment), and tenant failure to appear (28.2 percent of control vs. 15.8 percent of treatment).

An instrumental variables estimation increased the statistical significance and magnitude of the above results ($p < 0.001$), adjusting for the 59 cases that did not receive a lawyer.

Effect on court burden

Although the mean number of days from answer to final judgment increased in the treatment case (111.48 days vs. 82.32 days), treatment cases overall improved efficiency for the court by reducing post-judgment motions (12.8 percent vs. 29.0 percent) when the authors analyzed the results based on intent-to-treat ($p < 0.05$). Treatment did not significantly increase the number of court appearances or motions filed. Post-judgment motions increase burden because they require reviewing and reopening the case – this suggests that counsel obtains stipulations and compliance.

An instrumental variables estimation increased the magnitude and statistical significance of already significant effects ($p < 0.001$) and weakened statistical significance of non-significant differences.

V. Quality of the Study

The study authors clearly defined key parts of the study, including their randomization procedure, participant eligibility, intake process, and departures from the study procedure.

The characteristics of judges and lawyers limited the generalizability of the findings of the study. The study selected the judges because of their reputation for fairness, which may underestimate the impact of counsel. The study used volunteer lawyers from big law firms more familiar with corporate law than housing law. Using lawyers experienced in housing law may have increased the effects of representation.