

**AN ANALYSIS OF THE EVICTION DIVERSION PROGRAM AT THE 54-A DISTRICT
COURT**

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I. EXECUTIVE SUMMARY

A. The Purpose of the Study and the Design of the Program.

The purpose of this study is to present a data-supported analysis of the Eviction Diversion Program (“EDP”) and its impact for tenants facing eviction. The EDP was designed to provide free legal assistance to self-represented defendants in landlord-tenant disputes. The EDP ran from September 8, 2017 to December 13, 2017 in Judge Alderson’s court at the 54-A District Court in Lansing, Michigan. The EDP had three major components in its design. First, the program sent a flyer to all of the tenants who were served with a “Summons and Complaint” for an eviction. The flyer urged tenants to come to court and informed them that they may be eligible for free legal assistance. Second, the program offered free legal assistance to self-represented defendants who were facing eviction. This legal assistance was offered by Legal Services of South Central Michigan (“LSSCM”) and the Michigan State University College of Law Housing Clinic (“MSU”). Third, the Department of Health and Human Services (“DHHS”) had staff members at the court on the day of the EDP to provide an opportunity for tenants to receive financial assistance.

B. The Design of the Study.

The study of the EDP was designed to measure the impact of the program on tenants and the court. To measure the EDP’s impact on tenants, we examined the number of formal evictions¹, default rates, and amount of money awards entered against tenants. Additionally, the study attempted to measure whether tenants were later informally evicted² outside of the court process, despite the fact that the tenant entered the program and court records showed no eviction. To measure the impact of the program on court proceedings, the study examined the number of dismissals and defaults that were reported by the court before and during the EDP. Finally, to fully examine the EDP we measured the use rate of the legal services and the EDP Settlement Agreements.³

¹ A formal eviction has each one of the following elements: (1) a tenant receives a judgement that says a “writ may issue,” (2) 10 days pass from the judgment, (3) the defendant did not cure the problem, and (4) the landlord paid for a writ of eviction from the court, (5) “writ was issued” was entered into the JIS system. .

² An informal eviction occurs when a tenant does not receive a writ of eviction from the court, but terminates the tenancy before the agreed upon end date of the lease because the landlord has asked the tenant to do so.

³ An EDP Settlement Agreement is a form that was developed by Judge Alderson’s team to facilitate consensual agreements between landlords and tenants. It is more fully explained in section IV.

C. Major Findings of the Study.

The study had several major findings. First, Judge Alderson’s formal eviction rate decreased from 35.09 percent in 2016 to 22.50 percent in 2017. Second, Judge Alderson’s default rate decreased from 44.88 percent (per tenant) in 2016 to 33.40 percent (per tenant) in 2017. Third, during the EDP Judge Alderson had a default rate of 33.05 percent (per case) compared to a default rate of 46.71 (per case) for the other three judges at 54-A. Fourth, Judge Alderson’s dismissal rate decreased from 33.45 percent in 2016 to 27.95 percent in 2017. Fifth, during the EDP 42.71 percent of all non-default cases for Judge Alderson accepted an offer of free legal assistance. Sixth, during the EDP 32.08 percent of all non-default tenants for Judge Alderson entered into an EDP Settlement Agreement.

Judge Alderson’s 2016 and 2017 Dockets in Sept., Oct., Nov., and Dec.			
	2016	2017	Change
Default Rate (per tenant)	44.88%	33.40%	-11.48%
Formal Eviction Rate	35.09%	22.50%	-12.59%
Dismissal Rate	33.45%	27.95%	-5.50%

Figure 1. Changes in rates of default, formal evictions, and dismissals from before the EDP (2016) and after its implementation (2017) (these statistics are provided per tenant).

Default Rate Between Judge Alderson and the Other Judges During the EDP			
	Judge Alderson	All Other Judges	Difference
Default Rate (per case)	33.05%	46.71%	-13.66%

Figure 2. Default rates of Judge Alderson’s docket that featured the EDP and the other dockets at 54-A that did not feature EDP (this statistic is provided per case).

Usage Rate of EDP Services	
Percentage of cases that accepted legal services	42.71%
Percentage of tenants that used an EDP Settlement Agreement	32.08%

Figure 3. Usage rate of legal services during the EDP and the usage rate of EDP Settlements Agreements during the EDP.

II. PROJECT BACKGROUND, DESIGN, AND DEVELOPMENT

Nick Gamber, Jordan Galvin, and Andrew Sanders completed this paper as part of a project for LegalRnD – The Center for Legal Services Innovation at Michigan State University College of Law. Nick and Andrew were students in Quantitative Analysis for Lawyers in the fall of 2017. Jordan was a LegalRnD fellow and Innovation Counsel for the 2017-18 academic year. The project began when Judge Alderson reached out to LegalRnD Director and MSU Law Professor in Residence Daniel W. Linna Jr. to request LegalRnD’s assistance with the implementation and assessment of the EDP. Dan proposed to bring in two students and LegalRnD’s Innovation Counsel (Jordan) to work on the project during the summer and fall of 2017.

Judge Alderson, Mary Kelly, and Stephanie Blandford designed and implemented most of the program. Judge Alderson recruited various stakeholders to garner input from each group, worked with LSSCM and MSU to bring in legal assistance for pro se tenants, and worked with DHHS to have staff members on site. Mary Kelly and Stephanie Blandford developed specialized forms to be used by both the landlord and tenant during the EDP and developed a coding system to monitor the use of the forms. Both also provided great insight into how the eviction process worked and how the court tracked eviction cases for the research paper.

Elizabeth Rios and MSU Law Professor Brian Gilmore both supervised the legal services that were provided. This was the key component to the EDP. Without the offer of free legal services, the project would not have functioned. LSSCM and MSU provided law students and lawyers to self-represented defendants as an offer of legal services.

A. Flyer Development and User Testing.

A key principle of Design Thinking and the Improvement Kata, two methodologies that heavily influenced the design of this project, is the idea of rapid prototyping, or a “learn fast” mentality.⁴ Doing quick iterations of a product or idea after giving stakeholders a chance to provide feedback ensures the researcher or designer understands where value is being added, and which ideas are not worth pursuing. As part of our project, we could have simply created a flyer using our assumptions of what would be most valuable or helpful to the tenants. However, in the interest of user-centered design, we conducted user testing, and adjusted the flyers based upon feedback we received from the various stakeholders.

We began by enlisting Margaret Hagan, Director of the Legal Design Lab at Stanford University, to help us draw up an initial flyer that would be sent out with the Summons and Complaint to every tenant on Judge Alderson’s landlord-tenant docket. We presented this initial flyer to Judge Alderson and her team, and they provided their input on how it could be improved. This feedback was relayed to Margaret, who incorporated the suggestions into a second flyer.

⁴ “Learn fast” (known as “fail fast” in the startup community) is a philosophy that values rapid prototyping and testing and incremental development to determine whether an idea has value.

Next, LegalRnD Innovation Counsel Jordan Galvin and Professor Dan Linna did “user testing” of the second flyer with actual tenants in landlord-tenant eviction proceedings. They followed design thinking best practices and prepared a list of questions to ask the tenants that would draw the most helpful information out of them, keeping in mind the following logistical and practical points: (1) these tenants are here for court and probably will not feel much like talking; (2) it is uncomfortable for many people to provide negative feedback, so we wanted to encourage them to be honest; and (3) open-ended questions will facilitate more useful feedback. Finally, to help us narrow the scope of questions, Jordan and Dan kept in mind the purpose of the flyer: to inform tenants of ways to seek legal help, that an EDP consisting of free legal aid and funding opportunities is being implemented in the court, and the consequences of failing to appear for the hearing. Thus, Jordan and Dan asked questions to help determine whether the flyer serves these purposes.

Performing the user testing was relatively straightforward. Jordan and Dan went to the court on one of Judge Alderson’s landlord-tenant docket days (before the implementation of the EDP). They approached people who were sitting outside the courtrooms and asked if they were a tenant in a landlord-tenant proceeding. If a person said yes, they offered the tenant a \$5 Starbucks gift card for participating. After the participants looked over the flyer, Jordan and Dan asked them the following questions: (1) What do you think the flyer is trying to communicate? (2) If you had received this flyer, what would you have done first? Why? Then what? (3) If you had received this flyer, would you be more or less likely to come to court? Why? (4) How do you think the flyer could be improved? Why? (5) What information on this flyer did you already know about?

The feedback was compiled and sent to Judge Alderson and her team, as well as to Margaret. Based upon this feedback, Margaret designed a third version of the flyer, which went out with the Summons and Complaint in the second half of the program.



1 REACH OUT FOR HELP ASAP.

you CAN TALK To a LAWYER, OR LOOK AT SELF-HELP GUIDES ONLINE, To UNDERSTAND your OPTIONS & How To PROTECT yourSELF.



2 GET your DOCUMENTS READY.

THE MORE DOCUMENTS + MATERIALS you HAVE WITH you, THE BETTER CHANCE you HAVE of getting FREE ASSISTING, AND of PRESENTING your SIDE of THE STORY.



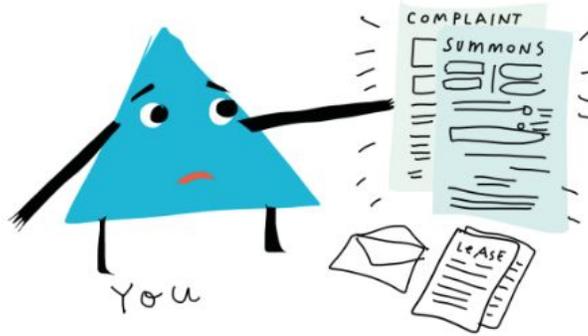
3 COME To COURT For your HEARING.

you MUST come to COURT at the DATE + TIME LISTED ON your SUMMONS. IF you DONT THE CASE will go FORWARD without you & a JUDGMENT will BE MADE AGAINST you. THIS CAN LEAD To EVICTION, BAD CREDIT REPORTS, + INABILITY To GET SECTION 8 HOUSING.



Figure 4. First iteration of the flyer.

**YOU HAVE BEEN SUED
BY YOUR LANDLORD. IF
YOU DON'T ACT NOW,
YOU MAY BE EVICTED.
WHAT SHOULD YOU DO?**



1 REACH OUT FOR HELP ASAP

You can talk to a lawyer, or look at self-help guides online, to understand your options & how to protect yourself.

Option A



Call Lansing Legal Aid at
888-783-8190

They will talk to you & get you on the right path.

Option B

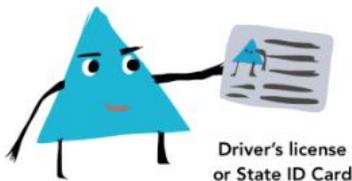


Go to Michigan Legal Help Online at
www.michiganlegalhelp.org

Find free guides, contacts, & resources to help you.

2 GET YOUR DOCUMENTS READY

The more document & materials you have with you, the better chance you have of getting free assistance, & of presenting your side of the story.



Driver's license
or State ID Card



Your SSN
Card



Pay stubs or other proof of
income for past 30 days



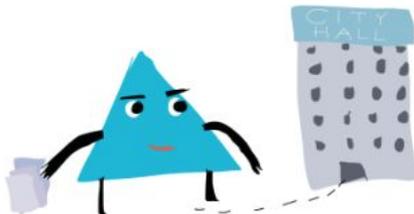
Your recent
bank statement



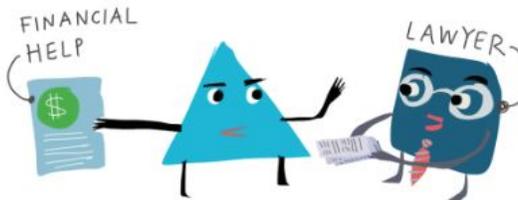
Receipts of rent
you have paid

3 COME TO COURT FOR YOUR HEARING

You must come to court at the date and time listed on your summons. If you don't, the case will go forward without you, and a judgment will be made against you. Not showing up in court can lead to eviction, bad credit reports, and inability to get section 8 housing.



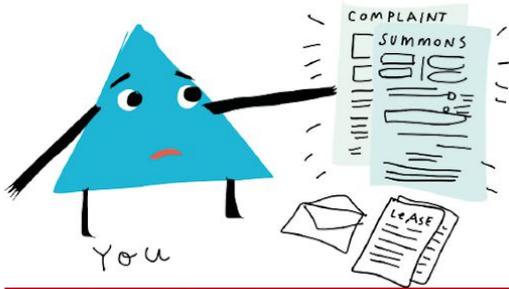
Your hearing will be at Lansing City Hall 54A Court- 6th floor. Come early to make sure you don't miss it.



At court, you may potentially get financial assistance or free legal representation, depending on your case.

Figure 5. Second iteration of the flyer after feedback from Judge Alderson and the team at 54-A.

YOU HAVE BEEN SUED BY YOUR LANDLORD.



If you don't act now,
you may be evicted.
What's available to help you?

1 REACH OUT FOR HELP ASAP

You can talk to a lawyer, or look at self-help guides online, to understand your options & how to protect yourself.

Option A



Go to Michigan Legal Help Online at
www.michiganlegalhelp.org

Find free guides, contacts, & resources to help you.

Option B

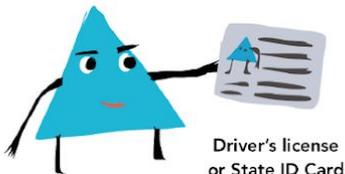


Call Lansing Legal Aid at
888-783-8190

They will talk to you & get you on the right path.

2 GET YOUR DOCUMENTS READY

The more document & materials you have with you, the better chance you have of getting free assistance, & of presenting your side of the story. Note that bringing all of the documents is not mandatory.



Driver's license
or State ID Card



Your SSN
Card



Pay stubs or other proof of
income for past 30 days



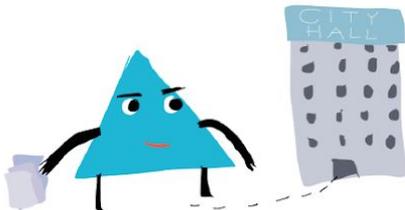
Your recent
bank statement



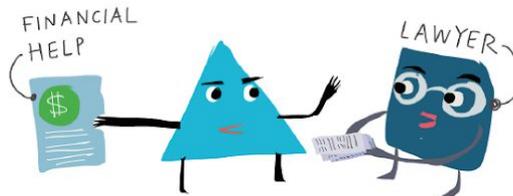
Receipts of rent
you have paid

3 COME TO COURT FOR YOUR HEARING

You must come to court at the date and time listed on your summons. If you do, free legal representation and financial aid possibly may be available to you. If you do not come at the date and time listed, a judgement will be made against you, which could lead to eviction, bad credit reports, and inability to get section 8 housing.



Your hearing will be at Lansing City Hall 54A Court- 6th floor. Come early to make sure you don't miss it.



At court, you may potentially get financial assistance or free legal representation, depending on your case.

Figure 6. Final version of the flyer completed after user testing actual tenants in eviction disputes.

B. The Structure of the Free Legal Services and the Development of the EDP Settlement Agreements.

Judge Alderson enlisted both LSSCM and MSU to provide legal assistance. The organizations were both present on each day that Judge Alderson had a docket for landlord-tenant disputes. When a tenant who was on Judge Alderson's landlord-tenant docket checked into the court, the tenant was offered free legal aid by the clerk checking people in. The clerk explained that the tenant was not required to accept the offer, but legal assistance was available.

LSSCM and MSU each utilized a combination of students and attorneys to run the EDP.⁵ Typically, a tenant who wanted legal assistance was checked in by an attorney from LSSCM and assigned to a law student from LSSCM or MSU. The law student worked with the tenant to identify the facts of the situation and the legal remedies available. After the law student arrived at a course of action, the law student, tenant, and staff attorney would decide together how to proceed with the case. Any decision or agreement was ultimately approved by the staff attorneys at LSSCM or MSU.

Many of the tenants utilized EDP Settlement Agreements. The EDP Settlement Agreements were developed by Judge Alderson and her staff for the EDP after a meeting with all of the stakeholders. The EDP Settlement Agreements were consensual agreements between both the landlord and the tenant. The attorney providing legal services to the tenant found the landlord at the courthouse and asked if the landlord would negotiate an EDP Settlement Agreement. If the landlord did not appear, or the landlord did not appear until right before the case was called, then the tenant and the landlord would not enter into an EDP Settlement Agreement. The landlord would typically agree to allow the tenant to stay in the residence, and the tenant would agree to pay a specific amount of money. If the tenants failed to comply with their part of the EDP Settlement Agreement, then landlords could return to the court, obtain a judgment against the tenant, and evict them. The court staff also created a coding system for the EDP Settlement Agreements that allowed us to easily track their usage.

C. DHHS and Third Party-Payers.

Judge Alderson also enlisted staff members from DHHS to be at the court on the day of eviction hearings. By having a DHHS staff member at the court, a tenant could apply for financial aid from DHHS as soon as hearings concluded. The tenant did not need to leave the building and could find out about eligibility for financial assistance right away. The hope was that this would allow many tenants to become aware of financial assistance and prompt them to apply for financial assistance immediately. Even if a tenant could not receive assistance from DHHS, a tenant could receive a rejection letter from

⁵ In September, MSU provided legal services to 5 of the 41 cases that used legal services. LSSCM provided legal services on all four days of the EDP in September, whereas MSU provided legal services on two days of the EDP in September.

DHHS. A rejection letter was important because many other third-party payers⁶ required a rejection letter from DHHS before they would offer assistance.

III. LITERATURE REVIEW

A. Eviction Intervention Programs Have Shown Good Results, But There are Very Few Studies.

The studies that have previously researched eviction intervention programs have shown favorable results. In a study from New York in 2001, researchers found that tenants who were facing eviction and received legal assistance from pro bono attorneys did significantly better than tenants who did not (Frankel, Frankel, Seron, & Van Ryzin, 2001). Additionally, the researchers found that legal representation did not impact the efficiency of the court system (Frankel et al., 2001). Another study in Massachusetts by the Boston Bar Association Task Force on Expanding the Civil Right to Counsel (2012) followed two pilot programs that provided free legal representation to specific categories of low-income tenants, where legal representation was expected to make the most difference in terms of case outcomes. The Boston Bar Association Task Force (Boston, 2012) found that both pilot projects prevented evictions, protected the rights of tenants, and maintained shelter in a high rate of cases.

Other studies that have researched eviction intervention programs have not primarily focused on eviction results. One study found that a homeless prevention program saved New York State approximately \$1.15 million dollars in homeless shelter costs (New York Department of Social Services, 1990). Another study found that a “Lawyer for a Day Program in Housing Court” benefited the litigants and the court system by improving perceptions of fairness and accessibility to justice (New York City Bar, 2008). Additionally, the “Lawyer for a Day Program in Housing Court” benefited the judge and court staff by improving courthouse efficiency (New York City Bar, 2008).

B. The Scope of the Eviction Problem is Largely Unknown.

According to Matthew Desmond (2015), the scope of the evictions problem is largely unknown because there are very few local studies of evictions and there is no national evictions database. Desmond (2015) did find that the few local studies that do exist show a large number of eviction judgements. For example, in 2012 New York City’s Housing Courts processed 28,743 eviction judgments, Cleveland saw 11,072 eviction filings and Chicago saw 32,231 eviction filings (Desmond, 2015). Further, the problem is likely even larger because many landlords do not formally evict a tenant, but instead they force a tenant to move through informal methods (Desmond, 2015). One study in Milwaukee found that 48 percent of all forced moves were informal (Desmond, 2015). In Michigan, the Detroit News found that one in five renters in Detroit face yearly threats of eviction (MacDonald, 2017). The 36th District Court in Detroit

⁶A third-party payer is an organization or person who pays all or part of the balance owed by the tenant to the landlord.

has averaged about 35,000 eviction cases each year since 2009 (MacDonald, 2017). There are no readily available statistics for evictions in Lansing or any other Michigan city.

C. There is a Lack of Affordable and Available Housing for the Poor in the United States, Michigan, and Lansing.

According to the National Low Income Housing Coalition ([NLIHC], 2017a) there is a lack of affordable and available rental housing for the poor across the United States. Furthering the problem is the fact that the majority of renter households in the United States are poor. Nationally there are nearly 43.6 million renter households and 26.9 million are below middle income (NLIHC, 2017a). Additionally, housing places considerable cost burdens on the poor, which often forces poor renters to make sacrifices between rent and other basic necessities such as food and healthcare (NLIHC, 2017a).

The average Michigan renter does not make enough to afford the average Michigan rental property. The fair market rent for a two bedroom household in Michigan in 2017 was \$844 per month. To afford this - without paying more than 30 percent of the renter's income on rent - the renter would have to make \$33,775 a year (NLIHC, 2017b). However, the average renter in Michigan earns \$28,496 each year (NLIHC, 2017b). Expanding the problem is the fact that 29 percent of Michigan households are renter households (NLIHC, 2017b).

Rental homes in Lansing are more affordable than the rest of the state; however, this is offset by the fact that Lansing renters on average earn less than renters in the rest of the state. The hourly wage required to afford a two bedroom rental in Lansing is \$15.67 (NLIHC, 2017b). Whereas the hourly wage required to afford a two bedroom rental in the state of Michigan is \$16.24 (NLIHC, 2017b). The average Lansing renter earns an hourly income of \$12.09 (NLIHC, 2017b). Whereas the average Michigan renter earns \$13.70 per hour (NLIHC, 2017b). In sum, Lansing residents pay less for housing, but Lansing renters also earn less. Rental households in Lansing also make up a larger percentage of the total population than the rest of the state. In Lansing 35 percent of households rent as opposed to 29 percent for the rest of the state (NLIHC, 2017b).

D. The Eviction Process.

The eviction process has four major components: the notice to evict, the Summons and Complaint, the hearing, and the issuance of a writ to evict. First, the landlord must provide the tenant with notice that he plans to evict the tenant. Typically, the landlord is required to give seven days' notice before a Summons and Complaint can be issued to the tenant (Michigan State Legislature, 2015). However, the amount of time that is required may vary depending upon the lease violation (Michigan State Legislature, 2015). Second, if the tenant has not cured the problem for which the landlord has given a notice to evict, then a Summons and Complaint is issued to the tenant (Michigan State Legislature, 2015). The Summons and Complaint is sent by first class mail and usually posted on the tenant's door (Michigan State Legislature, 2015). A hearing date will be set in the Summons and Complaint (Michigan

State Legislature, 2015). Third, if the tenant has not cured the violation by the time of the hearing, he will be required to appear at the hearing (Michigan State Legislature, 2015). If the tenant does not show up at the hearing, then a judgment is entered against him by default (Michigan State Legislature, 2015). At the hearing the tenant and the landlord can reach an agreement on a short term solution (a consent), the two parties can argue their claims in front of the judge or the plaintiff (or judge) can dismiss the claim. Fourth, if the landlord receives a judgment for possession, then the landlord can apply for a writ of eviction 10 days after the judgment if the tenant has not cured the problem (usually by payment of overdue rent) by then (Michigan State Legislature, 2015).

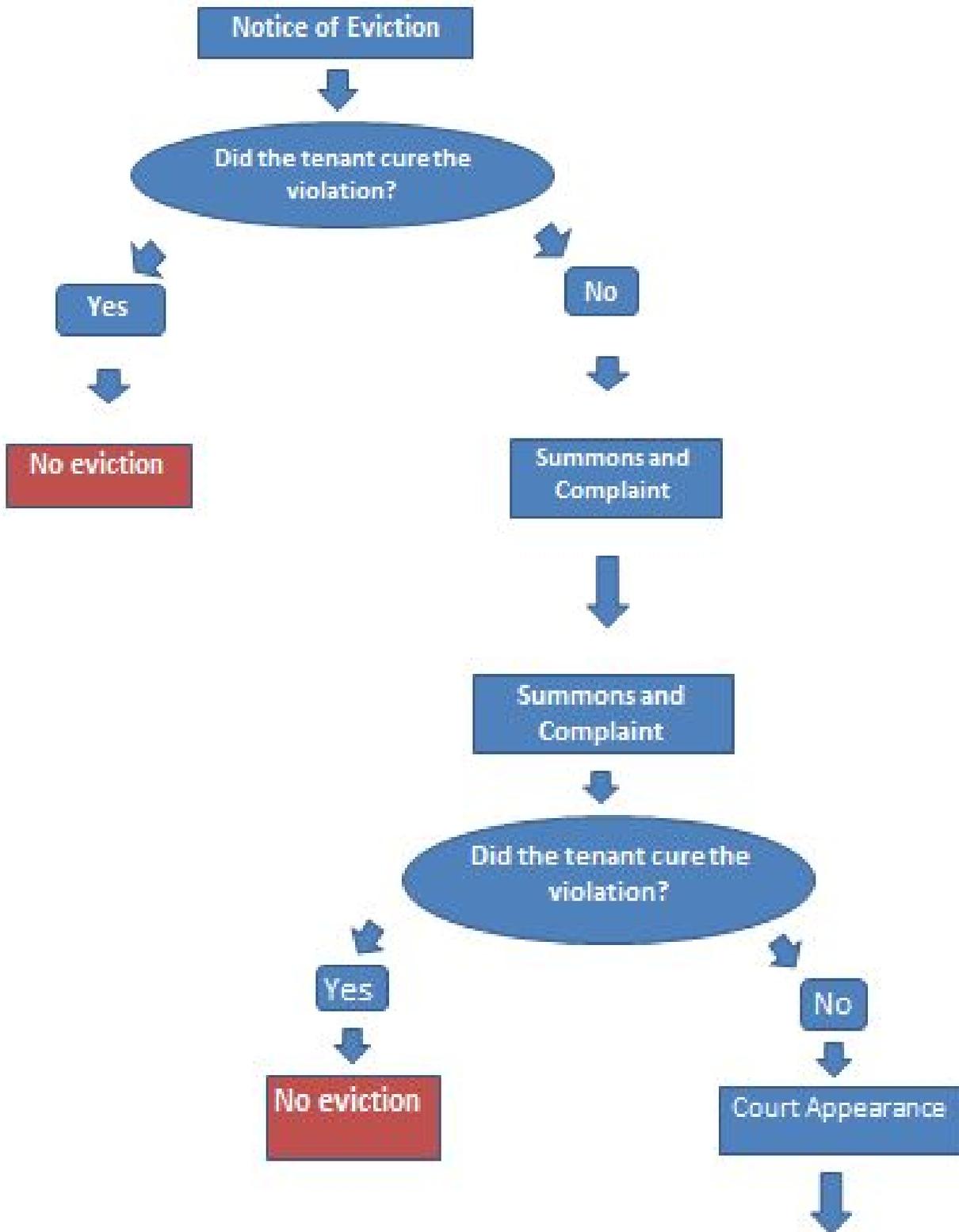


Figure 7. The eviction process, without a default, from the notice to evict up to the court hearing.

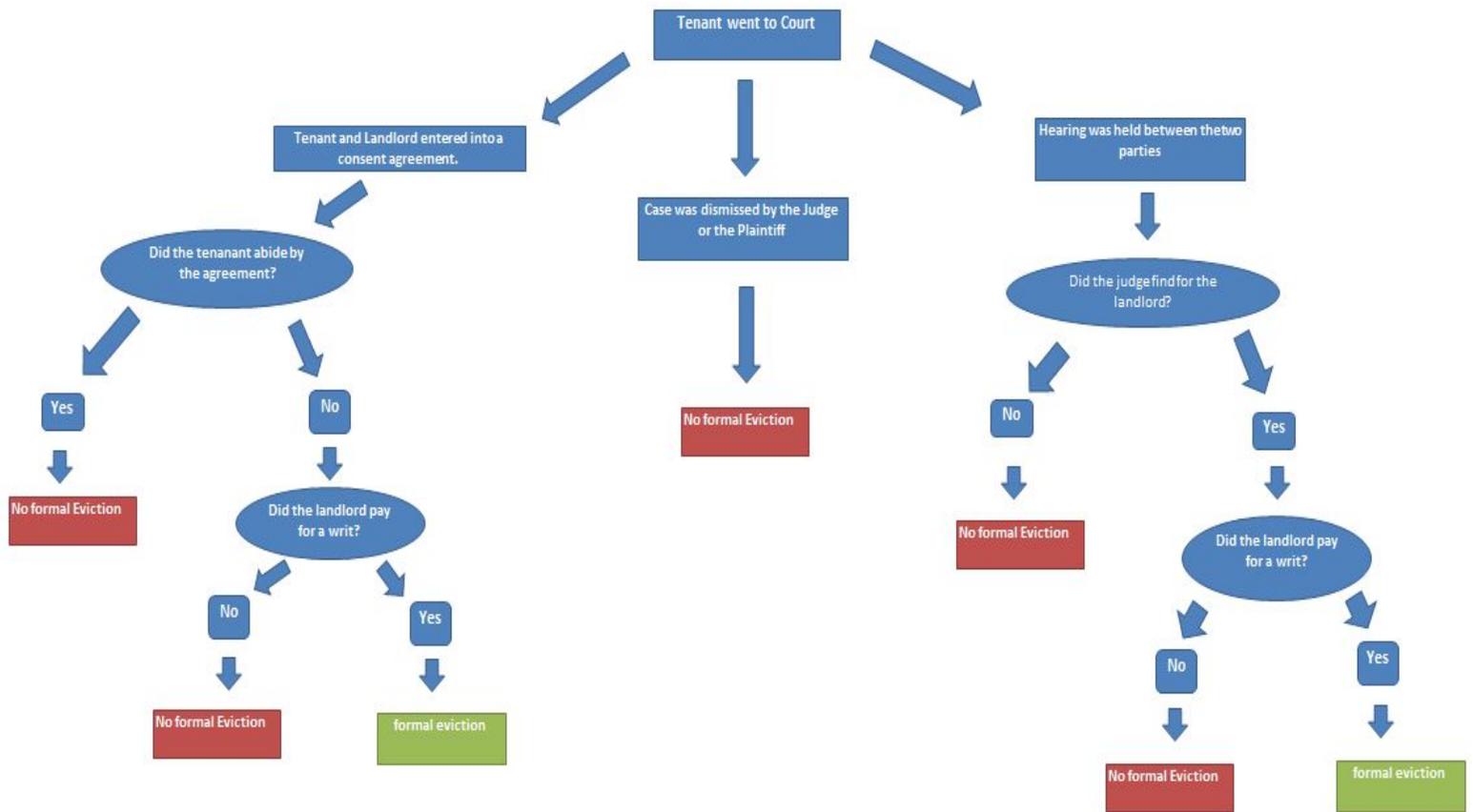


Figure 8. The eviction process, without defaults, from the court hearing to an issuance of a writ of eviction.

IV. RESEARCH QUESTIONS AND HYPOTHESES

A. Research Questions.

We investigated three research questions: (1) What impact did the EDP have on tenants? (2) What impact did the EDP have on court proceedings? (3) How many tenants were informally evicted after going through the program? Answering these three questions illustrated what the EDP’s benefits were to tenants and what its cost was to the court.

B. Hypotheses.

With the research questions guiding our study, we developed the following hypotheses for testing:

- A. With the implementation of the EDP, there will be a decrease in the number of formal evictions for Judge Alderson.

- We chose this hypothesis because the primary purpose of the EDP was to reduce the number of evictions. By comparing the formal eviction rate we could determine if the program was possibly serving its purpose.

B. (1) With the implementation of the EDP, there will be a decrease in the number of defaults for Judge Alderson, as compared to her docket from 2016.

- We chose this hypothesis because we wanted to see if the EDP possibly encouraged people to come to the court. We wanted to see if the court would see an increase in its workload during the day of the hearing.

(2) With the implementation of the EDP, there will be a decrease in the number of defaults for Judge Alderson, as compared to the other judges who do not utilize the program at the 54-A District Court.

- We chose this hypothesis because we wanted to see if the EDP possibly encouraged people to come to the court. We wanted to see if the court would see an increase in its workload during the day of the hearing.

C. With the implementation of the EDP, there will be an increase in the number of dismissals for Judge Alderson, as compared to her docket from 2016.

- We chose this hypothesis because we wanted to see if the EDP was being influenced by the judge or plaintiffs. If the judge or the plaintiff dismissed more cases during the EDP, then the results might require more scrutiny.

D. With the implementation of the EDP, there will be a decrease in the amount of money that is awarded against tenants who utilize the offer of free legal aid.⁷⁸

- We chose this hypothesis because we wanted to see if the the use of legal services saved tenants money. We wanted to see if tenants were seeing any additional benefits other than a reduction in formal evictions.

⁷ Ideally we would have compared the amount of the original demand to the final settlement agreement amount; however, those numbers were not readily available.

⁸ Several intervening causes may have influenced this hypothesis, for example fewer defaults may have introduced more difficult cases into the court.

To test the above hypotheses, we created a null hypothesis for each and attempted to reject each of the null hypotheses.

V. METHODOLOGY

A. The Formal Eviction Rate.

We tested our hypothesis for the formal eviction rate by comparing Judge Alderson’s formal eviction rate during the EDP to her formal eviction rate in 2016 (over the same four months). We gathered this data through the court’s “Judicial Information Services” (JIS) on a per case basis. We used the number of formal evictions per case because the court and LSSCM initially provided the data on a per case basis. We tested the two formal eviction rates with a chi-square statistic because the data was organized into discrete (yes/no) information. The chi-square statistic also gave us a p-value that we used to determine statistical significance. If the p-value was less than 0.05, then we determined the difference to be statistically significant and we could reject the null hypothesis.

Writs issued-Alderson 2016 and 2017 in Sept., Oct., Nov., and Dec.						
2016 hearings	2016 writs issued	2016 Not issued		2017 hearings	2017 writs issued	2017 Not issued
416	146	270		360	81	279

Figure 9. The formal evictions number for Judge Alderson in 2016 and 2017 during the EDP.

Chi-Square Sample			
	2016	2017	Total
Defaults	xx	xx	xx
No Defaults	xx	xx	xx
Total	xx	xx	xx

- Chi-Square statistic= Figure derived from comparing above
- P-Value= Derived from Chi-Square Statistic. Shows statistical significance.

Figure 10. Sample Chi-Square Analysis table. Only two values for the data point exist. They are placed in a cell based on whether it was one of the two possible values, and the corresponding year the data was derived from.

B. The Default Rate.

First, we tested our hypothesis for the default rate by comparing Judge Alderson’s default rate during the EDP to her default rate in 2016 (over the same four months). We gathered this data through JIS on a per tenant basis. We used the number of defaults per tenant because the court initially provided the data on a per tenant basis. We tested the two default rates with a chi-square statistic because the data was organized into discrete (yes/no) information. The chi-square statistic also gave us a p-value that we used to determine statistical significance. If the p-value was less than 0.05, then we determined the difference to be statistically significant and we could reject the null hypothesis.

Second, we tested our hypothesis for the default rate by comparing Judge Alderson’s default rate during the EDP to the default rate of the other three 54-A judges. The court sent us reports documenting the number of defaults for the other judges. We compared these reports to the number of defaults for Judge Alderson on a per case basis. We used the number of defaults per case because the reports from the court were on a per case basis. We tested the two default rates with a chi-square statistic because the data was again organized into discrete (yes/no) information. We again used the chi-square statistic to identify the p-value. If the p-value was less than 0.05, then we determined the difference to be statistically significant and we could reject the null hypothesis.

Defaults-Alderson 2016 and 2017 in Sept., Oct., Nov., and Dec.						
2016 individuals	2016 defaults	2016 No defaults		2017 individuals	2017 defaults	2017 No defaults
538	237	301		440	147	293

Figure 11. Default numbers from Judge Alderson in 2016 and 2017 during the EDP.

Defaults-Alderson and Other Judges during the EDP				
	DeLuca	Clarke	Buchanan	Alderson
Defaults (cases) September-December 2017	243	182	221	119
Total cases	508	397	478	360

Figure 12. Default numbers from Judge Alderson, Judge DeLuca, Judge Clarke, and Judge Buchanan during the EDP.

C. The Dismissal Rate.

We tested our hypothesis for the dismissal rate by comparing Judge Alderson’s dismissal rate during the EDP to her dismissal rate in 2016 (over the same four months). We gathered this data through JIS on a per tenant basis. We used the number of dismissals per tenant because the court initially provided the data on a per tenant basis. We tested the two dismissal rates with a chi-square statistic

because the data was organized into discrete (yes/no) information. We used the chi-square statistic to identify the p-value. If the p-value was less than 0.05, then we determined the difference to be statistically significant and we could reject the null hypothesis.

Dismissals-Alderson 2016 and 2017 in Sept., Oct., Nov., and Dec.						
2016 individuals	2016 dismissals	no dismissals		2017 individuals	2017 dismissals	no dismissal
538	180	358		440	123	317

Figure 13. The number of dismissals for Judge Alderson in 2016 and 2017 during the EDP.

D. The Awarded Amounts Against Tenants.

We tested our hypothesis about award amounts by comparing the amount awarded against tenants who used the legal services and those who did not use the legal services. The data for the award amounts was obtained from LSSCM, which record the amounts that were awarded against the tenants that received legal aid. LSSCM also recorded the amount of money that was awarded against tenants who opted not to use free legal services. LSSCM provided information for September 2017. LSSCM recorded the data per case and not per tenant, so the data here was analyzed per case. LSSCM only recorded 23 data points for September. A two independent sample t-test was used because we wanted to compare the means of the two independent groups. We used the t-test to identify a p-value. If the p-value was less than 0.05, then we determined the difference to be statistically significant and we could reject the null hypothesis.

Here, we assumed the data for those tenants who did not receive LSSCM assistance was normally distributed because the mean and median were close in value (the mean was \$1282.81 and the median was \$1316.5) and the skewness was between 1 and -1 (0.23). We also assumed that the data for the tenants who did receive legal aid was normally distributed because the mean and median were close in value (the mean was \$748.08 and the median was \$630.66) and the skewness was between 1 and -1 (0.67). We chose not to include default awards because we wanted to see the effect of legal assistance and tenants who defaulted never had the option to utilize the legal services.

Average September Award Amounts 2017	
No Legal Services Used by Tenant	Legal Services Used by Tenant
\$1282.81	\$748.08

Figure 14. The average award amounts against tenants in September 2017.

T-Test: Two-Sample Assuming Unequal Variances		
	Variable 1-No Legal Services	Variable 2-Legal Services
Mean	1282.813	748.0830769
Variance	709139.5839	526619.396
Observations	10	13
T-Test Two-Sample Analysis Assuming Unequal Variance		
Hypothesized Mean Difference	0	
df	18	
t Stat	1.601941992	
P(T<=t) one-tail	0.063285881	
t Critical one-tail	1.734063607	
P(T<=t) two-tail	0.126571763	
t Critical two-tail	2.10092204	

Figure 15. The award amounts for September 2017 in Judge Alderson’s court and the t-test.

E. The Percentage of Tenants Who Used Free Legal Services and the EDP Settlement Agreements.

The participation rate for the offer of free legal aid was determined by calculating the percentage of non-defaulted cases that utilized the offer of free legal aid. LSSCM provided us with the data on a per case basis and so it was recorded on a per case basis. The participation rate of the EDP Settlement Agreements was determined by calculating the percentage of all the non-default tenants that utilized an EDP Settlement Agreement in September, October, November, and December 2017. We obtained the data via JIS because the court created a special code in JIS to track if a case utilized an EDP Settlement Agreement. The court initially gave us the data on a per tenant basis and so this percentage was determined in a per tenant basis.

F. The Survey of Informal Evictions.

To examine the informal eviction rate we developed a survey that was sent out to participants of the program. The survey asked tenants if they were still in their home, if they were not in the home we asked them why, and if they were still in the home we asked them if they were planning on leaving before the end of their lease. Finally, tenants were asked to briefly explain their answers.

On the day that the tenants appeared in court, each tenant that received free legal aid was asked to provide contact information for follow up on the program. Most tenants indicated that they would prefer to be contacted via text message. Based on this an online survey was developed on JotForm and sent via text message. Others received the survey via email, if they indicated that was the method they preferred. There were 46⁹ surveys that were sent out, and 7 that were completed and returned. The survey used a decision tree as follows:

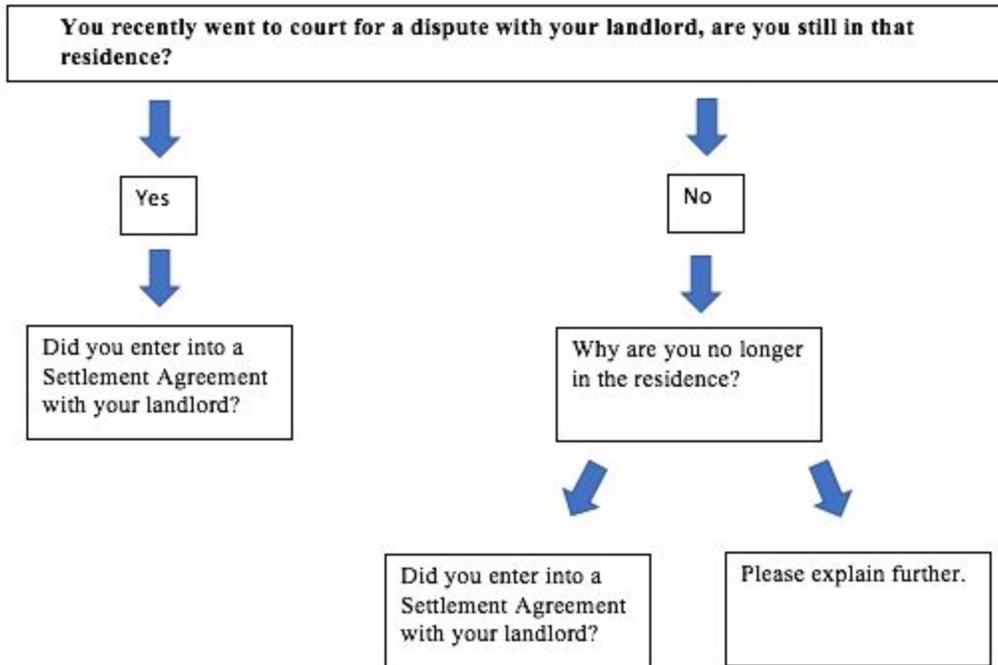


Figure 16. The decision tree that was used to survey participants.

⁹ Only 46 surveys were sent out because several people indicated that they did not want to be contacted or they provided contact information that was no good.

VI. RESULTS

A. The Formal Eviction Rate.

We found that there was a reduction in the amount of formal evictions from 2016 to 2017. There were 146 hearings that resulted in a formal eviction out of 416 total hearings for Judge Alderson from September 2016 to December 2016. Thus, the formal eviction rate for Judge Alderson from September 2016 to December 2016 was **35.09 percent**. When the EDP was implemented in Judge Alderson’s court there were 81 out of 360 total cases that resulted in a formal eviction. Thus, the eviction rate for Judge Alderson during the EDP was **22.50 percent**. The chi-square statistic for formal eviction figures was **14.795**, and the p-value was **0.00012**. This is a statistically significant figure, and the study could reject the null hypothesis that the EDP would not decrease the number of formal eviction.

Chi-Square for 2016/2017 Alderson Evictions in Sept., Oct., Nov., and Dec.			
	2016	2017	Total
Writs Issued	146	81	227
No Writs Issued	270	279	549
Total	416	360	776

- Chi-Square statistic = 14.795
- P-Value = .00012

Figure 17. Chi-Square Analysis table for formal evictions on Judge Alderson’s docket from 2016 and 2017.

Writs of Eviction Issued by Month

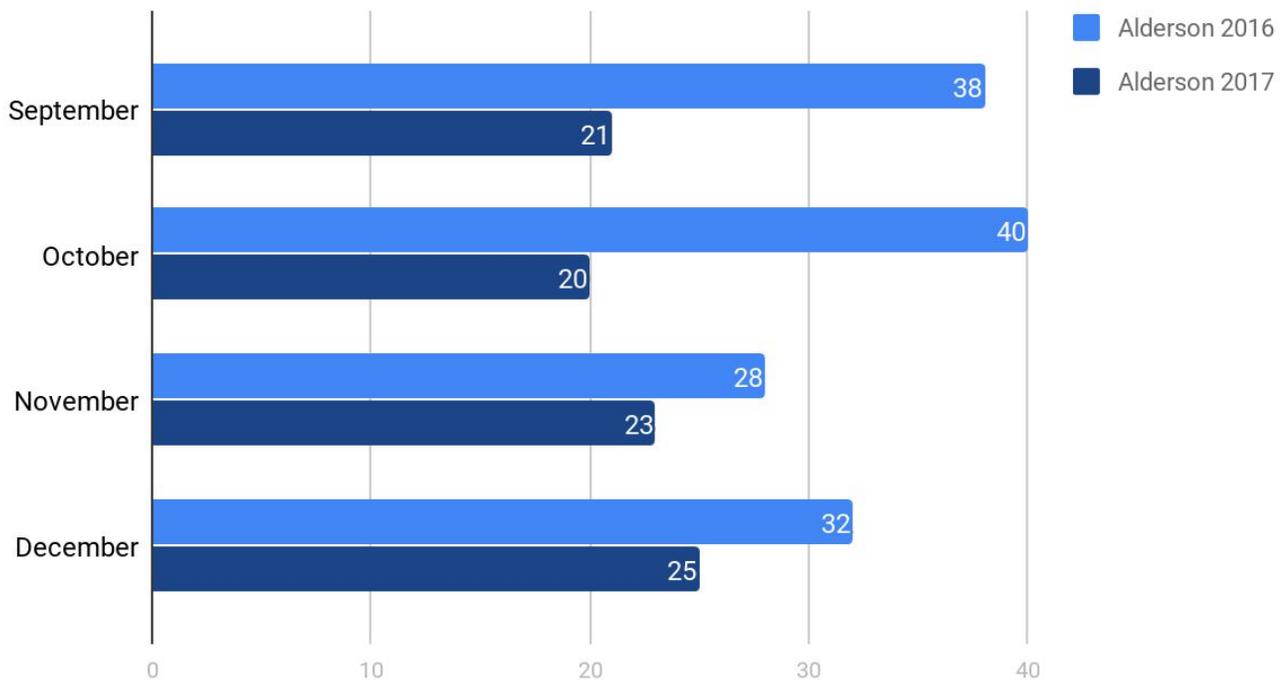


Figure 18. Percentage of writs issued by month by Judge Alderson in 2016 and 2017.

B. The Default Rate.

We found a decrease in the number of defaults on Judge Alderson's docket between 2016 and 2017. There were 237 defendants who defaulted out of 538 total defendants for Judge Alderson from September 2016 to December 2016. Thus, the default rate for Judge Alderson from September 2016 to December 2016 was **44.05 percent**. During the EDP there were 147 defendants who defaulted out of 440 total defendants in Judge Alderson's court. Thus, the default rate for Judge Alderson during the EDP was **33.40 percent**. The chi-square statistic for these figures was **11.496**. The p-value was **0.000697**. The p-value value being less than 0.05 shows statistical significance of the difference. The study could reject the null hypothesis that the EDP would not decrease the number of defaults as compared to Judge Alderson in 2016.

Chi-Square for 2016/2017 Alderson Defaults in Sept., Oct., Nov., and Dec.			
	2016	2017	Total
Defaults	237	147	384
Non-Defaults	301	293	594
Total	538	440	978

- Chi-Square statistic = 11.496
- P-Value = .000697

Figure 19. Chi-Square Analysis table for defaults on Judge Alderson’s Docket in 2016 and her docket in 2017 (These figures on a per tenant basis).

During the study, the number of defaults between judges who used the EDP program was lower than those who did not. There were 646 hearings that resulted in a default out of 1383 total hearings with judges who did not use the EDP between September 2017 and December 2017. Thus, the default rate for the judges who did not use the EDP was **46.71 percent**. During the EDP, there were 119 hearings that resulted in a default out of 360 total hearings for Judge Alderson. Thus, the default rate for Judge Alderson’s hearings during the EDP was **33.05 percent**. The chi-square statistic for defaults for this comparison was **21.6258**. The p-value was **0.000003**, which shows statistical significance. The study could subsequently reject the null hypothesis that the EDP would not decrease the default rate as compared to the other judges who did not use the EDP at the 54-A District Court.

Chi-Square for 2017 Alderson Defaults and Other Judges Defaults during the EDP			
	All Other Dockets	Judge Alderson	Total
Defaults	646	119	765
No Defaults	737	241	978
Total	1383	360	1743

- Chi-square statistic = 21.6258
- P-Value = .000003

Figure 20. Chi-Square Analysis table for defaults on Judge Alderson’s in 2017 and other 54-A Dockets in 2017 (These figures on a per case basis)

Defaults by Month for Alderson 2016 and 2017

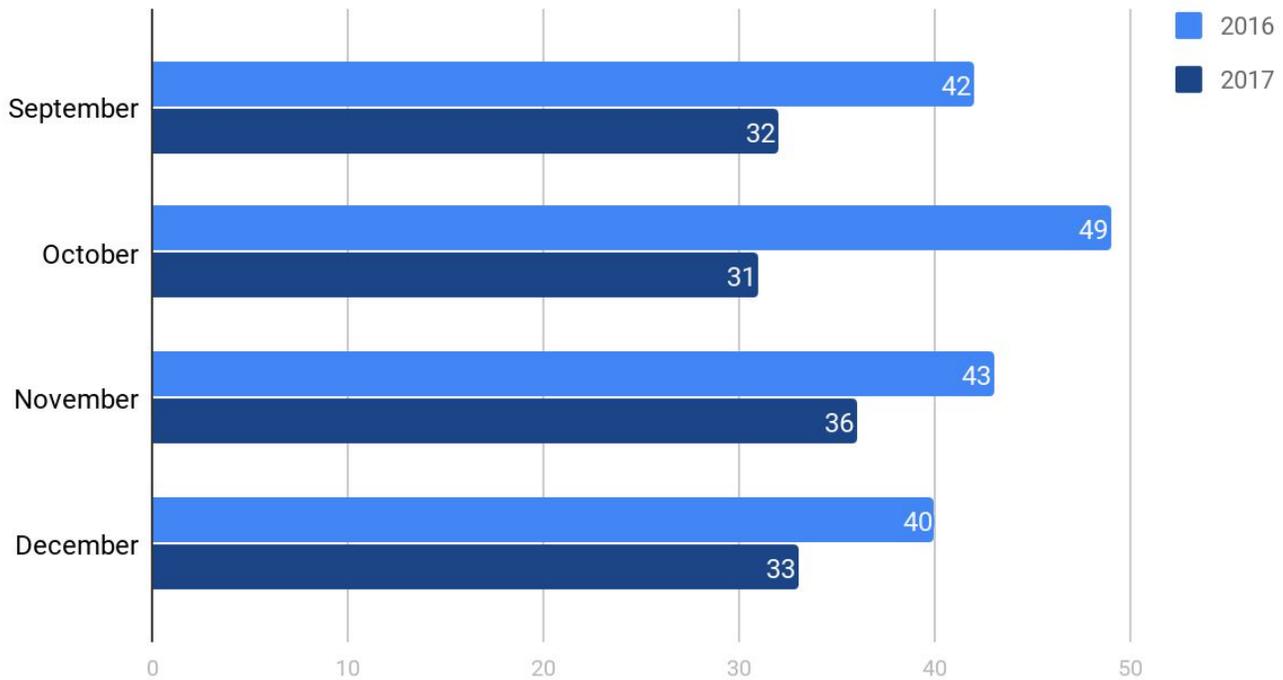


Figure 21. The default rate for Judge Alderson in 2016 and 2017.

2017 Defaults by Judge

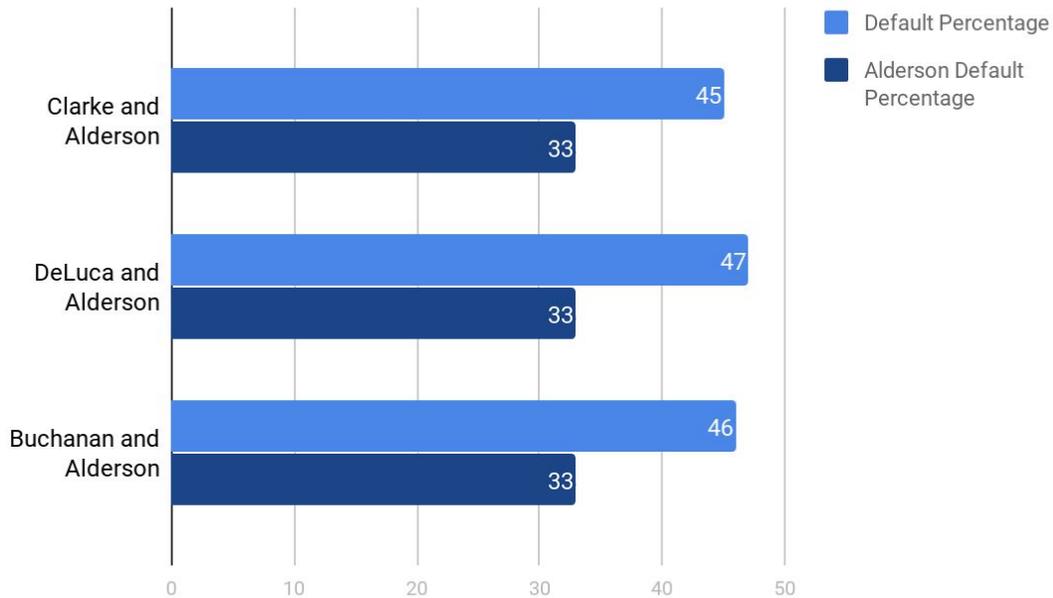


Figure 22. The default rate for Judge Alderson and the other three judges at the 54-A District Court.

C. The Dismissal Rate.

We found that there was no significant change in the amount of dismissals before the EDP and when the EDP was in place. There were 180 tenants who were dismissed out of 538 total tenants for Judge Alderson from September 2016 to December 2016. Thus, the dismissal rate was **33.46 percent**. When the EDP was implemented in Judge Alderson’s court there were 123 tenants who had their cases dismissed out of 440 total tenants. Thus, the dismissal rate for Judge Alderson during the EDP was **27.95 percent**. The chi-square statistic for dismissals was **3.4274**, and the p-value was **0.064118**. The study could not reject the null hypothesis that there was no relationship between the the 2017 dismissal rate and the dismissal rate during the EDP. Ultimately, the dismissal rate during the EDP was lower than before, but the lower rate was not statistically significant.

Chi Square for 2016/2017 Alderson Dismissals in Sept., Oct., Nov., and Dec.			
	2016	2017	Total
Dismissals	180	123	303
No Dismissals	358	317	675
Total	538	440	978

- Chi-Square statistic = 3.4275
- P-Value = .064118

Figure 23. Chi-Square Analysis table for dismissals on Judge Alderson’s docket from 2016 and 2017.

Dismissals by Alderson by Month for 2016 and 2017

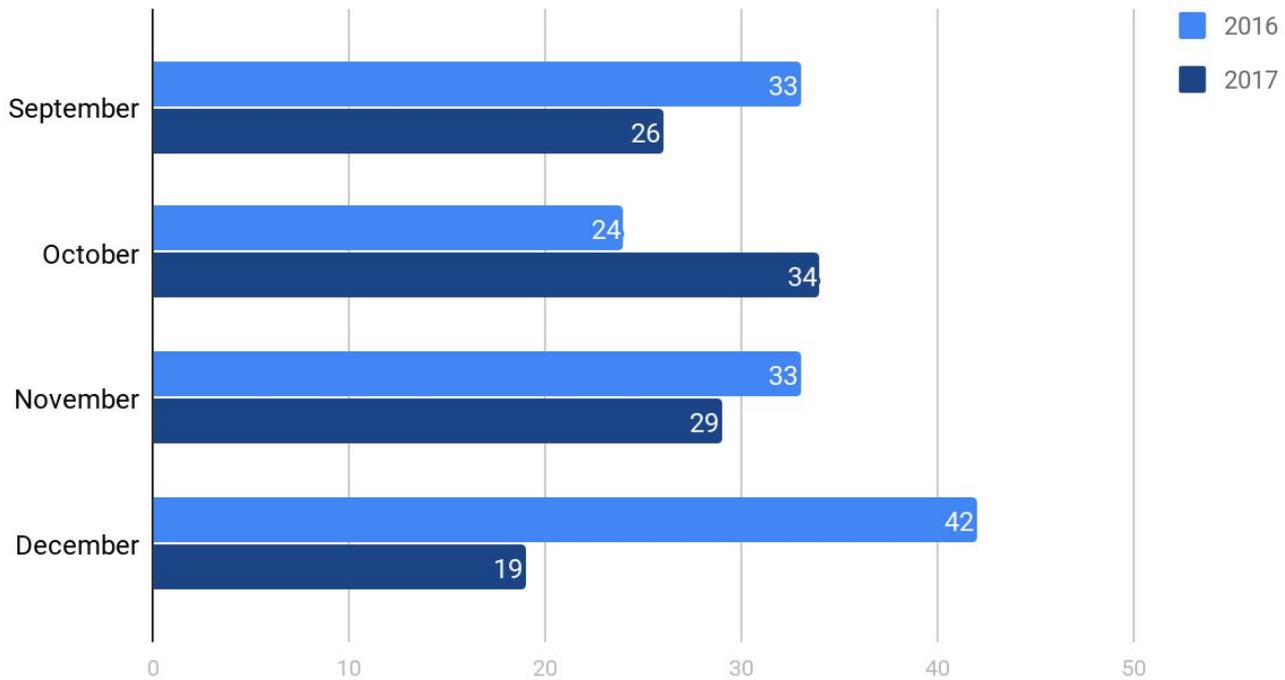


Figure 24. Percentage of Dismissals by month for Judge Alderson in 2016 and 2017.

D. The Awarded Amounts Against Tenants.

We found that defendants who used legal services were ordered to pay less than defendants who did not use the legal services, but this difference was not statistically significant. The average awarded amount for September 2017 was **\$748.08** against defendants who used legal services and **\$1282.81** for defendants who did not use the offer of legal services. Unfortunately, when a t-test was performed the p-value for a two-tail test was **0.12**, which is greater than 0.05 (the point at which there is statistical significance). There were only **23** data points that were analyzed in September. This low number could have contributed to the low p-value. Thus, the study could not reject the null hypothesis that there was no relationship in the awarded amount against defendants who used the legal services and those who did not use the legal services.

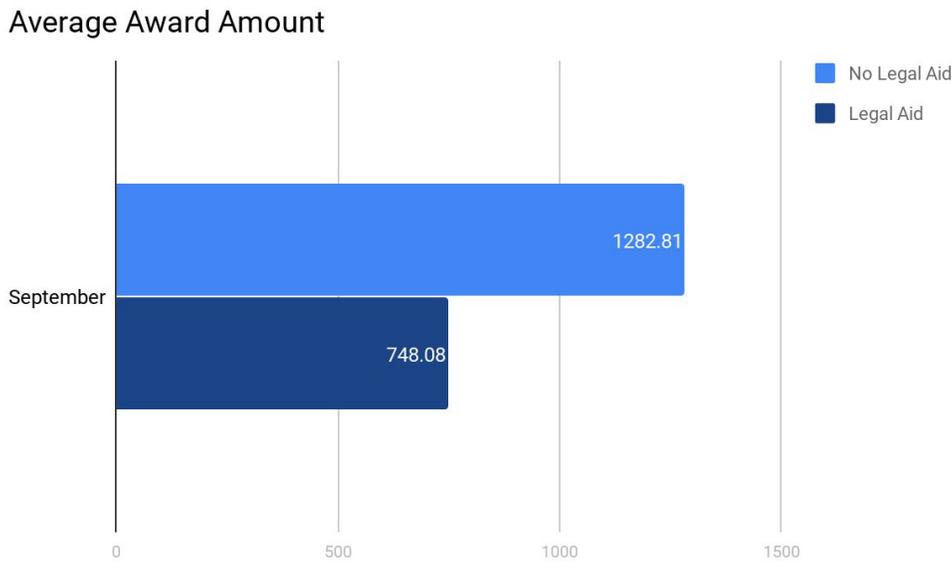


Figure 25. The average amount awarded against tenants who used legal services and those who did not.

E. The Percentage of Tenants who Used Free Legal Services and the EDP Settlement Agreements.

A large number of tenants accepted the offer of free legal assistance and utilized the EDP Settlement Agreements. In September 2017, there were 41 cases in which a defendant accepted the offer of free legal assistance out of 96 total non-default cases. Thus, **42.71 percent** of the cases where a defendant showed up to court utilized the offer of free legal assistance in September 2017. Additionally, a large number of tenants utilized the EDP Settlement Agreements. In September, October, November, and December 2017 there were 94 tenants that entered into EDP Settlement Agreements out of 293 total non-default tenants. Thus, **32.08 percent** of all non-default tenants for September, October, November, and December 2017 entered into an EDP Settlement Agreement.

EDP Settlement Agreement Usage

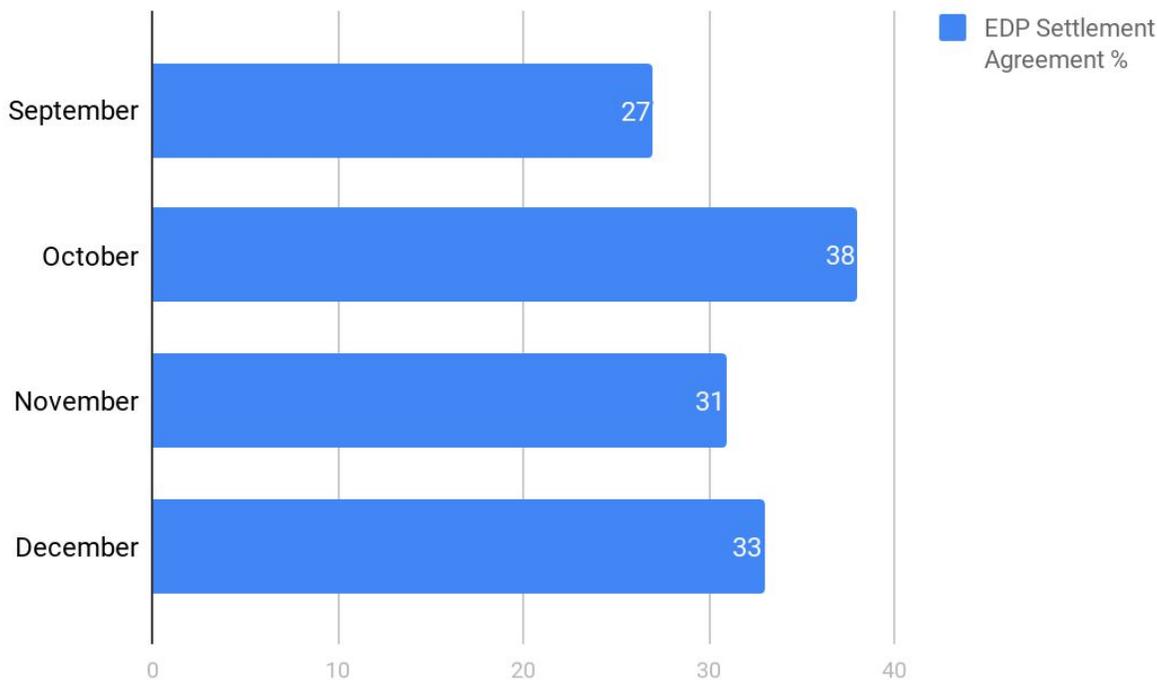


Figure 26. The percentage of cases that used an EDP Settlement Agreement.

F. The Survey of Informal Evictions.

The study found that several participants in the EDP left their homes because of pressure from their landlord after the conclusion of their court hearing. Of the 7 respondents to the survey 3 were no longer in the residence for which they went to court, and 2 of the 3 who were no longer in their residence said that they left because their landlord asked them to do so. Of the 4 individuals who were still in the residence 1 was planning on leaving before the lease ended. The tenant was leaving because his landlord was pressuring him to do so. The other 3 indicated that they were not planning to leave before their lease ends.

VII. ANALYSIS

A. The Formal Eviction Rate.

The rates of formal evictions saw a sharp decrease under the EDP. The chi-square analysis showed a statistically significant drop in formal evictions from Judge Alderson's docket from 2016 (before the EDP) to 2017 (during the EDP). The rate of formal evictions decreased by **12.59 percent** from 2016 to 2017 during the EDP.

The ultimate goal of the program was to keep tenants in their residence. This **12.59 percent** decrease in formal evictions shows a movement in the right direction toward that goal. Before the EDP a tenant could avoid a formal eviction by (1) curing the issue that caused the landlord to file, (2) entering into a consent agreement with the landlord, or (3) having the case dismissed by the judge or plaintiff. The EDP did four things that likely affected formal eviction data. First, it increased the amount of tenants that appeared at the court for eviction hearings, which we know from the default rates analysis. Second, it offered a new settlement option for landlords and tenants that provided tenants a second chance to remedy the issue. Third, it offered pro se tenants access to legal services. Fourth, it provided quick access to financial resources at the court.

B. The Default Rate.

The default rates showed promising results for the program. The default rate for Judge Alderson's docket between 2016 and 2017 showed an **11.48 percent** decrease. Moreover, Judge Alderson's default rate was **13.90 percent** less than the other three judge during the EDP. Both chi-square analyses for the two comparisons showed statistical significance in the decreased default rates. The flyer was likely the most important factor in the decrease of the default rate because it was the only significant change to the pre-trial process. The flyer is a low cost tool that could have large implications for increasing the access to justice in the court.

The EDP provided more information to tenants facing evictions, and gave them access to legal help that they likely would not have taken advantage of before. During the study, more tenants appeared in court for eviction proceedings instead of defaulting. The EDP appears to have gotten more tenants in the doors of the courthouse and likely contributed to the statistically significant decrease in formal evictions.

C. The Dismissal Rate.

The dismissal rate during the EDP was not significantly different than before its implementation. Judge Alderson's court had **33.45 percent** of all the eviction cases dismissed in 2016, before the introduction of the EDP, and only **27.95 percent** of cases dismissed in 2017 during its pilot. The chi-square analysis of dismissal rates showed no statistical significance in this **5.50 percent** decrease from 2016 to 2017.

Judges and plaintiffs can change the trajectory of an eviction proceeding through their discretion to dismiss cases. If Judge Alderson or the plaintiffs changed their dismissal practices, the numbers collected might have less significance. The data does not show a statistically significant change in the dismissal practices for Judge Alderson or the plaintiffs. This supports the possibility that Judge Alderson and the plaintiffs did not alter their approach because of the EDP, but it is possible that there were changes by each party that cancelled each other out or that there were other intervening effects.

D. The Award Amounts Against Tenants.

We cannot say that legal services reduced the awarded amounts against tenants. The awarded amounts were lower for tenants who used the legal services offered, as opposed to those who did not, but the p-value was too great to say that this did not happen by chance. It should be noted that there were only 23 data points that were used for the t-test and more data might produce different results. Even though we cannot say that there was a statistically significant difference in award amounts for September 2017, it would be worthwhile to track the data further and examine the results for October, November, and December of 2017.

Being unable to reject the null hypothesis does not mean that the null hypothesis is correct. In fact, there is a clear difference in the means of the two groups. Tenants who used the the offer of free legal services paid less on average than those who did not use the free legal services. Unfortunately, we simply cannot say that this did not happen by chance.

E. The Percentage of Tenants who Used Free Legal Services and the EDP Settlement Agreements.

Tenants are utilizing the offer of free legal services and the EDP Settlement Agreements. LSSCM and MSU were able to interact with **42.71 percent** of all the non-default cases that were on Judge Alderson's docket. If the EDP was to expand to all of the judges, there is no reason not to believe that LSSCM and MSU would interact with a similar percentage of all the landlord-tenant cases at the 54-A District Court. Further, EDP Settlement Agreements are being utilized in **32.08 percent** of all the non-default tenants. The court may want to expand the EDP Settlement Agreements beyond Judge Alderson's courtroom and into the rest of the court.

F. The Survey of Informal Evictions.

We cannot say how many people were informally evicted after their court hearing because the response rate to the survey was too low. This area should be investigated further because it is important to know if the court's efforts to curb evictions are being wasted by resourceful landlords. If the program expands to all of the judges at the 54-A District Court, then it would be worthwhile to follow the same procedures as we did and obtain more responses from tenants. The overall response rate for the survey was decent (15 percent), but we simply had too few tenants that received the survey (46). Ultimately, more data is needed before we can accurately determine if tenants are being informally evicted.

VIII. DATA INTEGRITY AND SAFEGUARDS.

The data that was used for this project came from three sources: (1) the online JIS system, (2) LSSCM tracking information, and (3) the survey data. Several steps were utilized to ensure the integrity of the data that was captured. Data integrity was maintained for each source through the capture, storage, retrieval, update, and transfer stages.

First, the data that was captured from the online JIS underwent several steps to ensure its integrity. The capturing of the initial data was done entirely by the staff of the 54-A District Court and each staff member initialed next to each piece of data that was entered. One member of our team collected the data and organized it into an Excel spreadsheet. Each monthly data update was posted on BaseCamp¹⁰ so that each member of the team could review it. Additionally, the coding for each month remained the same throughout the entire collection process. There was a single data file managed by one member of the team, but the data was reviewed by every member of the team. This was designed to ensure minimal errors in data input while engaging all members in the review process. Additionally, each uploaded month of data to BaseCamp created historical record of the data, which could be accessed if there was a problem.

Second, the data that was provided from LSSCM also underwent several steps to ensure its integrity. Only LSSCM compiled the data, and it did so from its own records. However, our team reviewed the data and if there was a mistake LSSCM was asked to fix it. The team could identify problems because it could cross reference the data from LSSCM with the data from the JIS system because several of the data points corresponded. Additionally, the data was stored on several Excel spreadsheets, which were each uploaded to BaseCamp to create a historical record if any changes or mistakes occurred.

Third, the data that was produced from the survey maintained its integrity through several methods. The survey results were uploaded and stored on JotForm,¹¹ which only one member of the team accessed. Additionally, JotForm only allows the user to delete an entire row of data, it does not allow a user to manipulate any data that is stored within it. The results were downloaded into an Excel file and then uploaded to BaseCamp to create a historical record. This allowed all members of the team to review the data to see if there were any errors. By allowing all members to review the data, but only having one member responsible for its retrieval, the project ensured that the integrity of the data was not compromised.

¹⁰ BaseCamp is an online project management program that allows users to upload various documents and communicate with each other.

¹¹ JotForm is an online survey builder that also stores the results of the survey.

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