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# Eviction Court Outcomes and Access to Procedural Knowledge: Evidence From a Tenant-Focused Intervention in New Orleans

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## ABSTRACT

During the legal eviction process, tenants tend to lack procedural knowledge about how courts operate and how to argue their case. Uneven access to this information tends to result in less favorable outcomes for tenants, including a mark on the tenant's record that severely limits future housing opportunities. However, there are few—if any—quantitative studies that systematically examine the relationship between knowledge distribution and eviction case outcomes. This article focuses on the unique efforts of a New Orleans-based renters' rights organization to contact residents facing eviction and provide them with informative resources on the eviction process. We follow the court outcomes of 267 cases, and analyze them using a quasi-experimental approach and a series of weighted logistic regressions. For tenants who were contacted, we observe a 13% reduction in the probability of receiving a rule absolute judgment than among those who were not contacted. Direct forms of contact (e.g., a telephone conversation) tend to have stronger associations with positive court outcomes than indirect forms (e.g., sending a postcard).

## ARTICLE HISTORY

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## KEYWORDS

Eviction; housing court; procedural knowledge; renters' rights; community-engaged scholarship; New Orleans

In this article, we focus on tenant outcomes in eviction proceedings, and how access to *procedural knowledge* can shape these judgments. In this context, we define procedural knowledge as information about the legal eviction process and how to access resources such as legal aid. The lack of such knowledge can serve as a prominent source of disadvantage for tenants unfamiliar with civil norms and procedure. We also highlight, however, that providing procedural knowledge, even in relatively simple and low-cost ways, can improve tenant outcomes. Through a unique intervention undertaken by an affordable housing-focused nonprofit organization in New Orleans, Louisiana, and quasi-experimental investigation into the outcomes of 267 eviction cases, we demonstrate that when provided with such information, tenants are more likely to avoid some of the negative consequences of eviction. Controlling for other factors likely to impact court outcomes, tenants provided with information had a 13% lower probability of receiving a rule absolute judgment, which places an eviction on their record.

As in most other cities across the United States, eviction is a fairly common occurrence in the poorest neighborhoods of New Orleans. Facing rising housing costs and stagnant wages (see Desmond, 2018; Hermann, 2018), families are made to leave their residences and find new ones

at alarmingly high rates. It was estimated that in 2017, 1 in every 19 renter households in New Orleans faced a court-ordered eviction (JPNSI & Finger, 2019). Studies consistently affirm that low-income, Black, and female-headed households bear the brunt of this wave, facing eviction at the highest rates (Desmond, 2012; Desmond & Gershenson, 2017; Purser, 2016; Raymond et al., 2021), including in New Orleans (JPNSI, 2020).

Eviction can be an informal and off-the-books process, wherein landlords tell tenants to leave—or even pay them to vacate—without the involvement of courts (Balzarini & Boyd, 2021; Desmond, 2012). But many evictions go through a formal civil litigation process, wherein a court hearing is held, and tenants must defend themselves before a judge and argue their case to continue occupying their home. In this context, besides forcing an out-migration from a home, one of the most detrimental consequences of a legal eviction is the mark that it places on a renter's record (Desmond, 2016). Once ordered by a judge, evictions are easily searchable on background and credit checks that are commonly run before an apartment is rented or a loan is disbursed. Legal evictions therefore severely limit future housing and borrowing opportunities, functioning as a mechanism that allows for the “reproduction of urban poverty” (Desmond, 2012).

This outcome is therefore the central concern of this study. We aim to quantitatively investigate access to procedural knowledge in eviction court cases, and ask: Do tenants who are provided with information about housing court, civil procedure, and resources such as legal aid tend to have better eviction court outcomes than tenants who are not? Are they able to more often avoid receiving a judge-ordered eviction on their record? Rather than viewing a lack of procedural knowledge as a personal failing among individual renters, we instead discuss how access to procedural knowledge is deeply tied to other structural factors that impact housing opportunities and court outcomes. We suggest that these modes of disadvantage work in tandem to stack the deck against underprivileged tenants, and highlight broad-based policy initiatives to alleviate structural injustices and ensure informed due process for tenants.

## Literature Review

### *Tenant Disadvantage in Eviction Court*

In legal eviction cases, tenants often face steep odds of success. For decades, housing court research has consistently noted that cases are more often than not ruled in favor of the landlord (Bezdek, 1991; Hartman & Robinson, 2003; JPNSI, 2020; Mosier & Soble, 1973; PJC, 2015). Even in scenarios where renters appeal to highly favorable laws, they still tend to lose out (Bartram, 2022; Garboden & Rosen, 2019). For instance, in many states the warrant of habitability grants that a tenant's rent payment is contingent upon the landlord's reasonable upkeep of the property. Even in situations where tenants have a reasonable warrant of habitability claim, they still tend to not benefit from these claims in court (Summers, 2020).

Researchers have identified a number of reasons why tenants tend to lose out. Chief among these are *tenant presence* and *legal representation*. As multiple studies observe, many tenants simply do not show up to their court hearing (Garboden & Rosen, 2019; Hartman & Robinson, 2003; JPNSI, 2020; Larson, 2006). In these cases, the result is often a “default judgment,” wherein the ruling falls by default in favor of the landlord, and the tenant is automatically handed an eviction by the judge. A couple of authors have approached the question of *why* tenants often do not show up, beyond structural reasons (e.g., tenant could not attend because they could not take off work). Desmond and Gershenson (2017) speculate that eviction is so common in low-income environments that it has become “normalized,” and therefore not an occasion to necessarily rearrange plans for. Larson (2006) posits that showing up is a calculus of how “winnable” the case is perceived to be—in Larson's data set, cases that are easier to dispute tend to have higher rates of tenant attendance.

Additionally, tenants who do attend their court hearing usually are not represented by an attorney, leaving them to defend themselves and at a steep disadvantage regardless of the merits of the case (Bezdek, 1991; Desmond, 2016; Gee, 2010; Hartman & Robinson, 2003; Leung et al., 2021; Monsma & Lempert, 1992; Seron et al., 2001). Jurisdictionally, eviction is a civil procedure, not a criminal one. Therefore, there is no constitutional right for defendants to have access to legal representation, leaving most without (Gee, 2010). Landlords, on the other hand, tend to be better resourced and more able to hire lawyers, providing them with a heavy advantage (Hartman & Robinson, 2003). Studies consistently find that when tenants are represented, they tend to receive more favorable rulings in court (Ellen et al., 2021; Seron et al., 2001). Guided by this, advocates across the United States have called for the right to legal representation for tenants in housing court to be recognized at the municipal level. These campaigns are often called Right to Counsel, and debates or recent actions have occurred in cities like New York, New Orleans, and San Francisco (Dikanovic, 2021; Mojada, 2021; Myers, 2021a).

It is less common, however, for researchers to approach the question of how exactly lawyers impact outcome. In her 2015 study on the impact of lawyers on civil case outcomes, Sandefur finds that they contribute various kinds of expertise: professional, substantive, and relational. Lawyers are able to translate complex legal procedures for the understanding of their clients and help them navigate the social norms and dynamics of court. For these reasons, Sandefur finds, lawyers actually tend to have the largest impact on cases of average or low complexity, like eviction cases, because these situations are most likely to involve unprofessional or unfamiliar clients seeking expertise. In housing court, lawyers' social and procedural knowledge plays an outsized role for clients who lack this information, compared even to settings where they must manage legal complexities.

### ***The Role of Procedural Knowledge***

Findings such as those presented by Sandefur (2015) draw attention to yet another prominent mode of tenant disadvantage: a general lack of *procedural knowledge* that leads to *interpretive disjuncture*. Renters are likely to be less well resourced and less experienced in housing disputes than their civil opponent—the landlord or property manager—and therefore may not know how to “properly” argue their case.

The role of procedural knowledge is codified in Nelson's (2021) fieldwork in tenants' rights clinics in Los Angeles. He posits that at the root of tenant disadvantage is interpretive disjuncture, or “a disconnect between the way laypeople and experts interpret and treat everyday troubles as legal problems” (Nelson, 2021, p. 153). In essence, the process of going from tenant to defendant, and the reframing of their housing troubles from a relational experience into a formal civil procedure, is often a bumpy one for renters who lack experience in these areas. The disjuncture between everyday life and the formalities of housing court leaves tenants at a disadvantage.

Other scholars as well argue that without a foundation in law or housing disputes, tenants might not know how to “properly” present their case before a judge—or even if they can or should try to fight their eviction (Bezdek, 1991; Steinberg, 2017). In the Public Justice Center's (PJC, 2015) study on Baltimore housing court, half of surveyed tenants/defendants responded that they knew “nothing” about how to present their cases. PJC named insufficient knowledge on how to navigate the eviction process as a primary reason for renters' lack of success. In an older study that still holds weight today, Mosier and Soble (1973) observe that after the passage of a new tenant protection law in Detroit, hardly any tenants knew of it or incorporated it into their arguments, even in situations where it might have helped them to avoid eviction. Although both tenants and landlords might face interpretive disjuncture, tenants usually experience a

larger gap in familiarity (Nelson, 2021), especially compared to “professional” landlords or property management groups who might oversee multiple properties (and many eviction cases).

For further background on the role of procedural knowledge and why we might expect it to matter in the courtroom, we turn to several studies in the fields of education and cognitive behavior research. Applied to students in the classroom, research tends to find that whereas conceptual or declarative knowledge certainly matters for problem-solving and learning outcomes, so too does procedural knowledge, or know-how related to method and operation (Braithwaite & Sprague, 2021; Hiebert & Lefevre, 1986). In this sense, education researchers often emphasize the importance of student experiential background—for instance, in the form of on-the-job training for specific tasks (Holm & Steenholdt, 2014). Procedural knowledge is particularly important in the legal training field, wherein clinical and practice-oriented skills are often thought of as imperative, in addition to conceptual knowledge (Fitzgerald, 1998; Lung, 2009). In a study more focused on how laypeople interact with the law, Wiener et al. (2004) research jury discretion, and find that the instructions they are provided on how to deliberate lead to differences in their decisions and outcomes. All of these studies emphasize how procedural knowledge in complex fields like law is not necessarily intuitive, and requires the conveyance of particular information. More broadly, they posit that knowledge of method, operation, and procedure influences behavior in a way that impacts outcomes.

These findings bring us to our study. Although guided by previous research, we also note that quantitative studies on procedural knowledge in eviction court cases are rare, and so far as we can tell, none have utilized a quasi-experimental apparatus to compare the outcomes of a more “knowledgeable” group to a control group. This is our goal. We assess the impact of a unique tenant-contacting intervention on the prevalence of eviction rulings that place a permanent mark on the renter’s record.

## Methodology

### *Tenant-Focused Intervention*

To investigate the impact of procedural knowledge on eviction court outcomes, this study quantitatively examines the results of a unique tenant-focused intervention. Jane Place Neighborhood Sustainability Initiative (JPNSI), a housing justice organization, renters’ rights advocate, and community land trust located in New Orleans, created the Tenant Early Eviction Notification System (TEENS) in early 2021. Responding to the high prevalence of evictions and anecdotal evidence that some landlords and property managers were not properly posting eviction notices, organizers and volunteers at JPNSI endeavored to reach out to tenants themselves. The goal of TEENS, an ongoing project, is to provide tenants facing eviction with information about the legal eviction process, court procedures, and resources available to them (i.e., accessible legal services and rental assistance programs)—and to provide this information as quickly as possible, in the hopes that more time will allow tenants to be more prepared when the date of their court case arrives.

To set boundaries for this study, we investigate all eviction cases that were filed between June 1, 2021, and August 12, 2021, within the East Bank of Orleans Parish<sup>1</sup>—a total of 406 residential cases.<sup>2</sup> During this period, a JPNSI volunteer or employee traveled to the Orleans Parish First City Civil District Clerk of Court office in downtown New Orleans each weekday to record evictions that were filed the previous business day. In New Orleans, a landlord may file for an eviction hearing at the Clerk’s Office 5 days after they have posted a Notice to Vacate to their tenant (unless the tenant’s lease waives the right to a 5-day notice, in which case the landlord may file straight away). This filing therefore represents the start of the legal eviction process, after which a court date is scheduled. The JPNSI representative recorded from each paper filing the eviction street address and the tenant’s telephone number if it was provided, as well as

some supplemental information such as the reason for eviction and whether or not the tenant received a Housing Choice Voucher subsidy.

Either that same day or the following day, most such tenants were contacted by a JPNSI representative via an in-person visit, a telephone call, or a mailing. Each method shared the goal of providing information about the eviction process. For in-person visits, the JPNSI representative attempted to knock on the tenant's door. If the knock was answered, they introduced themselves, offered resources including the JPNSI-authored comic book *Help! I'm Being Evicted!: A Step by Step Guide for Renters in New Orleans* (see [Figure 1](#)),<sup>3</sup> and offered to answer any questions. If their knock was not answered, the representative left the comic book and a postcard in a conspicuous place on or by the door or in the mailbox (see [Figure 2](#)). If a telephone number was provided on the eviction filing (only available on about a third of the filings), representatives usually opted to call the tenant instead. Utilizing this method was advantageous because cell phone numbers are unlikely to change, whereas the tenant may have already vacated the address on record. When the telephone calls were answered, the representatives introduced themselves and offered to chat about the eviction process. If not answered, they left a voicemail. If the address was inaccessible or too far away and no telephone number was provided, the representative sent an informational postcard (see [Figure 3](#)). Although not as extensive as the comic book, the postcard did provide information on how to access legal help, a telephone number for the Renters' Rights Hotline (an initiative of JPNSI that is staffed by volunteers who provide logistical and informational support, such as where to access rental assistance programs), and a link to the city's COVID-19 hardship form.<sup>4</sup>

Procedural knowledge was particularly important during the study time period, which coincided with the federal eviction moratorium ordered by the Centers for Disease Control and Prevention (CDC) to curb the spread of COVID-19 due to housing insecurity. Orleans Parish adhered to this order, and evictions filed for the reason of nonpayment of rent were prohibited from going forward if the renter could claim financial hardship due to the pandemic. To effectively shield oneself, however, a tenant would have had to: (a) be aware of the moratorium and its limitations; (b) show up to the court hearing (otherwise, they would be handed a default eviction); and (c) provide the judge with a signed form declaring financial hardship. Making tenants aware of the moratorium and this form was, in part, the goal of TEENS.

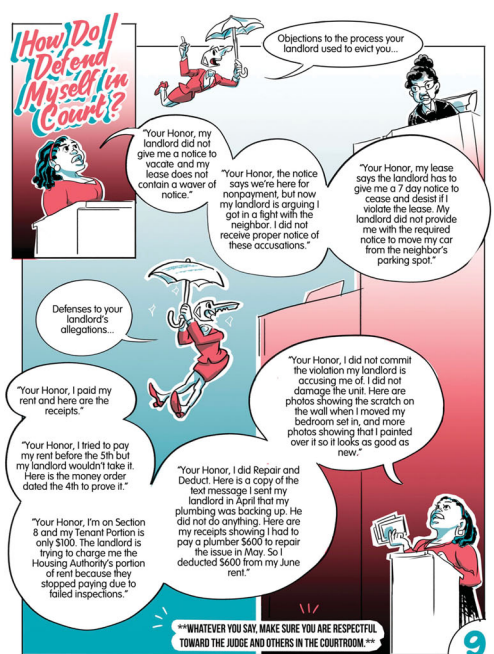
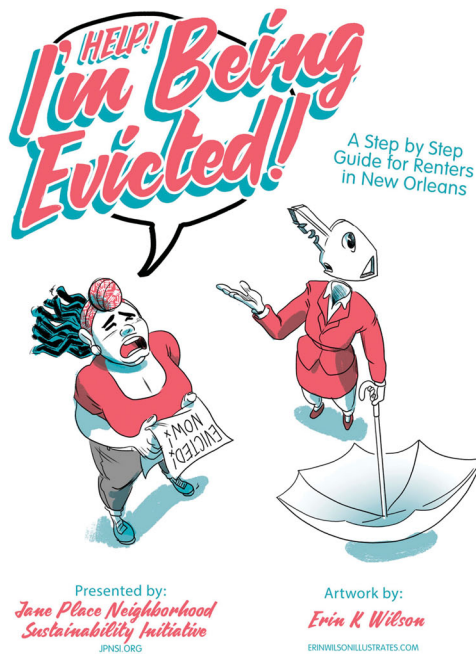
A number of tenants were not contacted at all, providing a natural control group for our study. This was not done purposefully or intentionally, but rather because of gaps in volunteer capacity. The ability to contact tenants varied by day of filing—for instance, all cases filed on June 14 went uncontacted, likely because a volunteer was unavailable that day. All of the cases filed on June 15, however, were contacted. Given that this is a natural experiment, however, we note that our group selection is not truly random, and that there were disparities between the two groups in terms of some of our covariates. In order to achieve sample balance between our treatment and control groups, we utilized propensity score weighting in our regression analyses.

[Table 1](#) provides basic statistics on how many tenants were contacted via each method. In our analyses, we also utilize a binary measure of whether the tenant was contacted at all via any means (1), or not contacted (0). Another categorical measure is used to assess whether the tenant received direct contact (either in person or over the telephone), indirect contact (voicemail, left information, or postcard), or no contact.

### **Eviction Court Monitoring**

After most tenants were contacted, our next goal was to track the outcomes of these eviction cases. Since September 2019, JPNSI has been running an independent eviction court monitoring project, wherein a volunteer sits in on the public proceedings of housing court (Orleans Parish First City Civil District) each day that it is in session. The volunteer observes the proceedings and





**Figure 1.** Image excerpts from the comic book *Help! I'm Being Evicted! A Step by Step Guide for Renters in New Orleans*, by Jane Place Neighborhood Sustainability Initiative and Eren K. Wilson ([erinkwilson.com](http://erinkwilson.com)).

records pertinent information about each case, including the eviction address, the legal representation status of both the plaintiff and defendant, the presiding judge, and, most importantly for our purposes, the outcome. Collecting these data independently meant that we did not have to rely on administrative court records, which tend to be notoriously inaccurate—presenting ambiguous information an average of 22% of the time, Porton et al. (2021) find. We utilized this



**Figure 2.** Image of comic book and postcard left at renter's address.

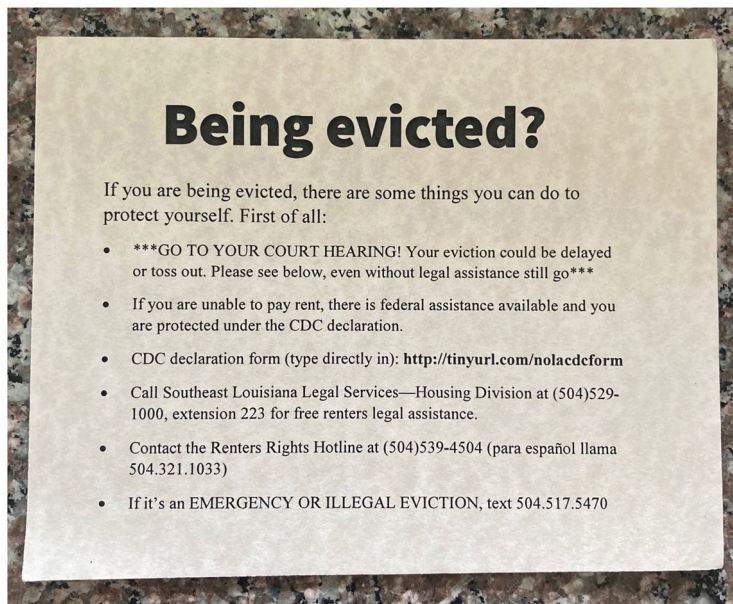
data to track each court hearing that took place after June 1, 2021, and matched them to the data set of eviction filings based on street address. In this way, we are able to track the outcome of most cases in our original data set.

Out of 406 eviction filings, 297 of these cases ended up being heard in court by December 20, 2021 (after which this analysis was conducted). The other 109 cases were likely dropped before the court date for various reasons: the tenant could have moved out of the residence of their own volition, or settled their overdue rent with the landlord, or the two parties came to another arrangement—unfortunately, we lack the necessary means to know how these 109 cases were settled.

For each of those 297 cases that were heard before a judge, there were four possible outcomes:

1. Eviction, also called *rule absolute*, is a ruling in favor of the plaintiff (landlord), wherein the tenant is ordered to vacate the residence—usually within 24 hours—or be put out forcibly by marshals. Importantly, a rule absolute judgment will also go on the tenant's record as an eviction, severely limiting their future housing options. A default judgment, which occurs when the tenant does not show up to the court hearing to defend themselves, is usually a rule absolute.
2. *Case dismissed* represents a ruling in favor of the defendant (tenant), indicating that the eviction will not be legally carried out. An eviction is not recorded on the tenant's record and no out-migration is required.





**Figure 3.** image of postcard sent or handed out to households facing eviction.

**Table 1.** Breakdown of method of contact for 406 eviction cases in the initial data set.

Method of contact	Description	Number	Percentage
None	Tenant was not contacted by a JPNSI rep.	74.0	18.23
In person	A JPNSI rep spoke with the tenant at their home.	20.0	4.93
Left info	A JPNSI rep left resources at the tenant's home.	40.0	9.85
Telephone call	A JPNSI rep spoke with the tenant over the telephone.	40.0	9.85
Voicemail	A JPNSI rep left a voicemail for the tenant.	57.0	14.04
Postcard	A JPNSI rep mailed a postcard to the tenant.	175.0	43.10
All	Total	406.0	100.00

3. A *consent judgment* is essentially a judge-ordered compromise between the two parties. Practically, this could mean a small range of different outcomes for the tenant. In most cases, the tenant must still move out. Among cases in our data set, about 84% of consent judgments (67 out of 80) required the tenant to vacate. As part of the consent judgment, however, the tenant is often given a longer amount of time to move out. In 64 out of 67 cases (i.e., 96% of the time), tenants were given longer than the standard 24 hours to leave their homes. Comparatively, in 80% of rule absolute judgments (70 of 88), the tenant was ordered to vacate within 24 hours. The amount of additional time granted in consent judgments ranged from less than a week (37% of cases) to a month or longer (18%). Most significantly for the purposes of this analysis, a consent judgment also means that the eviction will not go on the tenant's record, provided they comply with the terms of the consent (i.e., move out by the date ordered by the judge).
4. Finally, the case could be *postponed*, meaning the judge adjourns the case for the day to hear it again at some point in the future, usually in a couple of weeks. Given that our court monitoring spans a number of months, we were able to follow many of these cases after their initial postponement to see their eventual outcome (eviction, case dismissed, or consent judgment). A number of cases were, at the time of analysis (December 20, 2021), still in postponement. Some of these may have continued to be postponed past this date, but it is more likely, given that these cases were initially heard in the summer or early fall, that they were simply dropped at some point after their initial hearing for reasons unknown (i.e.,

tenant moved out, paid back rent, etc.). We lack the means to know whether an out-migration was associated with these cases, but we can determine that an eviction was not ordered onto these tenants' records as of our analysis. These cases remain marked as "postponed."

In our analyses, we include a dichotomous outcome measure tracking whether the tenant received a rule absolute eviction (1) or not (0). The "not" category therefore includes cases dismissed, consent judgments, and cases that were postponed and dropped. With this measure, we note that we are not interested in tracing tenant outcomes in terms of whether or not an out-migration occurred. Conclusive information on which tenants vacated their residence as a result of the eviction proceedings is impossible to garner from court monitoring alone. We cannot say, for instance, how many of the 109 cases that were filed but never heard in court or how many of the 35 cases that received an initial postponement but no follow-up hearing were dropped because the tenant moved out. Instead, this dichotomous measure tracks tenant outcome in terms of an eviction mark on their record—which has severe future housing consequences. Avoiding this penalty is a central goal of JPNSI, and of many other housing advocates. Therefore, it makes sense to measure those who received it and those who did not.

We further limited our data set based on one additional factor: the disruption of Hurricane Ida, a Category 4 storm that landed in the New Orleans area on August 29, 2021. Due to the storm's impact, eviction cases were not heard for over a month. The Orleans Parish Civil District Courts were formally closed until at least September 19, and a statewide proclamation issued by Louisiana Governor John Bel Edwards suspended most legal actions until at least September 24 (Sledge, 2021). The combined effect of these policies meant that eviction cases were not heard in front of a judge in Orleans Parish between August 27 and October 6, 2021. We decided not to include in our final data set 30 cases that were filed and contacted before the storm (within our June 1–August 12 window) but were not initially heard in court until after October 6. We are most interested in how the contacting intervention and provision of resources and information aligned with court outcomes, and believe that the storm and time that eclipsed between time of contact and date of trial disrupts that relationship. We do include cases whose initial hearing was before August 29 but were then postponed until after.

This leaves our final data set with 267 cases—again, all residential eviction proceedings filed on the East Bank of Orleans Parish between June 1 and August 12, 2021, that were heard in court and not delayed due to Hurricane Ida.<sup>5</sup> Frequency statistics for these 267 cases are included in Table 2. Most notably, the contacting percentages for this subsample roughly match the contacting percentages for the full filing data set, in Table 1. This demonstrates that the smaller sample is similar to the larger one in terms of contacting method.

### ***Logistic Regression Analyses***

To quantitatively analyze our data set and evaluate the relationships among our focal variables, we utilize a series of binomial and multinomial survey-weighted logistic regressions. These models are well suited to this study because the dependent variables—court outcomes—are categorical. Logistic regression utilizes logarithms to express the relationship between an independent and a dependent variable in terms of an odds ratio. The coefficients (B) in the data-reporting tables are expressed in terms of the log odds that a certain outcome (1) occurs over another outcome (0) given the independent variable. The exponential of the coefficient (exp), therefore, expresses the relative odds of that outcome over the other, with 1.0 representing perfectly even odds of either outcome. Statistical significance is assessed using the standard error of the coefficient (SE). For ease of interpretation, we also estimate and report the average marginal effects

**Table 2.** Frequencies of focal variables for 267 eviction cases in the primary data set.

Table 2. Frequencies of each variable for each outcome cases in the primary data set							
Dependent variables							
Case outcome	Evicted	Dismissed	Consent	Postponed	Total		
	88.0	62.0	80.0	35.0	265.0		
	33.2%	23.4%	30.2%	13.2%	100.0%		
Evicted?	No	Yes	Total				
	177.0	88.0	265.0				
	66.8%	33.2%	100.0%				
Dismissed?	No	Yes	Total				
	203.0	62.0	265.0				
	76.6%	23.4%	100.0%				
Independent variables							
Method of contact	None	In person	Left info	Telephone	Voicemail	Postcard	Total
	50.0	16.0	27.0	26.0	41.0	107.0	267.0
	18.7%	6.0%	10.1%	9.7%	15.4%	40.1%	100.0%
Contact?	No	Yes	Total				
	50.0	217.0	267.0				
	18.7%	81.3%	100.0%				
Type of contact?	None	Direct	Indirect	Total			
	50.0	42.0	175.0	267.0			
	18.7%	15.7%	65.5%	100.0%			

(AME) of treatment. As opposed to the odds ratio, the AME reports the average change in probability (a number between 0 and 1) when the independent variable increases by one unit.<sup>6</sup>

In addition to the focal outcome and contacting variables mentioned above, we incorporate several control variables into our regression models. We expect that all of the following factors have some influence on court outcomes, and therefore want to measure the relationship between outcomes and the contacting intervention with these factors held constant:

- *Was the tenant present?* This is a dichotomous measure of whether the tenant attended the court hearing (1) or not (0). Unless the case is postponed or the tenant has legal representation to speak on their behalf, the tenant's absence usually results in a default rule absolute outcome. We are also aware that rather than a covariate, increased tenant presence could be an outcome of the contacting intervention. We trace this as a possible storyline in our analysis below, but ultimately find that contacting has little relationship with tenant presence.
- *Was the tenant represented?* This is a dichotomous measure of whether the tenant had legal representation (1) or not (0). Numerous previous studies note that lawyers have significant impacts on case outcomes (i.e., Gee, 2010; Hartman & Robinson, 2003; Seron et al., 2001). Before our study period, Southeast Louisiana Legal Services, a legal aid organization that caters to low-income clients, had begun to operate a table at housing court, staffed by an attorney who could represent some tenants on the spot. This has resulted in a higher number of represented tenants than we might observe in other cities.
- *Was the landlord represented?* This is a dichotomous measure of whether the plaintiff (landlord or property manager) had legal representation (1) or not (0).
- *Was the tenant subsidized?* This is a dichotomous measure of whether the tenant received a housing subsidy via the Housing Choice Voucher program or some other public assistance. Often, these programs have specific rules that affect a landlord's ability to evict—for instance, the program may require a mediation process between the two parties before eviction, or the tenant might have a case worker advocate.
- *Presiding judge.* This is a categorical variable indicating which judge presided over the hearing. A few studies highlight the propensity for some judges to be more "inquisitorial" or "problem-solving" in their approach than others, potentially impacting case outcomes (e.g., Steinberg, 2017). During the study period, four judges presided over the Orleans Parish First City Civil District Court on a rotating basis: Judges Henry, Hutabarat, Morial, and Trahan.

- *Reason for eviction.* This is a series of three dichotomous variables, each measuring whether nonpayment of rent, lease violation, or end-of-lease/return of possession was given as a reason for eviction (1) or not (0). Multiple reasons can be indicated on any given filing—the variables are not mutually exclusive. Reasons for eviction might impact court outcomes at any time by being either more or less convincing, but they mattered especially during our study period, which took place under the CDC eviction moratorium on nonpayment evictions. We might therefore suspect that having a nonpayment reason versus a lease violation or return of possession would impact the outcome.

Information on tenant presence, legal representation, and presiding judge all comes from court monitoring observations. Tenant subsidy information and reason for eviction were both gathered from the eviction filings.

We considered including some demographic control variables, such as perceived tenant race and gender. However, there were severe limitations to collecting this information. During court monitoring, the volunteers did mark down their perception of which identity groups the defendants might belong to—but this data could only be collected for tenants who showed up in court, and even for those who did, it was not always collected consistently. Running the models with these variables therefore results in losing 140 observations, which severely distorts many of our findings. No demographic information is noted on the eviction filing, leaving us with no viable avenues to include these measures.

Given our analytic approach to this study as a natural experiment, we are concerned with sample balance between our treatment (contacted) and control (noncontacted) groups. Indeed, the inability to select a completely random sample has resulted in larger than acceptable standardized differences in proportion among several of our covariates, possibly creating bias in our results. Therefore, we utilized propensity scores to estimate inverse probability weights utilizing the *WeightIt* package in R (Greifer, 2021), based on methodology from Chan et al. (2016). As can be observed in Figure 4,<sup>7</sup> after propensity score weighting, all covariates achieve sample balance,

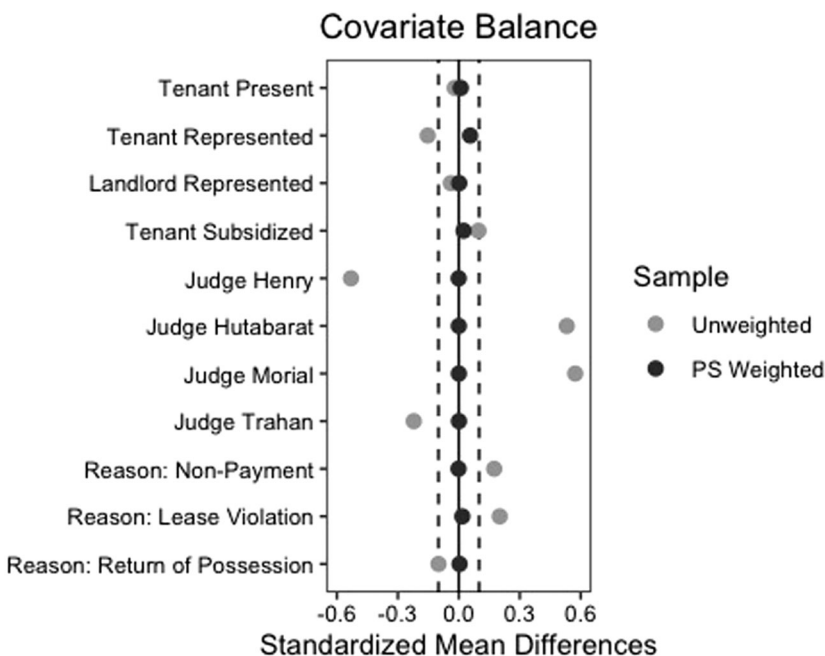
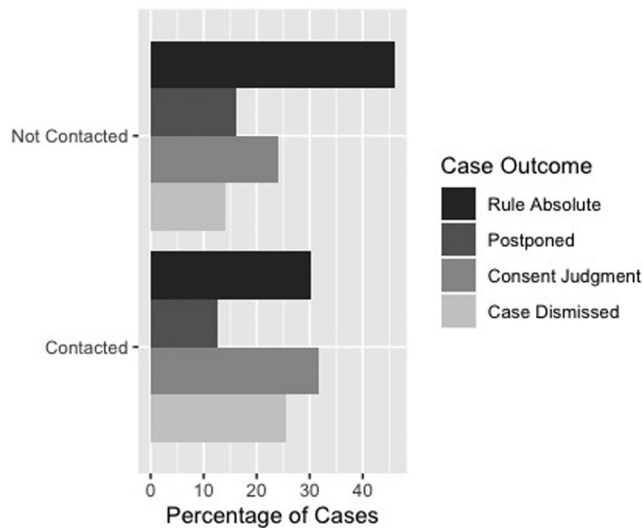


Figure 4. Covariate sample balance plot depicting standardized differences before and after propensity score weighting.



**Figure 5.** Bar plot of case outcomes by tenant contact.

**Table 3.** Contingency table of case outcome by treatment group (contact).

		Contacted (%)	Not contacted (%)	Total (N)
Binary outcome	Rule absolute	30.2	46.0	88.0
	Other outcome	69.8	54.0	177.0
Multinomial outcome	Rule absolute	30.2	46.0	88.0
	Case dismissed	25.6	14.0	62.0
	Consent judgment	31.6	24.0	80.0
	Postponed	12.6	16.0	35.0
Total (N)		215.0	50.0	265.0

with a standardized difference in proportion of  $<0.1$ . To properly incorporate covariate weights into the logit models, a survey-weighted regression design was created using the survey package in R (Lumley, 2020; see also Lumley, 2004).

### Results

We first produced a simple cross-tabulation of eviction court outcomes and tenant contact, to descriptively investigate their relationship (see Figure 5 and Table 3). We can observe that among tenants who were contacted, a smaller proportion received a rule absolute judgment (and therefore an eviction on their record) than among tenants who were not contacted. The cross-tabulation also shows that instead of rule absolute evictions, higher proportions of contacted tenants had their cases dismissed or received consent judgments. These descriptive statistics already seem to point toward the importance of the contacting intervention for avoiding an eviction record. The cross-tab relationship between tenant contact and eviction court outcomes are also visualized in Figure 5. In our regression analyses, we will consider the association between these variables while holding weighted covariates constant.

Next, we ran a survey-weighted logistic regression using the dichotomous contact measure as the focal independent variable and the binary rule absolute outcome measure as the dependent variable. The results for both models are reported in Table 4. Beginning first with the focal contacting variable: as expected, the direction and statistical significance of the coefficient indicate that tenants in this data set who were contacted (1) had lower odds of getting a rule absolute judgment than those who were not contacted (0). Utilizing the exponential of the coefficient, we



**Table 4.** Propensity score-weighted logistic regression estimates of the factors influencing whether a tenant received a rule absolute judgment.

	<i>B</i>	<i>SE</i>	<i>exp(B)</i>	<i>AME</i>	<i>SE</i>
Intercept	0.81	0.76	2.25		
Tenant contacted	−1.04*	0.51	0.35	−0.13*	0.06
Tenant present	−2.74***	0.57	0.06	−0.33***	0.05
Tenant represented	−1.77**	0.66	0.17	−0.22**	0.07
Landlord represented	2.09*	0.99	8.12	0.25*	0.12
Tenant subsidized	−0.36	0.91	0.70	−0.04	0.11
Judge Hutabarat	−1.66*	0.77	0.19	−0.20*	0.09
Judge Morial	−1.85*	0.73	0.16	−0.22**	0.08
Judge Trahan	−0.60	0.58	0.55	−0.07	0.07
Reason: Nonpayment	0.66	0.70	1.94	0.08	0.09
Reason: Lease violation	1.04	0.56	2.82	0.13	0.07
Reason: Return possession	1.68**	0.63	5.38	0.20**	0.08
<i>N</i>	265.00				
Cragg-Uhler <i>R</i> <sup>2</sup>	0.59				

*Note.* The dependent variable measured whether a tenant received an eviction judgment (1) versus any other outcome (0).

The reference category for judges is Judge Henry.

\**p* < .05. \*\**p* < .01. \*\*\**p* < .001.

can further interpret this result by noting that for tenants who were contacted (as compared to those who were not), the odds of getting a rule absolute (vs. any other outcome) were 65% lower. More intuitively, the average marginal effects statistic indicates a 13% drop in the probability of a rule absolute judgment for contacted tenants. These findings indicate a relatively robust relationship between the contacting and the probability of receiving a rule absolute judgment. Some other variables, such as having “nonpayment” as the reason for eviction, are shown to have little association, despite there being a moratorium on nonpayment evictions.

A few of our control variables, however, did turn out to be impactful. As expected, based on previous literature, tenant presence and legal representation are strongly correlated with case outcome. A tenant showing up to defend themselves in court reduces the probability of a rule absolute by 33%; with a lawyer, the probability decreases by 22%. Similarly, lawyers representing the plaintiff landlords seem highly effective as well—their presence is associated with a 25% increase in the probability of a rule absolute outcome. Our results therefore affirm previous scholarly research on these two variables, as well as housing advocacy that seeks Right to Counsel for tenants as a means of bettering their chances of a positive outcome.

We also notice that compared to Judge Henry, the reference category for this model, both Judges Hutabarat and Morial seem to be more lenient presiders—the probability that they hand down a rule absolute judgment is 20% and 22% lower than Judge Henry, respectively. This result seems to indicate that which judge presides over a case matters.

Next, we consider a multinomial logit distribution that will allow us to view the association between contacting and various case outcomes, as opposed to the binary rule absolute measure. The results of this weighted model are included in Table 5—for readability and interpretation, coefficients are reported for only four independent variables, although tenant subsidy, presiding judge, and reason for eviction were also included in the model as covariates. Also, only coefficients and standard errors are reported.

Overall, the results are much less robust, with most variables failing to achieve commonly accepted levels of statistical significance. This could be a result of splitting the dependent variable into four categories, reducing the sample size for each and therefore making it more difficult to achieve statistical significance. Regardless, the results match those in the cross-tabulation of Table 3. Being contacted is associated with an increase in the odds of receiving any of the three other outcomes over a rule absolute, particularly dismissals and consent judgments. Tenant presence again is shown to increase the odds of receiving any other outcome over rule absolute, particularly consent judgments. Interestingly, legal representation for the landlord

**Table 5.** Propensity-score weighted multinomial logistic regression estimates of the factors influencing the case outcome.

	Dependent variable category (outcome)					
	Dismissed		Consent judgment		Postponed	
	<i>B</i>	<i>SE</i>	<i>B</i>	<i>SE</i>	<i>B</i>	<i>SE</i>
Intercept	−1.37	1.08	−3.15**	1.18	−1.54	1.31
Tenant contacted	1.07	0.73	1.06	0.72	0.80	0.81
Tenant present	2.11*	0.84	3.64***	0.91	2.07*	1.01
Tenant represented	1.70	0.88	1.48	0.86	2.70**	1.05
Landlord represented	−15.47***	0.00	−1.94	1.58	−3.14	2.12
<i>N</i>	265.00					
AIC	251.14					

Note. The default dependent variable category is rule absolute judgment. Unreported covariates include tenant subsidized, presiding judge, and reason for eviction.

\*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

**Table 6.** Propensity score-weighted logistic regression estimates of the impact of direct vs. indirect contact on whether tenant received a rule absolute judgment.

	<i>B</i>	<i>SE</i>	exp( <i>B</i> )	AME	<i>SE</i>
Intercept	0.84	0.77	2.32		
Direct contact	−1.50*	0.73	0.22	−0.18*	0.08
Indirect contact	−0.92	0.52	0.40	−0.11	0.06
Tenant present	−2.76***	0.58	0.06	−0.33***	0.05
Tenant represented	−1.72*	0.66	0.18	−0.21**	0.07
Landlord represented	2.03*	0.99	7.63	0.25*	0.12
Tenant subsidized	−0.42	0.88	0.66	−0.05	0.11
Judge Hutabarat	−1.70*	0.76	0.18	−0.20*	0.08
Judge Morial	−1.84*	0.73	0.16	−0.21**	0.08
Judge Trahan	−0.59	0.58	0.55	−0.07	0.07
Reason: Nonpayment	0.60	0.71	1.82	0.08	0.09
Reason: Lease violation	1.01	0.56	2.76	0.12	0.07
Reason: Return possession	1.67**	0.64	5.32	0.20**	0.08
<i>N</i>	265.00				
Cragg-Uhler $R^2$	0.59				

Note. The dependent variable measured whether the tenant received an eviction judgment (1) versus any other outcome (0). The reference category for the method of contact variable is “No contact”; the reference category for judges is Judge Henry.

\*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

decreases by a wide margin the probability of the case being dismissed, whereas for the tenant it significantly increases the probability of a postponement.

Next, we aim to break away from a binary measure of contacting to assess which types or methods of contact seemed to have the most clear and impactful association with court outcomes. In these analyses, we return to using the dichotomous rule absolute variable for the dependent case outcome, because it was shown to be more meaningfully predictable and aligns better with our goal to view impacts on eviction records rather than possible out-migrations. Tables 6 and 7 present two weighted logit models, each of which includes a different categorical contacting variable. Table 6 seeks to assess the difference between direct contact, via an in-person or telephone conversation, and more indirect methods of contact. Table 7 parses out all five contact methods as individual categories. In both models, the reference category is no contact.

Across both models, we observe that all forms of contact yield a negative coefficient, meaning there was a higher prevalence of tenants who avoided a rule absolute penalty across all contacting categories than among those who received no contact. Statistical significance and impact, however, vary greatly. Table 6 demonstrates that direct contact is more impactful, associated with an 18% reduction in the probability of a rule absolute judgment. Talking to the tenant may relay more procedural knowledge than simply sending resources, especially because one can better know that information has been relayed.

**Table 7.** Propensity score-weighted logistic regression estimates of the impact of methods of contact on whether tenant received a rule absolute judgment.

	<i>B</i>	<i>SE</i>	exp( <i>B</i> )	AME	<i>SE</i>
Intercept	0.86	0.81	2.36		
Method: In person	−0.13	0.69	0.88	−0.02	0.08
Method: Left info	−0.60	0.81	0.55	−0.07	0.10
Method: Telephone call	−2.23*	0.96	0.11	−0.25**	0.10
Method: Voicemail	−1.64*	0.65	0.19	−0.19**	0.07
Method: Postcard	−0.75	0.61	0.47	−0.09	0.07
Tenant present	−2.82***	0.61	0.06	−0.33***	0.05
Tenant represented	−1.68*	0.67	0.19	−0.20**	0.07
Landlord represented	2.06*	0.99	7.83	0.24*	0.12
Tenant subsidized	−0.42	0.90	0.66	−0.05	0.11
Judge Hutabarat	−1.83*	0.83	0.16	−0.21*	0.09
Judge Morial	−1.96**	0.73	0.14	−0.22**	0.08
Judge Trahan	−0.56	0.59	0.57	−0.06	0.07
Reason: Nonpayment	0.65	0.72	1.91	0.08	0.09
Reason: Lease violation	0.99	0.57	2.69	0.12	0.07
Reason: Return possession	1.68*	0.66	5.35	0.20**	0.08
<i>N</i>	265.00				
Cragg-Uhler <i>R</i> <sup>2</sup>	0.61				

Note. The dependent variable measured whether the tenant received an eviction judgment (1) versus any other outcome (0). The reference category for the contacting variable is “No contact”; the reference category for judges is Judge Henry.

\*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

Table 7 also provides mixed results. Here we observe that contacting tenants over the telephone—whether the representative was able to speak with them or left a voicemail—appears to be more impactful than other methods of contact. Having a direct telephone conversation is associated with a 25% reduction in the probability of rule absolute, and a voicemail is associated with an 18% reduction. As mentioned, telephone numbers may be more reliable as they are less likely to change, even if a person is in the process of moving. Addresses, on the other hand, may be considerably less reliable, given the person may be in the process of an out-migration.

Finally, we consider an alternative explanation to our results: rather than providing procedural knowledge, is it possible that the contacting intervention instead simply increased the number of people attending their court hearings, therefore impacting court outcomes by reducing default judgments? We do not find this to be the case: 53% of those who were contacted attended their court case, compared to 54% of those not contacted. The proximity between these two samples can be observed visually in Figure 4, which displays sample balance in this covariate even before propensity score weighting. Further, running a simple weighted logistic regression in which tenant presence is the dependent variable and contact is the independent variable reveals no statistically significant relationship.

## Discussion

Overall, our models affirm the importance of procedural knowledge in housing court and point toward which interventions are most impactful. Regardless of a number of other factors that are commonly found to have the most bearing on eviction outcomes, these data show that tenants who were reached out to by JPNSI representatives were able to better avoid receiving an eviction judgment on their record than others who were not. The probability of these tenants getting a rule absolute judgment was 13% lower than that of tenants who were not contacted. We observe that direct forms of contact are more effective than indirect forms in avoiding rule absolute judgments, and that getting in touch over the telephone seems to be best, when possible.

All of these results draw attention back to TEENS, the JPNSI-initiated contacting intervention. The intention of the comic book, postcard, and direct conversations was to provide procedural knowledge on how court operates, how to effectively defend oneself in court, and where to

access help. We therefore associate these resources with the improved outcomes for tenants observed in the data analysis models. Particularly, our finding that contact is not necessarily associated with higher court attendance leads us to conclude that contacted tenants may have shown up better prepared, leading to the results observed in this study. Without a more extensive qualitative study, however, we cannot parse out precisely how these resources were utilized by tenants, nor whether certain resources (e.g., legal assistance) were accessed because of JPNSI's intervention. Utilizing a "natural" experiment of sorts has its methodological limitations. We can say, however, that splitting renters into groups based on the TEENS intervention leads to statistically significant differences in the odds of rule absolute judgments—and this is a powerful finding.

Even some of our nonfocal results seems to affirm the importance of procedural knowledge. Namely, we find that both legal representation and presiding judge have consistently meaningful associations with court outcomes. Sandefur (2015) argues that lawyers are so useful in part because they are more familiar with the social landscape of local courtrooms and contribute that relational knowledge to their clients. This might be the case as well for more professionalized landlords or property managers who have been to eviction court several times. Advance knowledge of which judges have a reputation for leniency and which have a reputation for harshness, as well as each of their individual expectations, may go a long way in successfully arguing a case. This is likely another mode by which professional landlords and represented clients have an advantage in housing court, and emphasizes the role of knowledge not just in terms of procedure, but also in terms of familiarity with social landscapes and norms.

In addition to offering contributions to the literature on eviction and housing court more generally, and on procedural knowledge and interpretive disjuncture more specifically, we also add to the many studies on legal representation by affirming, once again, the outsized impact of lawyers on renter eviction outcomes. Those who seek to advocate for renters via Right to Counsel movements currently taking shape across the United States will find affirmation in our findings. We also concur with Sandefur (2015), agreeing that the reason lawyers are so imperative is that they provide a level of procedural and relational expertise that the average renter facing eviction is unlikely to possess themselves.

One puzzling aspect of our results is the lack of a statistically significant relationship between the contacting intervention and tenant presence. Increasing tenant attendance in court and avoiding default judgments is one of the central aims of TEENS, as indicated in Figure 2, wherein the postcard reads emphatically "GO TO YOUR COURT HEARING!" Although this is somewhat perplexing, we do note that overall, default judgments have decreased in New Orleans since the TEENS intervention began. Using time periods on either side of the CDC eviction moratorium, from September 1, 2019, to March 12, 2020, 54.7% (367 of 671) of cases ended in default evictions. From October 6, 2021, to December 20, 2021, 31.1% (196 of 630) of cases were default judgments. Although there could be mitigating factors involved here, JPNSI views this as a positive development, and a reason to continue the TEENS program.

We are hopeful that our results will not be misconstrued as an individualistic approach to eviction, or that tenants lacking procedural knowledge is indicative of a personal failure. Rather, we view this as a systemic issue, which goes hand in hand with other layers of structural disadvantage and oppression. In demonstrating that providing renters with even relatively basic information better equips them to argue in court, we also highlight that this knowledge is kept hidden from and unavailable to many average people without law degrees or familiarity with local legal institutions. For most people, navigating a complex system in which technical terminology, formalized norms of conduct, and the personal predilections of several judges are all at play is difficult, and gaining knowledge about the system would take time—something that many low-income residents might not have in abundance.

Finally, we hope that our study, a collaboration between Tulane University researchers and non-profit organization Jane Place, demonstrates the possibilities for community-engaged scholarship (CES) in housing research. A growing movement among urban scholars, encapsulated in a recent piece by Lin (2022), CES helps both to ensure that university research is rising to and reflecting the housing needs of the community at large and to provide unique and interesting questions, approaches, and data. Scholarly inquiry can serve both public and academic purposes, and we hope to be part of a growing trend in the housing field.

## Conclusion

On December 1, 2021, the New Orleans City Council approved a 2022 budget that earmarked \$2 million for a one-year Right to Counsel pilot program (Myers, 2021b; NLIHC, 2021). The budget is a major win for local housing advocates, especially considering the funding is a major increase from the mayor's initial proposed amount of \$500,000 (Myers, 2021a). The program will cover, at least until the end of 2022, funding for lawyers to provide every tenant with legal representation in housing court. It also provides funding to JPNSI for outreach, to continue and expand the TEENS program discussed here. The preliminary findings included in this paper were used to successfully advocate for this funding.

In terms of policy recommendations, we emphasize the importance of Right to Counsel, a growing movement across many American municipalities. Lawyers can provide the procedural knowledge that tenants often lack, and are an essential component in better ensuring equity in eviction proceedings. Ellen et al. (2021) find early evidence of success in reducing the percentage of filings that result in eviction after Universal Access to Counsel was implemented in New York City.

However, we also use the results of this study, and of New Orleans' Right to Counsel program, to note the importance of tenant outreach in disseminating information and resources. We hope to inspire the expansion of low-cost programs like TEENS to other localities. Importantly, however, although we recognize and encourage the ability of nonprofits to engage in this work, we argue that such programs must receive municipal support and funding to achieve long-term success. The preliminary program written about here was scraped together largely with volunteer labor and limited funding. Comic books, for instance, were printed whenever funding allowed. It is the goal of JPNSI to utilize the 2022 Right to Counsel pilot program to secure longer-term funding for such initiatives. Although we encourage nonprofit housing organizations to get involved in tenant outreach and eviction notification, we also emphasize advocacy within local government bodies to ensure such programs are prioritized in the long term.

## Notes

1. Orleans Parish (where "parish" is synonymous with "county") and the City of New Orleans share boundaries and a consolidated government. These entities may therefore be thought of interchangeably, although jurisdiction of civil court officially falls to the Parish. Most of New Orleans (16 out of 17 wards) lies East of the Mississippi River; the exception is Algiers, a stretch of neighborhoods located across the river on the West Bank. Orleans Parish Civil District Court is divided administratively between the First City Court (East Bank) and Second City Court (West Bank). Due to resource and personnel limitations, JPNSI was only able to focus attention on evictions filed in the First City Court.
2. We did not focus on, and therefore deleted from our data set, evictions of businesses from commercial properties, as our goal was to focus on housing and residential tenants. Five such cases were deleted from our data set.
3. The full comic book can be viewed at the following link: <https://storage.googleapis.com/wzukusers/user-27881231/documents/7dd105bbcb7472e91748fbbaf579808/EVICTION-HELP-COMIC-PDF-WEB.pdf>.
4. See the following link for the COVID-19 financial hardship declaration form: <http://tinyurl.com/nolacdcform>.
5. We are aware of recent research on the phenomenon of serial eviction filing (Garboden & Rosen, 2019; Immergluck et al., 2020; Leung et al., 2021), wherein landlords file eviction cases—often multiple times—without real intention of moving forward with the case, instead using the filing as leverage over their tenants.



In this analysis, however, we are only looking at cases that make it to court. Therefore, we can be confident that these are likely not cases of serial filing, and that the landlord is intent on forcing the tenant out.

6. We are grateful to the anonymous reviewer for this suggestion.
7. The covariate balance figure was produced using the cobalt package (Greifer, 2022) in R.

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## Disclosure Statement

The content of this article relates directly to advocacy work being carried out by several of the authors, and several of the authors are directly employed by an agency (Jane Place Neighborhood Sustainability Initiative) carrying out such advocacy work. This collaboration between academic and community organizations is an essential part of community-engaged scholarship. The first author does not share these ties, and is not employed in this advocacy work, and therefore ensured that no bias was introduced in the results of this study. This work and partnership were supported by the Tulane–Mellon Graduate Fellowship in Community-Engaged Research.

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**Tricia Lamoza** (she/her) began volunteering with the Renters' Rights Assembly during the Spring of 2020. Court monitoring called to her, and she began regularly attending housing court in August of 2021. When given the opportunity to coordinate the court monitoring project for Jane Place Neighborhood Sustainability Initiative, she accepted gratefully. She has personally monitored over 1,000 eviction cases in New Orleans First City Court over the last year and a half and has helped train and support new volunteers.

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