

**Quality of Free Legal Representation in NYC Housing Court  
Evaluation Report**

DSS Office of Evaluation and Research

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# 1. Introduction

Since its establishment in 2017, HRA’s Office of Civil Justice (OCJ) has overseen the rollout of the Universal Access/ “Tenant’s Right to Counsel” (UA) program, through which low-income tenants facing eviction in NYC housing court are unconditionally eligible for free legal representation. Tens of thousands of tenants have made use of this resource, and recent annual declines in city-wide evictions suggest that it is making a difference for low-income tenants. However, while we know how many tenants have received assistance and have some information on their case outcomes, there is little available data describing the nature and quality of the legal assistance itself.

OER was asked by HRA leadership to evaluate the *quality* of OCJ-administered representation in eviction cases. The literature on best practices in documenting legal service quality offers a variety of potential approaches, each keyed to a different concept of quality. In this evaluation, we primarily use a definition informed by the model of procedural justice—in short, the degree to which litigants perceive legal processes to be fair, accessible, and respectful. OER thus evaluated the quality of OCJ-administered legal representation by assessing the degree to which lawyers helped clients experience a fair court process with a sense of transparency, comprehension, and voice.

## **Research Approach: Quality as Fairness**

NYC tenants facing eviction are thrust into an adversarial, complicated, and intimidating court system. Until recently, nearly all tenants participating in housing court proceedings did so pro-se, while the vast majority of landlords are represented by attorneys. In this context, many tenants did not understand the court process, were unaware of applicable legal defenses, and felt powerless to argue their side to opposing counsel or presiding judges. And while some tenants facing eviction lack meritorious defenses, the housing court experience is arguably *unfair* for all unrepresented tenants. UA was instituted to address precisely this injustice. By providing free legal representation to all low-income defendants, UA seeks to shift the balance of power in housing court such that tenants have a fair shot in their case.

To evaluate the degree to which lawyers advance fairness, we must first define fairness itself. Here, we use the model of procedural justice, which posits that fair court processes are marked by four core characteristics: voice, respect, understanding, and neutrality.<sup>1</sup> Procedurally just processes provide opportunity for all litigants to participate in proceedings and negotiations by expressing their viewpoint (voice), ensure that litigants are treated with dignity (respect), clearly explain court processes and consequences of legal decisions/agreements (understanding), and apply the law consistently and without bias (neutrality). Procedural justice is an important aim for court systems not only because it is

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<sup>1</sup>Tyler, T. R. (2007). Court Review: Volume 44, Issue 1/2-Procedural Justice and the Courts. *Court Review: The Journal of the American Judges Association*, 217.

likely to lead to increased fairness in court outcomes, but also because it has been shown to be correlated with litigants' views regarding the legitimacy of the court institution itself.<sup>2</sup> Further, studies have found that in reflecting on a court experience, a litigant's sense of fairness—defined using the four criteria described above—is a stronger predictor of their general satisfaction with a court experience than their ultimate court outcome.<sup>3</sup>

In this evaluation, we apply the concept of procedural justice to housing court attorneys specifically. Prior evaluations using this approach have generally studied an entire court system, emphasizing the roles of judges and other court personnel.<sup>4</sup> While attorney performance is less frequently measured this way, lawyers in housing court are well-positioned to influence their client's sense of fairness. For example, housing court lawyers can help clients voice their perspective to judges and opposing counsel, can treat their clients with respect and acknowledge their concerns, and can explain court processes and the ramifications of court decisions to their clients. This evaluation is premised on the assumption that housing court lawyers can make the housing court experience fairer, thereby increasing clients' satisfaction with the process.

To measure quality, OER conducted a phone survey with tenants who were represented by an OCJ provider in an eviction case. The survey included a series of questions keyed to three components of fair court processes, specifically voice, respect, and understanding, as well as certain other factors traditionally associated with quality, such as timing and intensity of service delivery. The survey did not explicitly probe neutrality, which is understood to be primarily influenced by other non-lawyer court actors (e.g. judges, court clerks). Our key evaluation questions were:

1. What types of legal services did OCJ lawyers provide to tenants? How often were different service components provided?
2. What were the court outcomes? As of the survey date, how confident are tenants that they will be able to remain in their homes?
3. How satisfied were tenants with their lawyer? How did tenants perceive the quality of their representation?

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<sup>2</sup> Colquitt, J. A., Conlon, D. E., Wesson, M. J., Porter, C. O., & Ng, K. Y. (2001). Justice at the millennium: a meta-analytic review of 25 years of organizational justice research. *Journal of applied psychology*, 86(3), 425.

<sup>3</sup>Tyler, T. R., Sherman, L., Strang, H., Barnes, G. C., & Woods, D. (2007). Reintegrative shaming, procedural Justice, and recidivism: The engagement of offenders' psychological mechanisms in the Canberra RISE Drinking-and-Driving Experiment. *Law & Society Review*, 41(3), 553-586.

<sup>4</sup>Abuwala, R., & Farole, D. J. (2007). The Perceptions of Self-Represented Tenants in a Community-Based Housing Court. *Court Review: The Journal of the American Judges Association*. Canada, K. E., & Hiday, V. A. (2014).

Procedural justice in mental health court: an investigation of the relation of perception of procedural justice to non-adherence and termination. *The Journal of Forensic Psychiatry & Psychology*, 25(3), 321-340.

4. How do these perceptions vary by individual-level factors (e.g. demographics, case type, legal services received, housing outcomes)?

## **Key Findings**

Tenants overwhelmingly reported receiving high quality representation from OCJ lawyers. Regardless of when they were connected with their lawyer, what type of case they had, or *how their case was resolved*, nearly all tenants were satisfied with their attorney and described ways that their attorney promoted fairness in housing court proceedings. Key findings include:

- **Surveyed tenants first connected with their lawyer at different stages of their cases, including before (26%), during (37%), and after (37%) their first court date.**
  - Tenants connecting during or after their first court date generally learned that they were eligible for a free lawyer while at the court, while most tenants who connected with an attorney before their first court date learned through a different channel, including friend or family referrals (14%), independent research (22%), and CBO referrals (14%).
- **Participants averaged three meetings with their lawyer, with 85 percent reporting more than one. More than one-third (36%) of surveyed tenants reported speaking with their lawyer for less than an hour.**
  - Over half (52%) of tenants speaking with their lawyer for less than an hour indicated that more time with their lawyer would have been helpful.
- **OCJ lawyers actively engaged with tenants over the course of housing court cases both in person and by phone, including critical assistance with stipulation negotiations.**
  - Ninety percent of tenants noted speaking to their lawyer over the phone about their case, 70 percent reported meeting outside of court to discuss their case, and nearly half said their lawyer went to court without them, on their behalf.
  - Most respondents (86%) reported that their attorney helped negotiate their stipulation. These tenants were twice as likely to understand the terms upon signing and 50 percent more likely to express confidence in staying in their home at the time of signing, compared to the small number of tenants who signed stipulations without attorney assistance.
- **Most tenants (85%) were still living in their home when surveyed, which was approximately 5-8 months after first connecting with their lawyer—half of whom were “very confident” that they would be able to remain there.**

- **Virtually all tenants were satisfied with their lawyer.**
  - All but 3 respondents (98%) said that they were happy with their decision to get a lawyer for their case, would want a lawyer if they had another case, and would recommend that friends or family members with eviction cases get a lawyer.
  - When asked specifically about what was most helpful about having a lawyer, tenants most commonly cited assistance in understanding housing court processes and laws (59%), emotional support (22%), help in connecting to other relevant benefits (16%), and assistance in communication with other legal parties such as judges or opposing counsel (15%).
  
- **Surveyed tenants *overwhelmingly* reported high-quality legal representation in eviction cases, as measured by a series of questions related to key components of procedural justice.**
  - Nearly all tenants (96%) “agreed” or “strongly agreed” that their lawyer treated them with respect. Nine in ten stated that their lawyer understood their side of the story, and 87 percent reported that their lawyer explained housing court rulings in a way that made sense to them.
  - Responses across all quality survey questions were highly correlated, suggesting that the individual procedural justice components are mutually reinforcing. For example, tenants who “agreed” or “strongly agreed” that their lawyer made them feel comfortable tended to “agree” or “strongly agree” that their lawyer was accessible, knowledgeable, and trustworthy.
  - Tenants reporting high quality tended to express high levels of satisfaction with their attorney. Similarly, tenants having longer and frequent meetings with their lawyer tended to report higher quality than those meeting less often.
  - In contrast, there was minimal association between reported quality and tenant housing outcomes, individual, or case characteristics (e.g. race, gender, case type). This suggests that tenants’ positive impressions are not restricted to any specific tenant groups, and that tenants see value in legal representation even if it does not translate to courtroom success.

## **Implications**

High levels of tenant satisfaction and perceived quality of legal services were remarkably consistent across individual, housing, and case characteristics. Survey results support a core finding in procedural justice research: litigants’ perceptions of fairness are the primary driver of satisfaction with court experiences, *regardless of case outcome*.<sup>5</sup> Tenants who lost their home in housing court were as satisfied with their lawyer as tenants remaining in their residence, demonstrating that positive responses cannot be attributed to solely to improved

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<sup>5</sup> Ahern, R. & Ly, J. (2019). Practices in Assessing the Quality of Free Legal Assistance. *NYC Department of Social Services, Office of Evaluation and Research*.

case results. There is reason to believe that increased fairness in housing court processes may translate into increased housing stability for tenants. Prior studies have shown that litigants who perceive court processes as fair are more likely to view a court's authority as legitimate, and ultimately comply with court orders. Tenants who received legal assistance in negotiating a stipulation with their landlord were more likely to report understanding the terms, and thus may be more likely to fulfill the requirements and remain in their home.

Finally, survey results indicate that beyond promoting fair processes, lawyers often connected clients to benefits and supported their clients emotionally. The emotional support in particular was deeply valued. Many tenants described being intimidated by the housing court process and explained that their lawyer helped get them through what might otherwise have been an overwhelming experience.

## 2. Methods

OER used a mixed-methods approach to explore the evaluation questions above. We analyzed OCJ provider data to examine tenant housing status, case type, household characteristics, and other individual-level factors. Administrative data from HRA's Welfare Management System (WMS) were used only to develop the sample for the study (see below).

Primary data were collected through an in-depth telephone survey of tenants represented by OCJ lawyers during the fourth quarter of calendar year 2018. Survey interviews were conducted by OER staff in English and Spanish over a five-week period (5/1/2019-6/7/2019) during business hours.<sup>6</sup> Each interview lasted approximately 20 to 30 minutes, and respondents were compensated with two one-way MTA MetroCards, which were mailed to an address of their choice.

In an initial set of questions, tenants were asked to describe their interactions with their lawyer, including how they learned they could get one, when they were connected, how many times they met, and the specific ways that their lawyer served them. Tenants were then asked about perceptions of their lawyer, including a series of prompts related to the three core procedural justice components considered in this evaluation. Each statement could be answered with strongly agree, agree, disagree, or strongly disagree. Procedural justice items were coded 1-4 (with 4 representing strongly agree) and averaged to create a Quality Index Score for each participant. Case outcomes were assessed with questions about the respondent's current housing situation, experience with stipulations (if relevant), and confidence in staying in their home. Finally, open-ended questions were used to elicit additional information about tenants' experiences with legal assistance in housing court.

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<sup>6</sup> A copy of the survey instrument is available upon request.

Answers were coded to provide context for closed-ended responses and identify additional themes of interest.

### **Study sample**

Potential survey participants were identified using OCJ provider data on clients who were connected with attorneys in October – December 2018; these participants were then matched to HRA’s WMS system to retrieve phone numbers (tenants enrolled through the Anti-Tenant Harassment Protection program and advice cases were not included). Of 3,858 identified clients, phone numbers were available for 77 percent; of these, 1,000 tenants were randomly selected to participate. Random selection was stratified by case type, with an oversampling of holdover cases, to facilitate comparisons between tenants with holdover and non-payment cases. That is, since holdover cases make up such a small proportion of total cases, oversampling was needed to ensure a sufficient sample size for analysis. The sample was further stratified by borough to mirror the overall distribution of OCJ eviction cases during the study period, as indicated in the full OCJ provider dataset that OER received (including those for whom phone numbers could not be retrieved). OER staff called 902 of the 1,000 randomly selected tenants and were able to reach 40 percent (n=361); 143 agreed to participate in the survey for a response rate of 16 percent. Despite the small sample size, a review of select client and case characteristics finds that the survey sample is relatively similar to the overall group, with the exception of the purposeful oversample of holdover cases. Regardless, findings should be interpreted with caution, as they may not be representative of the full population (see Table 1).

Additional demographic data *not* captured in OCJ administrative data, specifically gender, race, and level of educational attainment, was collected via survey. A large majority of survey takers identified as people of color, with African-American and Hispanic/Latinx participants comprising roughly 85 percent of the sample (see Table 2). Reported educational attainment was higher than anticipated, given that all survey takers had a family income below twice the federal poverty level: Nearly 90 percent had completed high-school, and 40 percent had completed a post-secondary degree. This may limit the generalizability of our findings to the larger population served by the Universal Access to Counsel initiative. There were no major differences in educational attainment between racial/ethnic groups. Over three-quarters of respondents identified as female. A majority (62%) of white/European-American participants were male, while the other three groups overwhelmingly identified as female.

**Table 1: Select characteristics of OCJ legal service recipients, Q4 2018 (n=3,858)**

	Total (n=3,858)	No telephone number (n=861)	Telephone no. available; not selected (n=1,997)	Randomly selected, did not participate (n=857)	Participated (n=143)
<b>Borough</b>					
Bronx	1,601 (41.5%)	331 (38.4%)	890 (44.6%)	331 (38.6%)	49 (34.3%)
Brooklyn	1,110 (28.8%)	273 (31.7%)	548 (27.4%)	232 (27.1%)	57 (39.9%)
Manhattan	467 (12.1%)	88 (10.2%)	263 (13.2%)	101(11.8%)	15 (10.5%)
Queens	396 (10.3%)	124 (14.4%)	110 (5.5%)	147 (17.2%)	15 (10.5%)
Staten Island	284 (7.4%)	45 (5.2%)	186 (9.3%)	46 (5.4%)	7 (4.9%)
<b>Universal Access ZIP</b>	2,533 (65.7%)	577 (67.0%)	1,368 (68.5%)	499 (58.2%)	89 (62.2%)
<b>Case Type</b>					
Holdover	948 (24.6%)	289 (33.6%)	160 (8.0%)	438 (51.1%)	61 (42.7%)
Non-Payment	2,910 (75.4%)	572 (66.4%)	1837 (92.0%)	419 (48.9%)	82 (57.3%)
<b>Number of adults per household</b>	1.6	1.7	1.5	1.6	1.6
<b>Number of children per household</b>	1.1	1.1	1.1	1.1	1.2
<b>Family income below 2X FPL</b>	3,716 (96.3%)	828 (96.2%)	1,923 (96.3%)	822(95.9%)	143 (100.0%)
<b>Rent-regulated housing</b>	2,338 (65.5%)	488 (63.6%)	1,302 (69.7%)	469(58.4%)	79 (59.8%)

Data Source: OCJ Administrative Data.

**Table 2: Participant characteristics**

Characteristic	# (%)
<b>Gender (Female), (n=135)</b>	104 (77.0%)
<b>Race/Ethnicity (n=133)</b>	
African-American (non-Hispanic)	63 (47.4%)
Hispanic/Latinx (all races)	50 (37.6%)
European American/White	13 (9.8%)
Mixed/Other	7 (5.3%)
<b>Educational Attainment (n=127)</b>	
Some high school	15 (11.8%)
High school diploma or GED	34 (26.8%)
Some college	27 (21.3%)
Associate degree or higher	51 (40.2%)

Data Source: OER Tenant Survey.

### 3. Findings

The goal of our evaluation was to assess the quality of OCJ legal representation in NYC housing court. Here, we analyze results in four main sections: First, we describe the process of how participating tenants were connected with their lawyer, how often they met, and the different legal services they received. Next, we summarize participant outcomes in terms of housing stability and satisfaction with legal services. We then describe tenant perspectives on the quality of their attorney, both by specific aspects of procedural justice as well as an overall Quality Index. Finally, we explore patterns in quality by examining the relationship between the Quality Index and client/case characteristics, service components, housing stability, and respondents' level of satisfaction with their attorney.

#### **Process**

##### *Connection to legal services*

Having legal representation in a housing court case as soon as possible offers substantial advantages for tenants. For example, connecting with a lawyer early in the court process can reduce the likelihood of signing a legal stipulation pro se (i.e., without representation), thus leading to more favorable terms and reducing the need for efforts to appeal unfavorable stipulations. OER asked tenants about how and when they learned of the availability of free legal assistance and obtained counsel.

Nearly two-thirds of survey takers were connected to their lawyer before or during their first court date; see Table 3 below. Tenants most commonly learned that they could get a lawyer at the court building itself, often reporting that they were recruited by onsite staff. This was particularly common among tenants who reported being connected to their lawyer during or after their first court date. More than 40 percent of tenants who connected with their lawyer before their court date also reported learning about free legal assistance at court, but the majority reported other channels, including CBO referrals (14%), recommendations from friends or family (14%), or independent research (22%).

**Table 3: Timing of connection to legal services by referral channel and service intensity**

	Total	I first connected with my lawyer...		
		Before first court date (n=37, 26%)	During first court date (n=52, 37%)	After first court date (n=53, 37%)
<b>Where did you first learn you could get a free lawyer? ***</b>				
Court	<b>101 (71.1%)</b>	16 (44.4%)	46 (88.5%)	38 (71.7%)
Friend/Family	<b>14 (9.9%)</b>	5 (13.9%)	4 (7.7%)	5 (9.4%)
Own initiative/research	<b>13 (9.2%)</b>	8 (22.2%)	2 (3.8%)	3 (5.7%)
CBO	<b>8 (5.6%)</b>	5 (13.9%)	0 (0.0%)	3 (5.7%)
Other	<b>6 (4.2%)</b>	2 (5.6%)	0 (0.0%)	4 (7.5%)
<b>How many times did you meet with your lawyer to discuss your case?</b>				
Average	<b>2.9</b>	3.2	3	2.9
One or fewer	<b>21 (14.9%)</b>	5 (14.3%)	5 (9.6%)	11 (20.8%)
Two or Three	<b>71 (50.4%)</b>	14 (40.0%)	30 (57.7%)	27 (50.9%)
Four or more	<b>49 (34.8%)</b>	16 (45.7%)	17 (32.7%)	15 (28.3%)
<b>How much time did you spend speaking with your lawyer?</b>				
Average	<b>1.6</b>	1.9	1.3	1.6
Less than 1 hour	<b>50 (35.5%)</b>	7 (20.0%)	24 (47.1%)	19 (38.0%)
1-2 hours	<b>59 (41.8%)</b>	20 (57.1%)	21 (41.2%)	18 (36.0%)
Over 2 hours	<b>28 (22.7%)</b>	8 (22.9%)	6 (11.8%)	13 (26.0%)

**Note:** \*\*\* = p-value < .001, Statistical significance tested using Pearson’s Chi-square test.

**Data Source:** OER Tenant Survey.

*Service intensity*

Comprehensive and in-depth lawyer-client communication can help lawyers develop and refine legal strategy, which may improve case outcomes by ensuring they’re aware of circumstances that could have legal significance. From a procedural justice perspective, spending extended time with tenants can help build lawyer-client trust, provide tenants with clarity about court processes, and ensure that tenants’ voices are communicated to other parties.

As seen in Table 3 above, survey respondents reported meeting with their lawyer an average of 3 times, including meetings in and out of court, with 85 percent reporting more than one meeting. Participants noted that their time speaking with their lawyer was often brief. Over one-third respondents (36%) indicated that they met with their lawyer for less than an hour, with approximately one in four reporting meeting for 30 minutes or less. It is unclear what factors may have contributed to variation in time spent with clients by attorneys. For example, tenants reporting less than an hour with their attorney may have had less complex

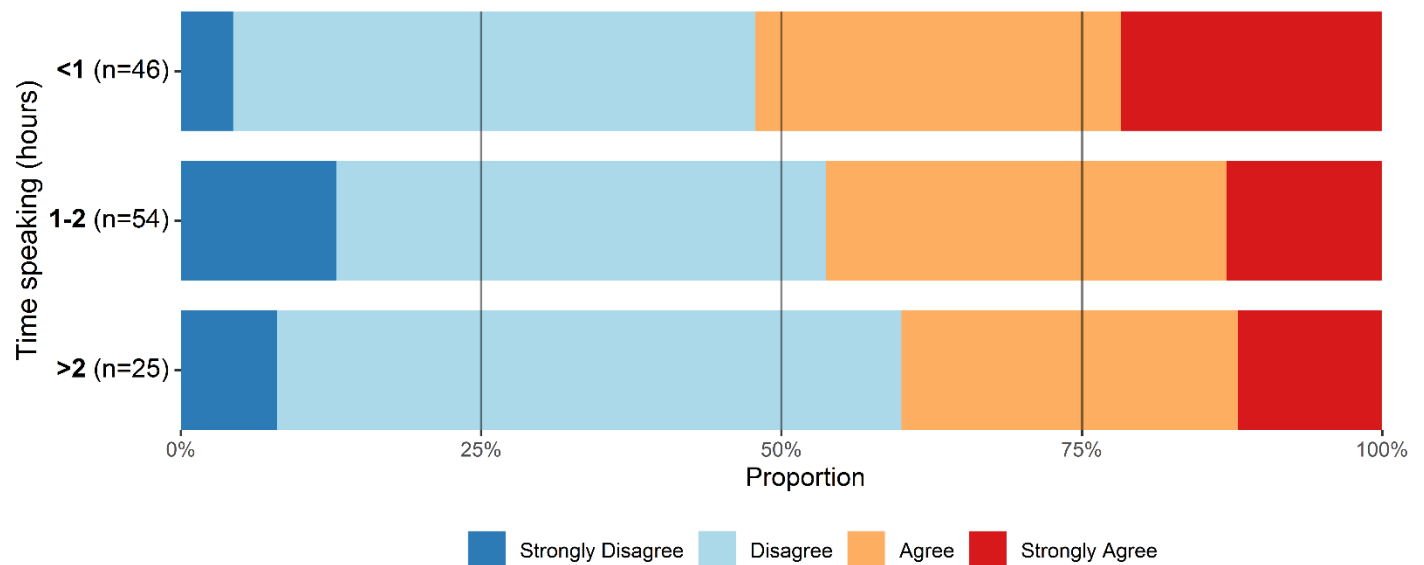
cases, been assigned lawyers with large caseloads, or may have had other commitments (e.g. childcare, health, employment) that limited their ability to spend time with their lawyer.

OER additionally asked tenants if more time speaking with their lawyer would have been helpful. Over half (52%) of all participants noted that they had enough time, with only 16 percent (n=20) strongly agreeing that more time would have been helpful. As seen in Figure 1, desire for additional time increased as reported time declined: among those who spent less than an hour with their attorney, 53 percent indicated that more time would have been useful, compared to 40 percent of those who spent more than two hours.

**Figure 1: Time with lawyer**

**Participant responses by time with lawyer (n=125)**

*It would have helped to have more time with my lawyer*



**Data Source:** OER Tenant Survey.

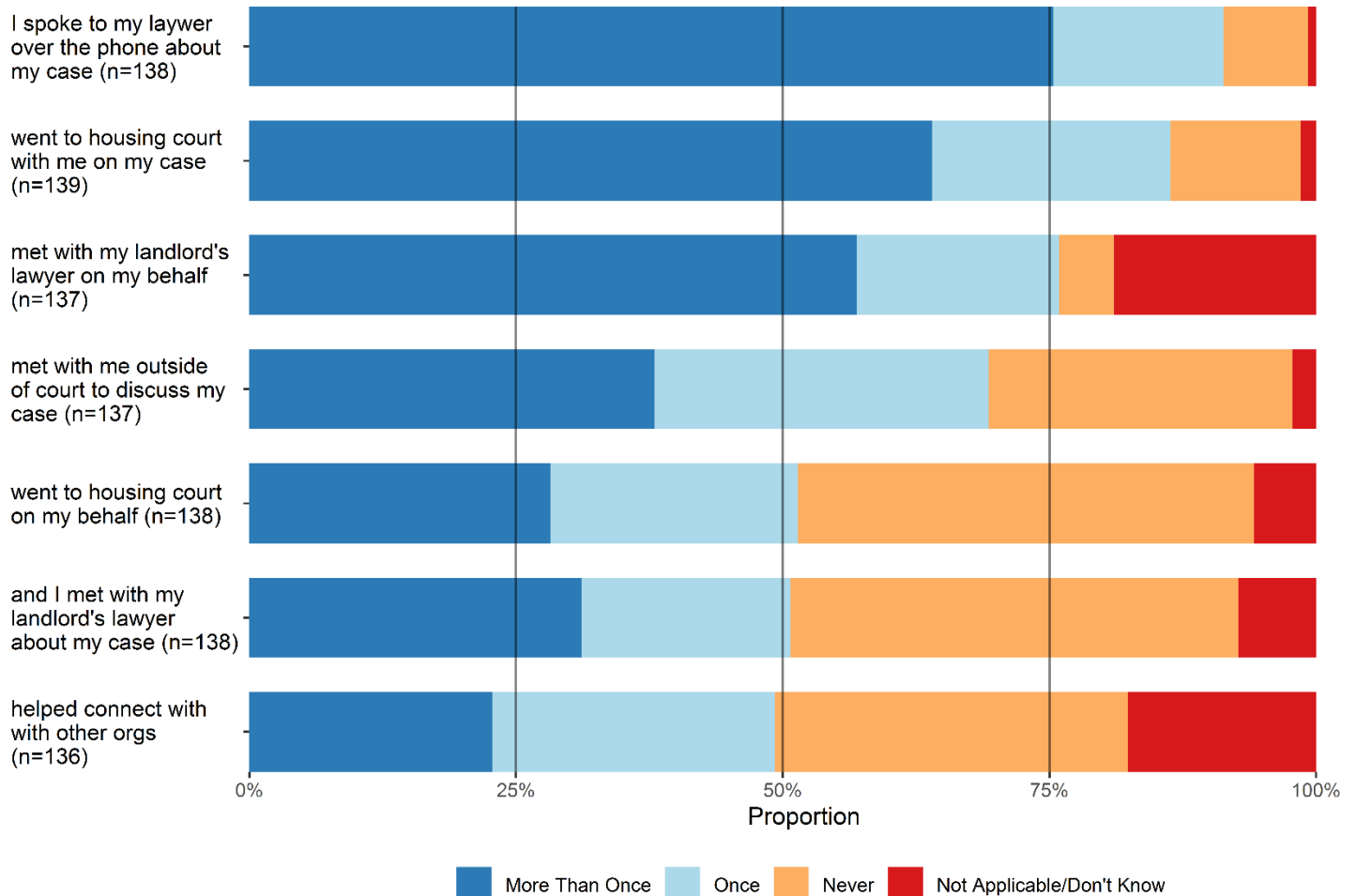
*Service components*

Just as each tenant’s eviction case involves a unique set of personal circumstances and related laws, representation in housing court can involve many different tasks. Tenant survey responses offer a granular look at the tenant-lawyer relationship, including service categories (e.g. assistance in negotiations, service referrals) and setting (e.g. in-court or outside of court). Most tenants described lawyers as actively engaged in their case: 86 percent of respondents reported that their lawyer went to housing court with them for a court date, typically multiple times. In addition, more than 90 percent of tenants reported speaking with their lawyer on the phone, and 70 percent said they met outside of court to discuss their case. Half of tenants reported that their lawyer helped connect them with other organizations to help with their housing situation, highlighting the broad scope of help that

lawyers can—and are—providing. Finally, over half of respondents said that their lawyer made trips to housing court on their behalf one or more times.

**Figure 2: Service components**

**My lawyer...**



**Data Source:** OER Tenant Survey.

One critical service lawyers provide in housing court is assistance in the negotiation of stipulation terms. This is well-understood as an area in which lawyers can make a particularly meaningful difference for their clients, for example by decreasing arrears, ensuring that repayment timeframes are manageable, and getting home repairs. OER asked tenants whether they had signed a stipulation for their case, and if so, what role their lawyer played. Of the 88 tenants stating that they had signed a stipulation for their case, roughly three-quarters (n=67) described their lawyer as helping in the negotiation. It's unclear why the remaining 21 tenants noted not getting help, as they were not asked to qualify their response to this question. Some tenants may have finalized stipulation terms before gaining representation, while others may have discharged their attorney before final negotiations.

Among respondents whose lawyer helped with the negotiation, nearly all strongly agreed or agreed that their lawyer helped them get better overall terms, including reduced arrears (72%), a landlord commitment to make home repairs (78%), and increased time to meet stipulation terms (95%). Moreover, while the number of tenants who reported signing a stipulation without attorney assistance is too small to draw strong conclusions from their responses, it is notable that assisted tenants were twice as likely as unassisted tenants to report that they understand the terms upon signing; they were also 50 percent more likely to express confidence in staying in their home at the time of signing (see Table 4).

**Table 4. Stipulations**

	<i>Did your lawyer help you negotiate your stipulation? (#, %)</i>	
	<b>Yes (n=67, 85.9% of respondents)</b>	<b>No (n=11, 14.1% of respondents)</b>
I understood all of the terms of the stipulation when I signed (n=70) ***	59 (95.2%)	4 (50.0%)
When I signed the stipulation, I was confident I would be able to meet the terms and stay in my home (n=67) *	54 (91.5%)	5 (62.5%)

**Note:** \*\*\* = p-value < .001, \* = p-value < .05. Statistical significance tested using Pearson’s Chi-square test.

**Data Source:** OER Tenant Survey.

## Outcomes

### *Housing Stability*

Our survey was conducted approximately five to eight months after respondents had been connected with an attorney, and their cases were in different stages of resolution. To obtain insight into case outcomes *to date*, OER asked tenants whether they were still living in their home and, if so, how confident they were in their ability to stay. Fifteen percent of survey takers (n=21) were no longer living in their home. A review of accompanying open-ended responses suggests that 20 of these tenants had been forced out of their homes, while one had left temporarily during home repairs. Among the remaining respondents, nearly half were very confident that they would be able to stay in their home, and another quarter were somewhat confident (see Table 5). Eleven percent of survey takers were not comfortable responding to this question, which is understandable given its sensitivity. It may be that those not providing a response feared ultimate displacement.

**Table 5. Housing stability**

	# (%)
Are you still living in your home(n=136)	
Yes	115 (85%)
No	21 (15%)
How confident are you that you will be able to stay in your home? (n=113)	
Very confident	51 (46.6%)
Somewhat confident	28 (24.6%)
A little confident	6 (5.3%)
Not at all confident	16 (14.0%)
Prefer not to say/not applicable	12 (10.5%)

**Data Source:** OER Tenant Survey.

### *Tenant Satisfaction*

OER asked a series of three questions to gauge participant level of satisfaction with their lawyer, and tenants had nearly unanimous positive impressions across all questions (see Table 6). Only 3 tenants (2%) were not happy with their decision to get a lawyer, and nearly all (98%) indicated that they would want a lawyer for any potential future eviction case—and would recommend that friends and family do the same. These responses demonstrate not only current satisfaction with OCJ legal representation, but also suggest that legal service recipients may play a role in strengthening the push towards universal representation over time by encouraging other tenants to enroll.

**Table 6. Tenant satisfaction**

	Response (#, %)			
	Strongly Agree	Agree	Disagree	Strongly Disagree
If I had another case in housing court, I would want help from a lawyer. (n=129)	89 (69.0%)	38 (29.5%)	2 (1.6%)	0 (0.0%)
I am happy that I made the decision to get a lawyer for my case. (n=132)	94 (71.2%)	35 (26.5%)	2 (1.5%)	1 (0.8%)
If a friend or family member had an eviction case, I would recommend they have a lawyer. (n=130)	93 (71.5%)	34 (26.2%)	3 (2.3%)	0 (0.0%)

**Data Source:** OER Tenant Survey.

Participant responses to open-ended prompts offered more details about the high level of satisfaction (see Table 7). When asked what was most helpful about having a lawyer for their case, tenants often cited factors aligned with procedural justice. A majority (60%) cited assistance associated with understanding court processes (e.g., having someone who knows housing court laws/processes, explaining court processes). One tenant described how their lawyer "made things clearer for me. He took his time to make sure I understand everything

and all the processes that can happen.” Another tenant drew an explicit connection between understanding and fairness: They described how their lawyer made “sure I am getting a fair try...because they know more about the situation than I can. It is always more helpful to get an attorney.”

Nearly a quarter (22%) noted help with voice (e.g. someone to listen to my side of the story, communicating with other parties), which is a key characteristic of procedural justice as discussed above. For example, some tenants mentioned that opposing counsel was hostile and intimidating, and their lawyer made sure that their side of the story was expressed in this difficult environment. Other tenants described how their lawyers brought about fair court processes related to other court actors. One discussed how having a lawyer grants credibility and respect from housing court judges: “it seems like the judges respect the lawyers more than the actual individual.” Another tenant explained how “the judge didn't allow me to explain my situation. He was on the landlord's side. The lawyer helped me more.” These responses suggest that some tenants have concerns about bias in housing court processes, and that lawyers generally help promote more even administration of justice. While our survey did not probe neutrality explicitly, it is notable that this core procedural justice component arose in open-ended prompts.

Other common responses included emotional support, improvements in their case outcome, and having someone to advocate for you/exercise tenant rights. While respect did not explicitly surface, it is likely a necessary pre-condition to other responses. It is unlikely that a lawyer could effectively listen to a tenant’s story, provide support, and relay facts to other parties without communicating a baseline level of respect.

**Table 7. What was most helpful about having a lawyer in housing court? (n=130)**

<b>Participant response category</b>	<b># (%)</b>
Having someone who knows housing court laws/processes	51 (39.2%)
Having someone to advocate for you/exercise tenant rights	34 (26.2%)
Emotional support	29 (22.3%)
Explaining court processes	26 (20.0%)
Connecting to other benefits	21 (16.2%)
Communicating with other parties	20 (15.4%)
Case outcomes	12 (9.2%)
Someone to listen to my side of the story	9 (6.9%)
Other	9 (6.9%)
Nothing helpful	7 (5.4%)
Go to court of my behalf	4 (3.1%)

**Data Source:** OER Tenant Survey.

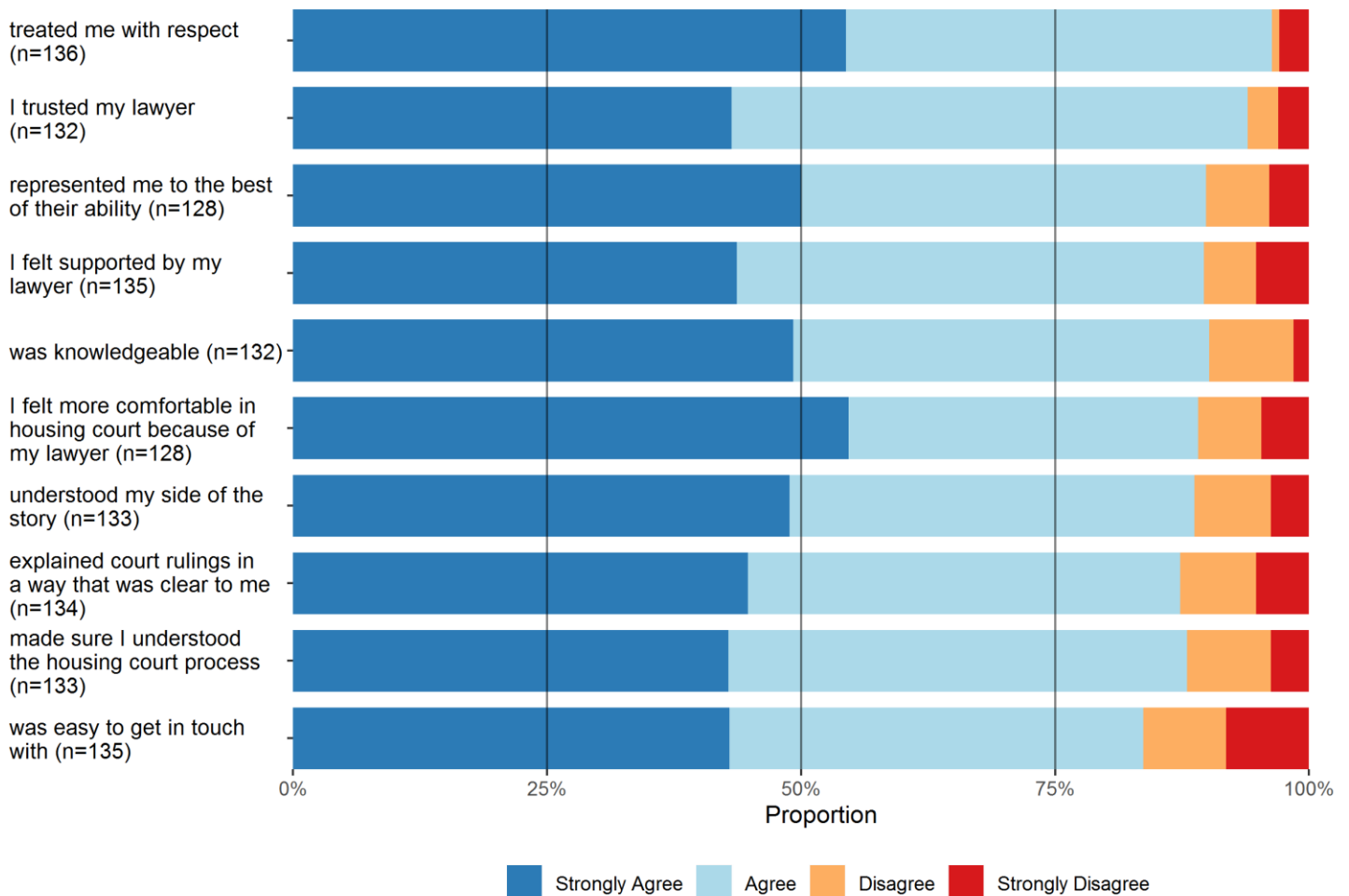
## Tenant Perceptions of Quality

To gauge attorney quality, tenants responded to a series of prompts keyed to three dimensions of procedural justice: voice, respect, and understanding. In this section we start by summarizing tenant responses to individual prompts. Next, we analyze participant-level responses by calculating a Quality Index Score based on the full set of responses.

As suggested by the high tenant satisfaction levels discussed above, along with the open-ended responses, nearly all respondents reported receiving high-quality legal representation, in which their lawyers explained court processes, amplified their voice, and treated them with respect. As seen in Figure 3, roughly 90 percent of tenants strongly agreed or agreed that they were respected, supported, and kept informed by their lawyer.

**Figure 3: Perceptions of quality**

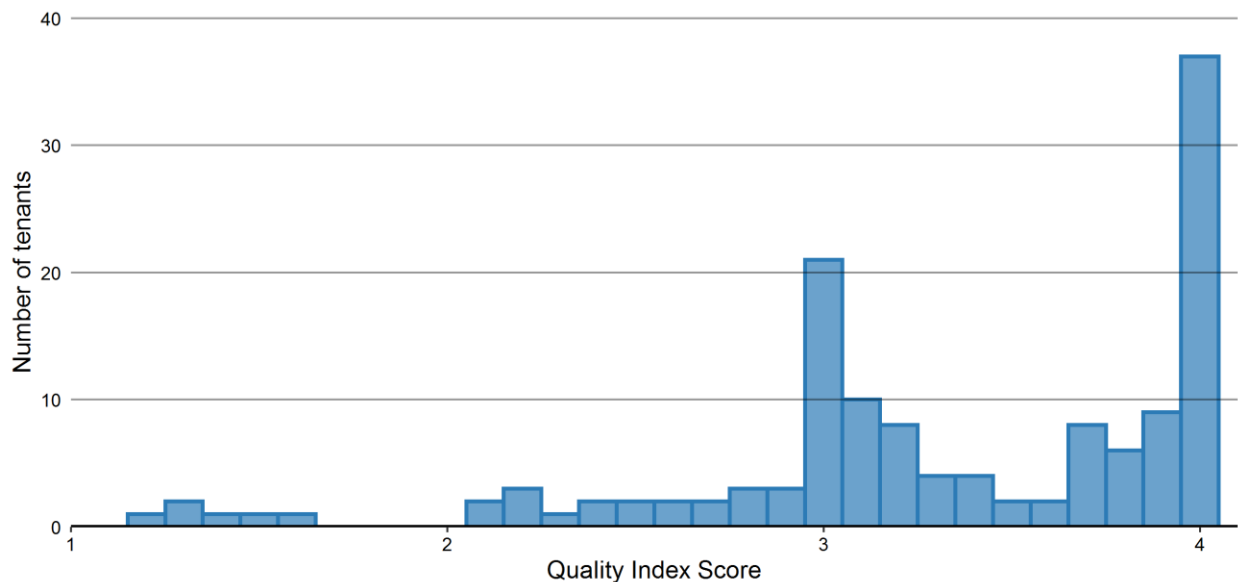
### My lawyer...



**Data Source:** OER Tenant Survey.

Analysis across the ten prompts found a strong correlation between them, suggesting that these individual attributes are not only related, but may be mutually reinforcing (see Appendix 2 for a detailed correlation matrix for all responses). As described under Methods above, scores for individual prompts were averaged to create a Quality Index Score. The overall average index score was 3.3, and only 19 percent (n=26) of respondents had a score below 3 (see Figure 4).

**Figure 4: Quality Index Scores**



**Data Source:** OER Tenant Survey.

### Patterns in Quality

OER used Quality Index Scores to assess patterns in tenant perception of attorney quality by client- and case-level characteristics, service components, housing stability, and respondents’ level of satisfaction with their attorney. Although these relationships were generally not statistically significant—potentially due to the overall high levels of perceived quality, which makes it more difficult to detect differences in a relatively small sample—trends overall suggest interesting patterns for further exploration.

#### *Client and case characteristics*

OER compared procedural justice index scores by a host of individual-level factors, including gender, race/ethnicity, family composition, borough of residence, housing type, and case type. See a full summary of results in Appendix 5. Some difference was found by borough of residence, although the difference wasn’t statistically significant, likely due to small sample size. Differences in quality scores by all other client and case characteristics (e.g. case type,

rent regulation status, tenant residence in Universal Access ZIP code) were small, and none were statistically significant.

**Table 8. Average Quality Index Score by borough (n=137)**

<b>Borough</b>	<b>n (%)</b>	<b>Quality Index Score</b>
Bronx	47 (34.3%)	3.6
Manhattan	15 (10.9%)	3.5
Staten Island	6 (4.4%)	3.5
Queens	14 (10.2%)	3.3
Brooklyn	55 (40.1%)	3.1
<b>Total</b>	<b>137 (100%)</b>	<b>3.3</b>

**Note:** \*\*\* = p-value < .001. Statistical significance tested using Kruskal-Wallis rank sum test.

**Data Source:** OER Tenant Survey.

### *Service components, intensity*

Process factors related to the frequency and duration of tenant-attorney meetings, as well as specific legal service components, were positively related with tenants’ quality impressions. Tenants noting interactions with their lawyer outside of court, either in-person or by phone, tended to have higher quality index scores (see Table 9). Moreover, tenants meeting or speaking with their lawyer outside of court more than once had higher quality scores than those reporting a single interaction. Further analyses similarly indicate that direct and active participation in housing court proceedings may lead to higher perceived quality. Those tenants attending meetings with opposing counsel had higher Quality Index Scores than those who did not. And while we observed a similar pattern involving meetings conducted in a tenant’s absence, some tenants who did not participate described feeling excluded from key decision-making steps. As one tenant stated: “I was like the odd man out. She [lawyer] was talking to my landlord's attorney but wasn't communicating with me...everyone was making decisions, but no one talked to me about anything.”

The number of meetings and amount of time that respondents reported speaking with their attorneys were both positively and significantly correlated with quality<sup>7</sup>. Figure 5 shows that quality index scores tend to rise with the amount of tenant-attorney time reported, with a particularly strong association at the bottom end of the quality spectrum: that is, of the six tenants with an average score below 2, all said they met with their attorney for less than an hour, and five met for 30 minutes or less. Further, all but one of the 26 tenants with a quality index score below 3 agreed that it would have been helpful to have more time speaking with their attorney.

<sup>7</sup> Time with lawyer: Spearman’s rank order correlation coefficient = .27, p-value .002. Number of meeting with lawyer: Spearman’s rank order correlation coefficient = .19, p-value < .03

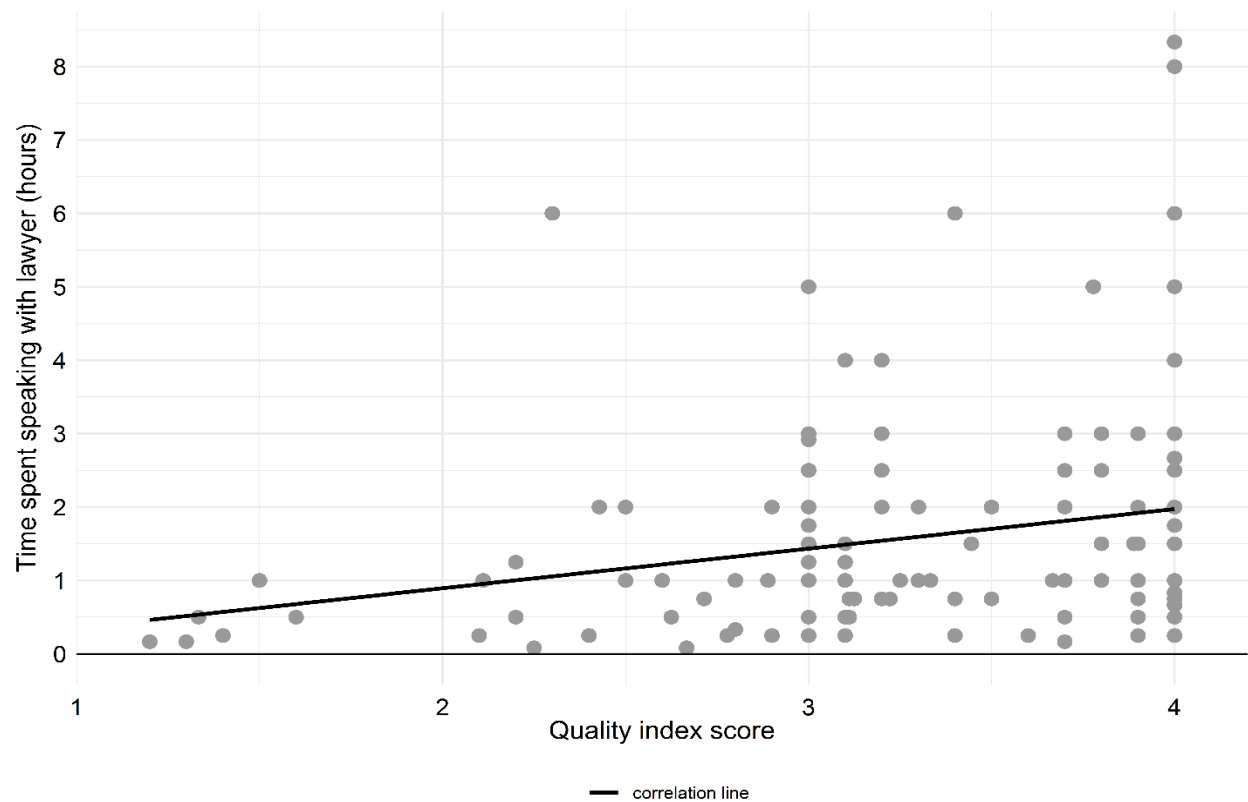
**Table 9. Average Quality Index Score by frequency of service component score**

Prompt	Response (Quality Index Score, #)			
	More than once	Once	Never	Not Applicable/ Don't Know
My lawyer went to housing court with me on my case. (n=137)	3.4 (87)	3.2 (31)	3.3 (17)	2.7 (2)
My lawyer went to housing court on my behalf (and I didn't go). (n=137)	3.5 (39)	3.4 (32)	3.1 (58)	3.6 (8)
My lawyer met with me outside of court to discuss my case. (n=136)	3.6 (52)	3.4 (43)	2.9 (38)	3.9 (3)
I spoke to my lawyer over the phone about my case. (n=137) *	3.4 (103)	3.1 (22)	2.8 (11)	3.8 (1)
My lawyer and I met with my landlord's lawyer to discuss my case. (n=137)	3.5 (43)	3.3 (27)	3.2 (57)	3.3 (10)
My lawyer spoke with my landlord's lawyer about my case on my behalf (n=136)	3.4 (77)	3.4 (26)	3.0 (7)	3.2 (26)
My lawyer helped connect me to other organizations that could help with my housing situation. (n=135)	3.6 (31)	3.5 (36)	2.9 (44)	3.5 (24)

**Note:** \* = p-value < .05. Statistical significance tested using Kruskal-Wallis rank sum test.

**Data Source:** OER Tenant Survey

**Figure 5: Quality Index Score by time speaking with lawyer**



**Data Source:** OER Tenant Survey

We additionally found that tenants who reported assistance from their lawyers in negotiating stipulations, as well as those noting greater understanding of stipulation terms upon signing, tended to have higher quality scores (see Table 10). While not statistically significant, these trends illustrate how high-quality representation can make a difference for tenants in housing court: ensuring that tenants fully comprehend their settlement repayment terms, which is critical to maintaining housing. Finally, responses regarding the timing and channel of connection were not correlated with tenants' Quality Index Score (data not shown).

**Table 10. Quality Index Score by stipulation experience**

	Response (Quality Index Score, #)			
	Strongly Agree	Agree	Disagree	Strongly Disagree
I understood all of the terms of the stipulation when I signed (n=62)	3.7 (31)	3.3 (28)	3.3 (3)	NA (0)
When I signed the stipulation, I was confident I would be able to meet the terms and stay in my home (n=59)	3.7 (26)	3.5 (28)	2.4 (4)	3.8 (1)

**Data Source:** OER Tenant Survey

### *Housing stability*

OER compared participant Quality Index Scores with perceived future housing stability and found potentially surprising results. Among tenants maintaining occupancy at the time of the survey, those with increased confidence in keeping their home tended to perceive higher legal service quality (see Table 11). However, no notable difference was found in average Quality Index Score when comparing the 21 respondents who were no longer residing in the disputed residence to the 114 who were still in their homes. These results indicate that OCJ lawyers are providing high quality assistance *regardless of case outcome* and reinforce findings from other studies that tenants' perception of fair process is not determined by how their cases are resolved. Open-ended responses show that even tenants forced from their home saw value in having an attorney. In describing what was most helpful about having a lawyer, one tenant noted how their lawyer:

... helped me with my case so I could fully understand what was going on. I was not alone so I felt secure. She helped me in the most possible way that she could. Unfortunately, I was evicted because it was a holdover case—the landlord wanted his apartment back.... [My lawyer] helped me with the steps moving forward so I wouldn't be living on the streets.

**Table 11. Quality Index Score by tenant perceptions of housing stability**

	# (%)	Quality Index Score
Are you still living in your home?	(n=135)	
Yes	114 (84.4%)	3.3
No	21 (15.6%)	3.5
How confident are you that you will be able to stay in your home?	(n=113)	
Very confident	51 (45.1%)	3.5
Somewhat confident	28 (24.8%)	3.3
A little confident	6 (5.3%)	2.9
Not at all confident	16 (14.2%)	2.9
Prefer not to say/not applicable	12 (10.6%)	3.2

**Data Source:** OER Tenant Survey.

### *Tenant satisfaction*

Finally, responses from each of the three satisfaction prompts were unambiguously correlated with perceived quality as shown in Table 12. Unlike most of the results presented above, these correlations were statistically significant even given small sample sizes. Tenants reporting high attorney quality tended to be happier with their choice to get a lawyer, more likely to use one next time, and more likely to recommend the service to friends or family members. There were only four participants who either disagreed or strongly disagreed with any of the three prompts.

**Table 12: Quality Index Score by dimensions of tenant satisfaction**

	Response (#, %, Quality Index Score)			
	Strongly Agree	Agree	Disagree	Strongly Disagree
If I had another case in housing court, I would want a lawyer.* (n=129)	3.5 (89)	3.1 (38)	2.1 (2)	NA (0)
I am happy I made the decision to get a lawyer for my case.** (n=132)	3.5 (94)	3.0 (35)	2.1 (2)	1.3 (1)
If a friend or family member had an eviction case, I would recommend that they get a lawyer.* (n=130)	3.5 (93)	3.1 (34)	1.8 (3)	NA (0)

**Note:** \*\* = p-value < .01, \* = p-value < .05. Statistical significance tested using Kruskal-Wallis rank sum test.

**Data Source:** OER Tenant Survey.

## 4. Conclusion

Tenants participating in the survey resoundingly described how their lawyers provided them with thorough, helpful, and high-quality legal assistance. The nearly unanimous positive impressions—regardless of corresponding case outcomes—is this study’s most important finding. This evaluation was premised on the assumption that lawyers can help

make housing court fairer for their clients, and that clients' perception of procedural justice is a critical metric of legal services quality. Further areas of study could include an exploration of attorney-level characteristics that have been found to be associated with high quality service, such as lawyers' level of experience and caseload volume. Such data would be useful to ensure that high level of quality observed in this study is sustained as UA scales city-wide.

## 5. Appendices

### Appendix 1. Housing and family characteristics of tenants called – by call outcome

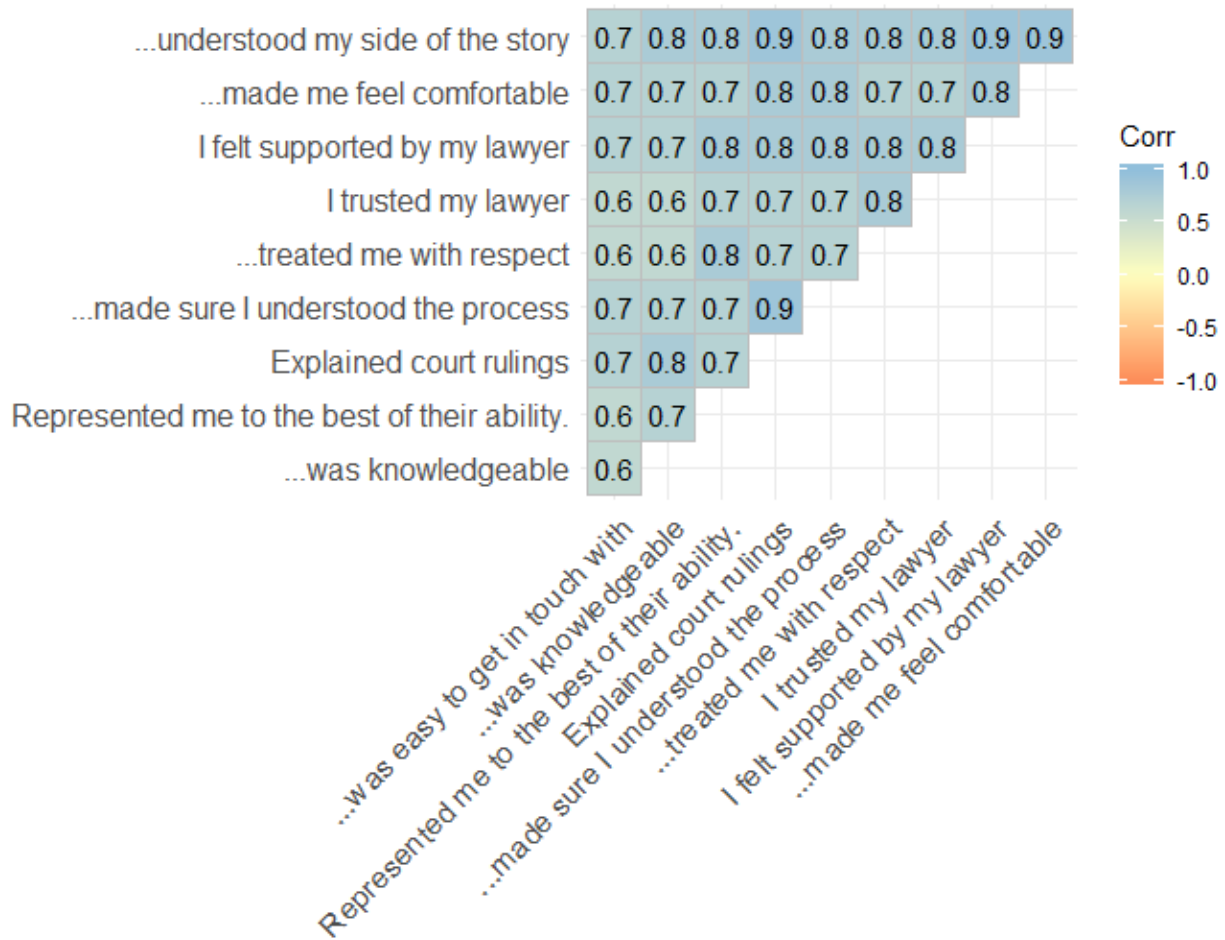
	Participated (n=143)	Declined/Unable to Participate (n=209)	No answer/not home (n=387)	Disqualified (n=9)	Wrong/ non- functioning phone (n=154)	Total (n=902)
<b>Borough</b>						
- Bronx	49 (34.3%)	81 (38.8%)	151 (39.0%)	7 (77.8%)	48 (31.2%)	336 (37.3%)
- Brooklyn	57 (39.9%)	63 (30.1%)	100 (25.8%)	2 (22.2%)	48 (31.2%)	270 (29.9%)
- Manhattan	15 (10.5%)	20 (9.6%)	49 (12.7%)	0 (0.0%)	14 (9.1%)	98 (10.9%)
- Queens	15 (10.5%)	32 (15.3%)	65 (16.8%)	0 (0.0%)	37 (24.0%)	149 (16.5%)
- Staten Island	7 (4.9%)	13 (6.2%)	22 (5.7%)	0 (0.0%)	7 (4.5%)	49 (5.4%)
<b>Universal Access ZIP</b>	89 (62.2%)	114 (54.5%)	248 (64.1%)	4 (44.4%)	77 (50.0%)	532 (59.0%)
<b>Case Type</b>						
- Holdover	61 (42.7%)	103 (49.3%)	194 (50.1%)	5 (55.6%)	91 (59.1%)	454 (50.3%)
- Non-Pay	82 (57.3%)	106 (50.7%)	193 (49.9%)	4 (44.4%)	63 (40.9%)	448 (49.7%)
<b>Number of Adults</b>	1.5	1.6	1.6	1.2	1.7	1.6
<b>Number of Children</b>	1.2	1.1	1.1	0.9	0.9	1.1
<b>Rent-regulated housing</b>	79 (59.8%)	118 (59.9%)	211 (58.3%)	6 (75.0%)	80 (55.6%)	494 (58.6%)

### Appendix 2. Service components

<b>My lawyer...</b>	<b>Response (#,%)</b>			
	<b>More Than Once</b>	<b>Once</b>	<b>Never</b>	<b>Not Applicable/ Don't Know</b>
...went to housing court with me on my court date. (n=139)	89 (64.0%)	31 (23.2%)	17 (12.2%)	2 (1.4%)
...went to housing court on my behalf (and I didn't go). (n=138)	39 (28.3%)	32 (23.2%)	59 (42.8%)	8 (5.8%)
...met with me outside of court to discuss my case. (n=137)	52 (38.0%)	43 (31.4%)	39 (28.5%)	3 (2.2%)
I spoke to my lawyer over the phone about my case. (n=138)	104 (75.4%)	22 (15.9%)	11 (8.0%)	1 (0.7%)
...and I met with my landlord's lawyer to discuss my case. (n=138)	43 (31.2%)	27 (19.6%)	58 (42.0%)	10 (7.2%)
...spoke with my landlord's lawyer about my case on my behalf. (n=137)	78 (56.9%)	26 (19.0%)	7 (5.1%)	26 (19.0%)
...helped connect me to other organizations that could help with my housing situation. (n=136)	31 (22.8%)	36 (26.5%)	45 (33.1%)	24 (17.6%)

### Appendix 3. Procedural justice correlation matrix

My lawyer...



#### Appendix 4. Individual and housing characteristics by mean quality index score

	#	%	Quality Index (mean)
<b>Gender (n=135)</b>			
Female	104	77.0%	3.33
Male	31	23.0%	3.34
<b>Number of Adults (n=137)</b>			
1	82	59.9%	3.29
2	43	31.4%	3.4
3 or more	12	8.8%	3.29
<b>Number of Children (n=137)</b>			
0	59	43.1%	3.37
1	35	25.5%	3.33
2	20	14.6%	3.34
3 or more	23	16.8%	3.18
<b>Educational Attainment (n=127)</b>			
Some high school	15	11.8%	3.3
High school diploma or GED	34	26.8%	3.28
Some College	27	21.3%	3.53
Associate degree or higher	51	40.2%	3.27
<b>Race/Ethnicity (n=132)</b>			
African-American (non-Hispanic)	63	47.7%	3.32
European American/White	13	9.8%	3.45
Hispanic/Latinx (all races)	49	37.1%	3.36
Mixed/Other	7	5.3%	2.89
<b>Borough (n=137)</b>			
Bronx	47	34.3%	3.55
Brooklyn	55	40.1%	3.07
Manhattan	15	10.9%	3.48
Queens	14	10.2%	3.31
Staten Island	6	4.4%	3.47
<b>Program Access (n=137)</b>			
Universal Access ZIP	85	62.0%	3.24
Non-Universal Access ZIP	52	38.0%	3.38
<b>Case Type (n=137)</b>			
Holdover	58	42.3%	3.37
Non-Payment	79	57.7%	3.29
<b>Housing Regulation Status (n=126)</b>			
Regulated	77	61.1%	3.32
Non-regulated	49	38.9%	3.35