

## ARTICLES

### Buying Time

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#### ABSTRACT

*With more than 2.7 million households in the United States facing eviction each year, eviction has reached a crisis level. The consequences of eviction are considerable, both in terms of private and social cost. For tenants, eviction carries far-reaching negative effects on nearly all measures of wellbeing, including future health, earnings, and housing. The social cost—in the form of public expenditure—that occurs in the wake of an eviction is also significant. Thus, addressing the causes of eviction is important to mitigate this crisis and its damaging impacts.*

*Eviction's root causes are myriad, but one factor is the speed with which an eviction can be completed. Once an eviction begins, the tenant is not only up against a counterparty but also an invisible clock. In most jurisdictions, evictions happen swiftly. Perhaps relatedly, most tenants are unrepresented in eviction proceedings. Thus, any manner of extending the time of the case, or receiving legal representation, could provide a lifeline for the tenant. We seek to understand how the elements of time and legal representation operate for tenants in terms of their eviction case outcomes.*

*We analyzed hundreds of thousands of eviction cases over a five-year period in the Commonwealth of Kentucky. We learned that lengthening the time from eviction filing to case disposition improves a tenant's chances of avoiding an eviction judgment. Likewise, legal representation relates to both a favorable outcome for tenants and a longer case. And both time and legal representation more acutely and positively impact tenant outcomes in eviction cases that occur in rural communities. It is our hope that these findings, and others proffered in our study, will lead to policy interventions to increase two potentially priceless commodities—time and representation—within an eviction proceeding.*

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INTRODUCTION

Eviction in America is at a crisis level. More than 2.7 million households face eviction each year.<sup>1</sup> But some populations are more vulnerable to eviction. Low-income women, domestic violence victims, and families with children are among the demographic groups with the highest risk of experiencing eviction.<sup>2</sup> Of those individuals facing eviction in a given year, nearly 40 percent are children.<sup>3</sup>

At the outset, we note that eviction is, in large part, a consequence of America’s lack of affordable housing.<sup>4</sup> Data from the National Low Income Housing Coalition suggests the United States needs 6.8 million more affordable housing units than are currently available to ensure enough housing for low-income families.<sup>5</sup> This housing

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1. See Nicole Summers & Justin Steil, *Pathways to Eviction*, 49 LAW & SOC. INQUIRY 1, 4 (2024) (noting that, in the past decade, “[b]etween 2.5 and 3.6 million evictions [we]re filed in state courts annually”). See also Ashley Gromis, Ian Fellow, James Hendrickson, & Matthew Desmond, *Estimating Eviction Prevalence across the United States*, 119 PNAS 1 (2022); Ashley Gromis & Matthew Desmond, *Estimating the Prevalence of Eviction in the United States*, 23 CITYSCAPE 279 (2021).

2. Eviction Lab, *Why Eviction Matters*, EVICTIONLAB.ORG, <https://evictionlab.org/why-eviction-matters/#who-is-at-risk> (last visited Jan. 24, 2024). See also Matthew Desmond et al., *Evicting Children*, 92 SOCIAL FORCES 303 (2013); Peter Hepburn, Renee Louis, & Matthew Desmond, *Race and Gender Disparities among Evicted Americans*, 7 SOC. SCI. 649 (2020).

3. Nick Graetz, Carl Gershenson, Peter Hepburn, & Matthew Desmond, *A Comprehensive Demographic Profile of the US Evicted Population*, 120 PNAS 1 (2022).

4. Mary Louise Kelly, Mia Venkat, Kathryn Fink, & William Troop, *Housing Experts Say There Just Aren’t Enough Homes in the U.S.*, NPR (Apr. 23, 2024, 4:04 PM), <https://www.npr.org/2024/04/23/1246623204/housing-experts-say-there-just-arent-enough-homes-in-the-u-s>.

5. National Low Income Housing Coalition, *Why We Care*, NAT’L LOW INCOME HOUS. COAL., <https://nlihc.org/explore-issues/why-we-care/problem> (last visited Jun. 24, 2024) (noting that there is a

shortage means that 70 percent of all extremely low-income families pay more than half of their income in rent, while only one out of every four of these families receive assistance with this expense.<sup>6</sup> These cost-burdened families struggle, often choosing between paying rent and meeting other basic needs. The Eviction Lab, a national leader on eviction research, explains that a lack of affordable housing means that “it has become harder for low-income families to keep up with rent and utility costs, and a growing number are living one misstep or emergency away from eviction.”<sup>7</sup>

Eviction, and even the threat of eviction, has enormous consequences. Research shows that those experiencing eviction have increased rates of negative mental and physical health outcomes such as psychological distress, suicidal ideation, high blood pressure, and are more likely to mistreat their children.<sup>8</sup> Children born into housing instability and/or homelessness have higher rates of low birthweight, respiratory problems, more emergency department visits, and higher annual healthcare costs.<sup>9</sup>

In addition to the health impacts, eviction creates ongoing housing barriers and legal consequences for those subjected to it. For one, it can exacerbate housing instability; having an eviction on one’s record can be an ongoing barrier to housing, as many landlords screen for recent evictions.<sup>10</sup> With respect to legal consequences, since eviction is a civil proceeding, expungement proceedings to erase criminal records do not apply.<sup>11</sup> In many jurisdictions, therefore, a tenant who experiences eviction will have that eviction on her record for the remainder of her life.

Eviction has other consequences as well. Research has demonstrated that eviction is linked to job loss, disruption in a child’s schooling (as the child must

“shortage of more than 7 million affordable homes for our nation’s 10.8 million plus extremely low-income families”).

6. *Id.*

7. Eviction Lab, *supra* note 2.

8. Hugo Vásquez-Vera, Laia Palència, Ingrid Magna, Carlos Mena, Jaime Neira, & Carme Borrell, *The Threat of Home Eviction and Its Effects on Health through the Equity Lens: A Systematic Review*, 175 SOC. SCI. MED. 199 (2017). See also Emily A. Benfer, *Housing is Health: Prioritizing Health Justice and Equity in the US Eviction System*, 22 YALE J. HEALTH POL’Y, L., AND ETHICS 49 (2024); Allyson E. Gold, *No Home for Justice: How Eviction Perpetuates Health Inequity among Low-Income and Minority Tenants*, 24 GEO. J. ON POVERTY L. & POL’Y 59 (2016).

9. Robin E. Clark, Linda Weinreb, Jule M. Flahive, & Robert W. Seifert, *Infants Exposed to Homelessness: Health, Health Care Use, and Health Spending from Birth to Age Six*, 38 HEALTH AFFAIRS 721 (2019).

10. Eviction Lab, *supra* note 2. This phenomenon, and the durable impacts it has on evicted tenants, is often referred to as the “Scarlet E,” a reference to the canonical Hawthorne work—but more importantly an acknowledgement that a tenant’s profile as a renter is marred by even an eviction filing, let alone an eviction judgment. See Esme Caramello & Nora Mahlberg, *Combating Tenant Blacklisting Based on Housing Court Records: A Survey of Approaches*, 1 CLEARINGHOUSE REV. 1 (2017); Kathryn Sabbeth, *Erasing the “Scarlet E” of Eviction Records*, THE APPEAL (Apr. 12, 2021), <https://theappeal.org/the-lab/report/erasing-the-scarlet-e-of-eviction-records/>.

11. See Jaboa Lake & Leni Tupper, *Eviction Record Expungement Can Remove Barriers to Stable Housing*, CTR. FOR AM. PROGRESS (Sept. 30, 2021), <https://www.americanprogress.org/article/eviction-record-expungement-can-remove-barriers-stable-housing/>.

often move schools), worse educational outcomes for children experiencing eviction, and higher rates of depression among evicted tenants as much as two years later.<sup>12</sup> The strength of these correlations has led the Eviction Lab to conclude that “eviction is not just a condition of poverty, it is a cause of it.”<sup>13</sup> Suffice it to say that the impacts of eviction are far-reaching and involve high personal costs to tenants that experience eviction, as well as costs to the public.<sup>14</sup>

Compounding the problem of eviction, and the crisis levels it has reached, is the swiftness with which a court can enter an eviction judgment. In many jurisdictions, the legal eviction process moves quickly to privilege the landlord’s possessory rights. The entire eviction process—from filing the case to removing a tenant’s belongings from the premises—can move rapidly, in some jurisdictions taking less than a week.<sup>15</sup> Indeed, the summary eviction process is designed to move the docket along quickly. This process can include: “entry of default judgment in seconds, with no evidentiary showing; as few as two days between service of a summons and a complaint and trial; prohibition on discovery devices that could otherwise disclose relevant evidence; jurisdiction rules that bar hearing defenses in the same proceeding, even if those defenses might undermine a plaintiff’s entire case; and settlements so-ordered by judges without substantive scrutiny.”<sup>16</sup>

Even when the legal eviction process moves more slowly, tenants find themselves pressed for time to save for and to locate new housing, to negotiate leaving their old housing arrangement, to cure rental arrearages, to move household belongings, and many other basic tasks related to changing residences—all while under the cloud of time limitations stemming from an eviction filing. Thus, time is a salient and valuable commodity, and a lack of time can contribute to a person experiencing housing instability.

All this means that extending the ever-ticking clock that begins with an eviction filing provides a lifeline for the tenant. But the element of time in eviction cases is understudied. To our knowledge, this study is the first to do so empirically. And as we endeavor to understand how time operates for tenants in terms of their eviction case outcomes, we also observe that legal representation—whether a tenant has or does not have an attorney—may be highly related to the length of time a tenant has before a judgment is entered in their case. This relationship is unsurprising, as it makes intuitive sense that legal counsel adds time to the

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12. *Id.* See also Gabriel Schwartz, Kathryn Leifheit, Jarvis Chen, Mariana Arcaya, & Lisa Berkman, *Childhood Eviction and Cognitive Development: Developmental Timing-Specific Associations in an Urban Birth Cohort*, 292 SOC. SCI. & MED. 1 (2022).

13. See Eviction Lab, *supra* note 2.

14. See Christopher J. Ryan, Jr., *A Tale of Two Landlords*, 114 KY. L.J. \_\_ (forthcoming 2025) (draft on file with the authors).

15. See, e.g., *LSC Eviction Laws Database*, LEG. SERV. CORP., <https://lsc.gov/initiatives/effect-state-local-laws-evictions/lsc-eviction-laws-database> (last visited Nov. 8, 2024). This timeline is possible for landlords terminating tenancy for reasons other than nonpayment of rent in: Alabama, Delaware, Florida, Iowa, Maine, Michigan, New Hampshire, New Mexico, and North Carolina. See *id.*

16. Kathryn A. Sabbeth, *Who Says Evictions Should Be Efficient?*, LPE BLOG (July 17, 2024), <https://lpeproject.org/blog/who-says-evictions-should-be-efficient/>.

process. Yet, given that both time and legal representation are associated with positive outcomes for tenants, it is important to understand the exact nature of this relationship. Is the main value of an attorney that they add time to the case? And, if not, what are the aspects of legal representation that positively impact the eviction proceeding?

This study proceeds in three parts. In Part I, and because there is no extant literature on the value of time in eviction cases, we review the literature on access to justice in eviction cases to search for clues about the role of representation and time in this context. Specifically, this part surveys the movement to provide tenants access to legal representation in eviction proceedings, assesses the value that legal representation adds to tenants in eviction cases, and underscores the need to examine how eviction progresses not only in urban settings but also in rural communities. Part II delivers our original findings on the elements of time and legal representation in eviction cases. From our review of hundreds of thousands of eviction cases over a five-year period in the Commonwealth of Kentucky, we discern that lengthening an eviction case—adding time from filing to disposition—improves a tenant's chances of avoiding an eviction judgment. Similarly, legal representation may also relate to a favorable outcome for tenants, perhaps in part because it lengthens this important window of time. Part III discusses the implications of these findings for wider conversations about policy, research, and access to justice. It is our hope that these findings, and others proffered in this study, will lead to policy interventions that seek to avail tenants of two potentially priceless commodities—time and representation—within an eviction proceeding.

## I. ACCESS TO JUSTICE IN EVICTION CASES

Eviction defense—that is, legal representation of tenants in eviction proceedings—is central to the work of many legal services offices throughout the country. And this work is meaningful; it has the potential to help tenants avoid “the trauma[,] . . . disruption, and possible descent into homelessness, which eviction can cause.”<sup>17</sup> Moreover, even when unsuccessful at defeating an eviction judgment, legal representation of tenants can delay eviction proceedings just long enough for tenants to move safely into new housing arrangements without being displaced for indefinite periods of time.<sup>18</sup> Yet, in many if not most

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17. Steven Gunn, *Eviction Defense for Poor Tenants: Costly Compassion or Justice Served?*, 13 YALE L. & POL'Y REV. 385, 385 (1995) (citations omitted). Indeed, Justice William O. Douglas noted as much in his dissenting opinion in *Lindsey v. Normet*, 405 U.S. 56, 82 (1972) (“Modern man's place of retreat for quiet and solace is the home. Whether rented or owned, it is his sanctuary. Being uprooted . . . is a traumatic experience.”).

18. Gunn, *supra* note 17 at 385-86 (stating the arguments of critics, not subscribing to them). See also Lawrence Kolodney, *Eviction Free Zones: The Economics of Legal Bricolage in the Fight Against Displacement*, 18 FORDHAM URB. L.J. 507, 520 (1991), and John Bolton & Stephen Holtzer, Note, *Legal Services and Landlord-Tenant Litigation: A Critical Analysis*, 82 YALE L.J. 1495 (1973) (advancing the argument described above).

eviction proceedings, tenants are unrepresented by legal counsel,<sup>19</sup> underscoring the critical access to justice gap in landlord-tenant law.

Universal legal representation of tenants in eviction proceedings has drawn some detractors.<sup>20</sup> These critics argue that it imposes costs on private landlords in the form of delays in the proceedings that allow tenants “to live rent-free during the pendency of their evictions.”<sup>21</sup> In turn, landlords may subsidize these costs by raising rents on their other tenants, ultimately hurting other low-income tenants.<sup>22</sup>

But recent studies have suggested that the cost savings to society from providing legal representation far outweigh the cost of this taxpayer-funded expenditure. One study out of Boston found that every dollar expended on civil legal aid for evictions and foreclosures was expected to save the state \$2.69.<sup>23</sup> These savings were expected to come from decreased spending on things like emergency shelters, healthcare, and other costs society bears from housing instability.<sup>24</sup> A cost-benefit analysis out of Delaware found similar results, concluding that the state saved \$2.5 million in a single year by preventing evictions.<sup>25</sup> Here, the savings were in the form of income, health, or housing benefits that the state did not have to pay because people were able to stay housed. Overall, the significant personal and social costs of displacement weigh in favor of assisting tenants, including providing them with effective representation to protect their rights. And the overwhelming evidence implies that legal services attorneys alone cannot cover the demand for this legal representation, suggesting that the private bar, and possibly non-attorney representation, have roles to play.

In the sections that follow in this part of the article, we examine the rise of the movement to create a right to counsel for tenants in eviction proceedings. We then turn to the impact that legal representation, mediation, and non-legal assistance have on low-income clients more generally and specifically consider its effect on tenant outcomes in eviction cases. Finally, we discuss the unique challenges that rurality poses in eviction matters.

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19. Raymond H. Brescia, *Sheltering Counsel: Towards a Right to a Lawyer in Eviction Proceedings*, 25 *TOURO L. REV.* 187 (2009). “It is beyond question that the overwhelming majority of low-income tenants are unrepresented in proceedings in which their homes are in jeopardy and having counsel in such proceedings often prevents eviction and homelessness.” *Id.*

20. We share these arguments with a great deal of skepticism, for the social cost of eviction is demonstrably high.

21. Gunn, *supra* note 17, at 385.

22. See, e.g., David Crockett, Lenita Davis, & Casey Carder-Rockwell, *A Consumer Vulnerability Perspective on Eviction*, 21 *VULNERABLE CONSUMER* 153 (2024).

23. Martha Samuelson, Brian Ellman, Ngoc Pham, Emma Dong, Samuel Goldsmith, & David Robinson, *Assessing the Benefit of Full Legal Representation in Eviction Cases*, BOSTON BAR ASSOC. (2020), <https://bostonbar.org/wp-content/uploads/2022/06/rtc-report-for-web-or-email.pdf>.

24. *Id.*

25. *Tenant Right to Counsel*, NAT’L COAL. FOR A CIVIL RIGHT TO COUNS., [http://civilrighttocounsel.org/highlighted\\_work/organizing\\_around\\_right\\_to\\_counsel](http://civilrighttocounsel.org/highlighted_work/organizing_around_right_to_counsel) (last visited Apr. 14, 2025).



### A. *The Rise of Tenants' Right to Counsel*

Only recently has a movement emerged that seeks to provide tenants with a right to legal representation in eviction proceedings.<sup>26</sup> Before 2017, no jurisdiction granted tenants facing eviction a right to counsel.<sup>27</sup> Yet, just five years later, by the end of 2022, three states and 15 cities offered home tenants facing eviction guaranteed representation.<sup>28</sup> As of 2024, there are seventeen cities, five states, and one county that have these programs in place.<sup>29</sup> A tenant's right-to-counsel program has become a popular policy option to combat America's eviction crisis and to mitigate the harms flowing from it.<sup>30</sup>

Evidence suggests that right-to-counsel programs have been effective. Data from New York City, the first jurisdiction to pass a tenants' right-to-counsel ordinance, show that 84 percent of represented tenants have remained in their homes, and as the tenants in an area gain access to guaranteed counsel, the eviction rate in that area declines by 30 percent.<sup>31</sup> Contemporaneous studies of universal

26. See, e.g., Rachel Kleinman, *Housing Gideon: The Right to Counsel in Eviction Cases*, 31 FORDHAM URB. L.J. 1507 (2004); Ericka Petersen, *Building a House for Gideon: The Right to Counsel in Evictions*, 16 STAN. J.C.R. & C.L. 63 (2020); Robin M. White, Note, *Increasing Substantive Fairness and Mitigating Social Costs in Eviction Proceedings: Instituting a Civil Right to Counsel for Indigent Tenants in Pennsylvania*, 125 DICK. L. REV. 795 (2021); Maria Roumiantseva, *A Nationwide Movement: The Right to Counsel for Tenants Facing Eviction Proceedings*, 52 SETON HALL L. REV. 1351 (2022); Natalie D. Fulk, Note, *The Rising Popularity of the Right to Counsel in Eviction Cases: Rationales Supporting It and Legislation Providing It*, 35 NOTRE DAME J.L. ETHICS & PUB. POL'Y 325 (2021); and Vamsi A. Damerla, Note, *The Right to Counsel in Eviction Proceedings: A Fundamental Rights Approach*, 6 COLUM. HUM. RTS. L. R. ONLINE 355 (2022).

27. National Coalition for a Civil Right to Counsel, *Tenant Right to Counsel*, [http://civilrighttocounsel.org/highlighted\\_work/organizing\\_around\\_right\\_to\\_counsel](http://civilrighttocounsel.org/highlighted_work/organizing_around_right_to_counsel) (last visited Jan. 24, 2023) (naming states including Washington and Maryland and cities such as New York City, San Francisco, Detroit, New Orleans, and Philadelphia).

28. *Id.*

29. National Coalition for a Civil Right to Counsel, *Current Tally of Tenant Right to Counsel*, [http://civilrighttocounsel.org/highlighted\\_work/organizing\\_around\\_right\\_to\\_counsel](http://civilrighttocounsel.org/highlighted_work/organizing_around_right_to_counsel).

30. See Cassie Chambers Armstrong, *Gideon is in the House: Lessons from the Home-Renters Right-to-Counsel Movement*, 59 HARV. C.R.-C.L. L. REV. 201, 234 (2024) ("The legislative record from Cleveland shows the speed with which right-to-counsel ordinances could move through legislative bodies . . . Cleveland's speed was not unique . . . In 2021, the pace at which right-to-counsel legislation was passed continued to increase.").

31. The Network for Public Health Law, *Legal Representation in Eviction Proceedings*, NETWORKFORPHL.ORG (May 2021), <https://www.networkforphl.org/wp-content/uploads/2021/05/Fact-Sheet-RTC.pdf>. It is important to note that the implementation of the ordinance has not been without its challenges. Recently, resignations at the public defender's office (which provides the representation) has "strain[ed] the services the agencies provide." Gregory Schmidt, *'At Their Breaking Point': Tenants Fight to Stay in Their Homes*, N.Y. TIMES (June 26, 2022), <https://www.nytimes.com/2022/06/24/business/bronx-housing-court-evictions.html>. Advocates acknowledge that a high number of eviction filings and resource constraints lead "[t]enants to fall through the cracks." *Id. But see*, N.Y.C. Bar Ass'n, Testimony before the Task Force on the Civil Right to Counsel Before the New York City Office of Civil Justice (Feb. 28, 2024), <https://www.nycbar.org/reports/testimony-on-the-right-to-counsel-program/> ("New York City's passage of legislation guaranteeing a right to counsel for low-income tenants facing eviction proceedings was a monumental step toward equal justice, one that was decades in the making. . . . The right to counsel for tenants in New York City has been an enormous success . . . Yet at present the promise of the right to counsel is far from being fully realized."). In other words, even though these policies grant tenants a right

access to counsel in eviction proceedings from New York also indicate that, where available, tenants faced with eviction tend to use this program.<sup>32</sup> Moreover, filings that resulted in eviction judgments and set-out warrants decreased as well—in relative and absolute terms—in areas where tenants had access to the right-to-counsel program.<sup>33</sup>

Similarly, data from San Francisco, another early adopter of a tenants' right-to-counsel program, show that 63 percent of tenants who had full representation remained in that same home after the eviction process had concluded.<sup>34</sup> Of those who did not remain in their prior home, over 80 percent reached a settlement that gave them sufficient time and money to move out.<sup>35</sup> Results from Cleveland, another city with a right-to-counsel program, are similar. In its first year, over 59 percent of those represented by the home tenants' right-to-counsel program were able to avoid disruptive displacement, and 70 percent of tenants were able to get more time to move.<sup>36</sup> We are unaware of any jurisdiction that has enacted a tenants' right-to-counsel program that has not seen at least some positive results from that program.<sup>37</sup>

That explains the speed with which right-to-counsel programs have swept the country. To this end, advocacy organizations have built toolkits for jurisdictions wishing to enact these laws,<sup>38</sup> and many cities have used federal COVID-19

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to counsel, not every tenant in an adopting jurisdiction receives counsel. This is due to imperfect information about the policy reaching tenants, understaffing among the lawyers that would do this work, or a combination of both.

32. Ingrid Gould Ellen, Katherine O'Regan, Sophia House, & Ryan Brenner, *Do Lawyers Matter? Early Evidence on Eviction Patterns after the Rollout of Universal Access to Counsel in New York City*, 31 HOUS. POL'Y DEBATE 540-61 (Nov. 2020). "We find relative increases in legal representation for treated ZIP codes after the adoption of [universal access to counsel]." *Id.* at 1.

33. *See id.*

34. *See id.* *See also* City & Cnty. of S.F., Tenant Right to Counsel (TRC): 2024 Update to Land Use and Transportation Committee (Apr. 29, 2024), <https://sfgov.legistar.com/View.ashx?M=F&ID=12884642&GUID=A36EC077-730C-4BD0-B4EA-869B23842BF4> (stating 92 percent of tenants who received representation through Tenant Right to Counsel avoided homelessness). Dean Preston, author of the ballot proposition granting tenants' right to counsel, framed the measure in part as a housing efficiency issue, "Investing in prevention of homelessness is way more cost-effective and humane than waiting for people to become homeless and then trying to figure out how to get folks into housing." Mathilde Lind Gustavussen, *San Francisco's Right to Counsel Helps Thousands Stay Housed*, JACOBIN (May 30, 2024), <https://jacobin.com/2024/05/san-franciscos-right-to-counsel-helps-thousands-stay-housed/>.

35. Eviction Defense Collaborative, *Tenant Right to Counsel Data – Outcomes*, CIVILRIGHTTOCOUNSEL.ORG (December 2021), [http://civilrighttocounsel.org/uploaded\\_files/290/RTC\\_outcomes\\_March\\_2020\\_-\\_Dec\\_2021.pdf](http://civilrighttocounsel.org/uploaded_files/290/RTC_outcomes_March_2020_-_Dec_2021.pdf) (last visited May 18, 2024).

36. *Id.*

37. Moreover, public health scientists traced positive health outcomes to the rollout of New York's right-to-counsel program. Kathryn M. Leifheit et al., *Tenant Right-to-Counsel and Adverse Birth Outcomes in New York*, *NEW YORK*, 178 JAMA PEDIATRICS 1337, 1337 (2024) (finding that "right-to-counsel was associated with reduced risk of adverse birth outcomes among Medicaid-insured birthing parents. These findings suggest that eviction prevention via right-to-counsel may have benefits that extend beyond the courtroom and across the life-course.").

38. *Id.*



recovery funding to help start these programs.<sup>39</sup> Providing tenants with legal representation has become a trusted, data-driven policy intervention that has fundamentally changed the dynamics of many eviction courts.

It is important to note, however, that lawyers alone are unlikely to solve America's access to justice crisis. Professor Rebecca Sandefur has written about how the access to justice crisis is "bigger than law and lawyers."<sup>40</sup> That is because traditional policies to expand access to justice which "center[] on lawyers as producers and deliverers of legal services [] have not met vast civil legal needs."<sup>41</sup> Because these "lawyer-centric" models fail to meet the full complement of society's legal needs, advocates argue, we must redefine our approach to access to justice issues.<sup>42</sup> It is for that reason that non-lawyer models of representation—like community justice worker programs—that allow non-attorneys to provide legal advice and services are gaining traction, something we explore in greater depth in Part I.C. of this Article.<sup>43</sup>

### B. *The Impact of an Attorney*

The immediately preceding section of this article addressed why legal representation for tenants in eviction cases matters. But it is not just through right-to-counsel programs where attorneys can have a positive impact. A randomized controlled trial from Memphis—which studied a housing court with no right-to-counsel program—found that attorney representation had a positive impact there as well. In fact, the presence of an attorney positively impacted every court outcome that the authors studied.<sup>44</sup> In that study, the authors concluded that the presence of an attorney both decreased the likelihood a tenant would experience eviction and lessened the amount that a tenant owed in a judgment.<sup>45</sup> Thus, there are strong, data-driven arguments in favor of increasing tenant access to legal representation in eviction proceedings.

Yet, despite this evidence, the question of whether it's the actual work attorneys do that makes a difference in these cases is somewhat open. This is because so few studies of eviction have bothered to account for a tenant's legal

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39. Cassie Armstrong, *Gideon is in the House: Lessons from the Home Renters' Right to Counsel Movement*, 59 HARV C. R.-C.-L. L. REV. 201, 235 (2024).

40. Rebecca L. Sandefur, *Access to What?*, 148 DAEDALUS 49, 49–55 (2019), [https://doi.org/10.1162/daed\\_a\\_00534](https://doi.org/10.1162/daed_a_00534). See also Rebecca L. Sandefur & Matthew Burnett, *Justice Futures: Access to Justice and the Future of Justice Work*, in RETHINKING THE LAWYER'S MONOPOLY: ACCESS TO JUSTICE AND THE FUTURE OF LEGAL SERVICES (David Engstrom & Nora Freeman Engstrom eds., forthcoming 2024), <https://ssrn.com/abstract=4836747>.

41. Matthew Burnett & Rebecca L. Sandefur, *A People-Centered Approach to Designing and Evaluating Community Justice Worker Programs in the United States*, 51 FORDHAM URB. L. J. 1509, 1512 (2024).

42. *Id.*

43. See generally *id.* (citing examples from Utah, Delaware, Alaska, and Arizona of community justice models at work over the last fifty years).

44. Aviv Caspi & Charlie Raskin, *Legal Assistance for Evictions: Impacts, Mechanisms, and Demand* (Nov. 3, 2023), <https://ssrn.com/abstract=4621983>.

45. *Id.*

representation as having bearing on eviction case outcomes.<sup>46</sup> The reasons for this are several. First, in many other legal settings, defense clients have *de jure* or *de rigueur* legal representation. A criminal defendant hires or has appointed legal representation; it is indeed a rare occurrence for criminal defendants to represent themselves. An automobile accident defendant, where covered by auto insurance, will often have the resources and representation provided by her insurance company. Second, and likewise, research into the effect of legal representation is something of a rarity,<sup>47</sup> because in the many contexts in which people might have legal representation, such representation is either “so common or so unusual that it cannot serve as a variable [for academic study].”<sup>48</sup> Thus, because it is not a guarantee that a tenant will have legal representation in an eviction proceeding, the domain is ripe for an examination of the efficacy of lawyers in these proceedings.

However, this raises the question: what do lawyers do that *pro se* litigants cannot? The answer may be a great deal, in fact. Attorneys are essential advisers to their clients, helping them navigate the complexities of the legal system in an effort to keep tenants in their homes. Tenants’ lawyers do this by challenging “procedural defects in eviction proceedings, asserting relevant counterclaims, and negotiating with landlords’ attorneys over rent abatements and repayment of [rental arrearages].”<sup>49</sup> These tasks require specialized knowledge and may simply be beyond the capability of the average *pro se* litigant.

The next natural question when examining the impact of an attorney is: why? It stands to reason that having a lawyer in an eviction proceeding would lead to better case outcomes for tenants,<sup>50</sup> but what is the mechanism through which this impact is achieved? Understanding exactly how lawyers influence case outcomes in eviction proceedings is important, as it can help us design more effective policy interventions.

One possible mechanism is that much of a lawyer’s impact comes from their ability to slow down the eviction process. Evictions move fast. In Kentucky, the time between a breach of a lease and a person being set out can be just 18 days.<sup>51</sup> In Louisiana and Wyoming, the entire process can be completed in under a

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46. But see Karl Monsma & Richard Lempert, *The Value of Counsel: 20 Years of Representation before a Public Housing Eviction Board*, 26 LAW & SOC’Y REV. 627 (1992).

47. But see, e.g., Leandra Lederman & Walter Hsung, *Do Attorneys Do Their Clients Justice? An Empirical Study of Lawyers’ Effects on Tax Court Litigation*, 41 WAKE FOREST L. REV. 1235 (2006).

48. Monsma & Lempert, *supra* note 46, at 627.

49. Ellen, et al., *supra* note 32.

50. But see D. James Grenier & Cassandra Wolos Pattanayak, *Randomized Evaluation in Legal Assistance: What Difference Does Representation (Offer and Actual Use) Make?*, 121 YALE L.J. 2118 (2011) (evaluating randomized assignments to legal assistance programs in unemployment benefits cases and coming “to no firm conclusions regarding the effect of actual use of representation . . . on the probability that claimants would prevail.”).

51. Michael Scott Davidson, *Despite Changes, Nevada Eviction Law Still Favors Landlords*, LAS VEGAS REV. J. (Jun. 28, 2019), <https://www.reviewjournal.com/local/local-nevada/despite-changes-nevada-eviction-law-still-favors-landlords-1697301/>.

week.<sup>52</sup> Only six states have policies that require the eviction process to last over a month.<sup>53</sup>

The speed with which evictions move can often disadvantage tenants. One group with the goal of innovating in eviction policy has argued for “rules that slow the court process.”<sup>54</sup> They explain that the goal is to “move[] eviction from a ‘rocket docket’ to one with more ability to raise claims, present evidence, and work out a fair settlement.”<sup>55</sup> Despite these calls from advocates, we know of only one state that has passed a law to expand the eviction timeline.<sup>56</sup>

Some studies have suggested that lawyers can slow the process enough to allow for just that.<sup>57</sup> In one study, for example, Professors Caspi and Rafkin found that lawyers increase the number of days a tenant remains in a rented unit, adding an average of 17 days to the process.<sup>58</sup> Another study of representation in the unemployment context found that adding a student attorney to a case delayed the resolution of the case by about two weeks—again, adding time to the legal proceedings.<sup>59</sup> It may be that this added time is enough to create positive outcomes for tenants.<sup>60</sup>

Another possibility is that attorneys add to a client’s positive outcome by connecting them to resources—in short, a lawyer can help a client access other non-legal resources to help them stay housed. This hypothesis is supported by some evidence; Caspi and Rafkin<sup>61</sup> found that the impact of an attorney was largely explained by their ability to access emergency rental assistance funds. Without

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52. *Id.*

53. *Id.*

54. See Eviction Innovation, *Court Initiatives on Eviction Prevention*, <https://evictioninnovation.org/innovations/courts/> (last visited Mar. 25, 2025).

55. See *id.*

56. In 2024, California became the first state that we know of to lengthen its eviction procedure, giving tenants ten days—instead of the prior five days—to respond to a filing from a landlord. *2025 California Laws: Eviction Reforms*, CBS8 (Dec. 23, 2024), <https://www.cbs8.com/article/news/local/california/california-laws-eviction-reforms/509-a3a3183b-5869-4b6d-94ce-088bc4c6aece>. Instead of changing the substantive law that governs evictions, several jurisdictions have created voluntary eviction diversion programs and hoped that landlords and tenants would opt in to these processes. These voluntary procedures that allow parties to slow down eviction *if they choose* are quite different than mandatory procedures that take more time to complete. See Anna Blackburne-Rigsby & Nathan Hecht, *It Should Take More Than 10 Minutes to Evict Someone*, N.Y. TIMES (Jan. 13, 2022), <https://www.nytimes.com/2022/01/13/opinion/housing-eviction.html> (framing the establishment of the program as a way to encourage “alternatives to eviction when possible . . . [to] avert the worst-case scenarios of mass eviction during the height of the pandemic”).

57. See Caspi & Rafkin, *supra* note 44.

58. *Id.* at 18.

59. See Grenier & Pattanayak, *supra* note 50.

60. Assuming the tenant is not evicted, there is presumably an increase in justice and improvement in result for tenants. Assuming an eviction outcome, time itself is helpful to the tenant. Conversely, we note, the failure to evict a tenant, especially after a protracted eviction case, would impose costs on the landlord—in the form of legal fees, nonpayment of rent, and opportunity cost in the inability to relet the home to another tenant. We are not naïve to these costs but suggest that the social cost of eviction is greater than these costs to the landlord.

61. See Caspi & Rafkin, *supra* note 44.

these funds, the impact of an attorney was small, even though attorneys were able to delay the eviction process.<sup>62</sup> This means that one of the key impacts of having an attorney was that attorney's ability to connect the client to rental assistance—not the attorney's ability to provide legal assistance. Thus, it may be that lawyers add expertise to a case—not because of their legal knowledge, but rather because of their understanding of the non-legal services available to assist clients.<sup>63</sup>

A third explanation for the impact of legal representation is the impact of legal expertise. Lawyers have unique knowledge and training, and their skills should help them achieve positive outcomes for their clients. This could be because of their work inside the courtroom—in terms of raising defenses, arguing motions, and bringing counterclaims—or because of their efforts outside of the courtroom—by effectively negotiating with a property owner or their counsel. One study of Boston housing court indicated that attorneys reported they spent their time, when engaged in full representation, “research[ing] relevant law and facts, me[eting] with clients, request[ing] inspections of units, and negotiat[ing] with opposing counsel.”<sup>64</sup> It may be that these activities, in addition to adding time to the eviction process, also impact its substantive outcome. Another study of the impact of representation in eviction cases bolsters this conclusion.<sup>65</sup> There, one tenant noted the positive impact of having access to counsel, explaining that “[the lawyer] told me what I needed to ask for” and gave the client advice about how to ask to dismiss the eviction case.<sup>66</sup> Indeed, it may well be the case that attorney representation in eviction proceedings yields better tenant outcomes on balance.

### C. *Non-Attorney Representation and Limited Assistance Models*

This study focuses on attorney representation. That is what is available to tenants in eviction cases in Kentucky, and that is what is tracked in the case records of the state. And, as discussed above, representation by an attorney has been shown to improve case outcomes for renters.

But providing people with an attorney is expensive, and many places simply do not have enough attorneys to represent every tenant in need. That is part of the reason that jurisdictions are increasingly exploring community justice worker models.<sup>67</sup> Alaska was the first jurisdiction to lead the way, adopting a certification program for paraprofessionals that allowed non-lawyer advocates to assist people with some cases, including eviction.<sup>68</sup> These justice workers operate under the

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62. *Id.* at 2-3

63. *Id.*

64. See Grenier & Pattanayak, *supra* note 50.

65. Lauren Sudeall & Daniel Pasciuti, *Praxis and Paradox: Inside the Black Box of Eviction Court*, 73 VAND. L. REV. 1365, 1402 (2021).

66. *Id.*

67. For an overview of this model, see Gregory Zlotnick, *Inviting the People into People's Court: Embracing Non-Attorney Representation in Eviction Proceedings*, 25 MARQ. BENEFITS & SOC. WELFARE L. REV. 83 (2023).

68. *Id.* at 101-103.

supervision of the Alaska Legal Services Corporation, and their goal is to “empower[] legal advocates in rural Alaska communities to provide certain legal services with ALSC’s training and supervision.”<sup>69</sup>

Delaware, too, has embraced non-attorney representation in eviction cases.<sup>70</sup> Like Alaska, the Delaware Supreme Court has adopted a rule that allows these representatives to operate under the supervision of a legal aid organization.<sup>71</sup> Once an advocate is certified, the advocate may file pleadings, negotiate, and assist clients in court without a supervising attorney present.<sup>72</sup>

Other states have allowed non-attorneys to practice as well, although they have done so outside of the context of legal aid organizations.<sup>73</sup> In these states, justice workers may provide assistance in certain types of cases and must be supervised by an attorney.<sup>74</sup> They do not, however, have to be supervised by a legal aid attorney. States vary on the types of cases that these paraprofessionals can assist with, but some examples include family law matters, criminal matters where incarceration is not possible, and administrative hearings.<sup>75</sup>

As more states consider adopting these community justice worker models and allowing non-attorneys to represent people in eviction proceedings, it is important to understand how lawyers add value to a case. This knowledge allows policymakers to implement these programs in a way that maximizes the benefits for the clients receiving assistance. We hope this study, by understanding how essential assets like time and a renter-friendly policy landscape factor in, can help inform these decisions.

It is also important to note the literature that exists on limited assistance representation. Limited assistance programs are those that allow a licensed attorney to provide unbundled legal services to clients, instead of providing a traditional full representation model.<sup>76</sup> One randomized control trial of housing court that compared outcomes for clients receiving no or limited legal assistance to those receiving full representation found that those receiving full representation had

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69. *Community Justice Worker Program*, ALASKA LEGAL SERV., <https://www.alsc-law.org/community-justice-worker-program/>. See Burnett & Sandefur, *supra* note 41, at 1524–25 (attributing the success of the Alaska Community Justice Worker Program to three factors: (1) it is evidence-based; (2) the program is committed to worker sustainability; and (3) the program reflects the linguistic and cultural diversity of Alaska’s people).

70. See, e.g., *Delaware to Allow Non-Lawyer Representation for Tenants in Eviction Cases*, NAT’L LOW INCOME HOUS. COAL. (Feb. 14, 2022), <https://nlihc.org/resource/delaware-allow-non-lawyer-representation-tenants-eviction-cases>.

71. Zlotnick, *supra* note 67, at 103.

72. *Id.*

73. These additional states include Arizona, Minnesota, Oregon, and Utah. *Id.* at 104.

74. *Id.*

75. *Id.*

76. D. James Greiner, Cassandra W. Pattanayak & Jonathan P. Hennessy, *The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future*, 126 HARV. L. REV. 903 (2013). The authors of this study compare unbundled legal assistance to full representation, defining the former as “some form of legal service or information short of a traditional, matter-specific attorney-client relationship.” *Id.* at 904.

better outcomes.<sup>77</sup> Whereas those with full representation received 9.4 months of rent or rent-waiver in a settlement, those without an attorney received just 1.9 months. This suggests that, at least in some circumstances, having an attorney providing more robust representation can lead to better outcomes. In other contexts, though, limited representation and full representation have been equally effective at securing beneficial outcomes for clients.<sup>78</sup>

We are less interested in understanding if limited assistance, or unbundled legal services, are always as good as full representation. In fact, we assume that for many cases they are not as helpful as full representation. Instead, we are interested in understanding under what circumstances such limited assistance might improve client outcomes, particularly those in the eviction context.

#### *D. Mediation as a Tool for Delaying Forced Eviction*

Alternative dispute resolution models can also benefit both parties in an eviction. That is because they can reduce the private costs of a judicially-administered eviction proceeding. Likewise, moving the dispute forum away from the courtroom could benefit society and mitigate administrative costs.

Mediation offers a flexible, often less costly, and less adversarial alternative to formal eviction proceedings. In many cases, mediation can provide tenants with valuable time to address the underlying issues that led to the eviction filing, such as financial difficulties or breaches of lease terms. Unlike traditional court proceedings, mediation is designed to be collaborative rather than combative, allowing both parties to negotiate mutually beneficial solutions. These solutions often involve payment plans, rent forgiveness, or extensions that give tenants the time they need to relocate or resolve arrears, thus avoiding the harsh consequences of a formal eviction judgment.

Research shows that mediation can significantly prolong the time between the initial eviction filing and the final resolution. In jurisdictions where mediation programs have been implemented, eviction proceedings can be delayed by weeks or even months, depending on the complexity of the case and the willingness of the parties to negotiate.<sup>79</sup> This additional time is crucial for tenants, as it allows them to either secure alternative housing or access rental assistance programs, both of which can prevent the worst outcomes of eviction.

The primary benefit of mediation for tenants is the opportunity to avoid eviction and its long-lasting consequences. Studies have shown that tenants who engage in mediation are more likely to remain housed or to leave their residences

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77. *Id.*

78. D. James Greiner, Cassandra W. Pattanayak, and Jonathan Hennessy, *How Effective Are Limited Legal Assistance Programs? A Randomized Experiment in a Massachusetts Housing Court* (Sept. 1, 2012), <https://ssrn.com/abstract=1880078>.

79. See, e.g., Deanna Pantin Parrish, *Sustaining Eviction Mediation Efforts “Post Pandemic”: Out of the Courtroom and into Public Health?*, A.B.A. DISPUTE RESOLUTION MAG. (Apr. 24, 2024), [https://www.americanbar.org/groups/dispute\\_resolution/resources/magazine/2024-april/sustaining-eviction-mediation-efforts-post-pandemic/](https://www.americanbar.org/groups/dispute_resolution/resources/magazine/2024-april/sustaining-eviction-mediation-efforts-post-pandemic/).



on terms that are less disruptive than a court-ordered eviction. For example, in Madison, Wisconsin, a city with a strong eviction prevention framework, mediation has been incorporated into the eviction process with notable success.<sup>80</sup>

Likewise, a 2020 report showed that mediation helped more than 60% of participating tenants reach a settlement that allowed them to stay in their homes or negotiate favorable exit terms.<sup>81</sup> The study also noted that mediation gave tenants access to resources such as rental assistance and legal aid that they may not have otherwise sought, contributing to better case outcomes. The role of mediation in extending the time before a judgment is rendered, allowing tenants to take advantage of these resources, cannot be overstated.

Additionally, mediation helps to level the playing field in eviction cases where tenants may not have legal representation. While legal counsel undoubtedly improves tenants' chances of success, many tenants lack access to attorneys due to resource constraints.<sup>82</sup> In these cases, mediation can serve as an accessible alternative. Mediators help tenants articulate their concerns and negotiate with landlords in a more structured environment than informal discussions, making it easier for tenants to achieve better outcomes without requiring full legal representation.

### *E. The Impact of Rurality*

Thus far, we have examined structural reforms that could be implemented to improve tenant outcomes in eviction proceedings. Yet, much of our examination relies on the literature that contemplates eviction in an urban or suburban setting. Indeed, rural eviction is often left out of the conversation. To some extent, this makes sense, as the density of people in urban areas can lead to a high volume of eviction cases. But people living in rural areas also experience eviction, and little is known about how the eviction process in rural areas is similar to or different from urban areas. In this study, we aim to rectify this exclusion.

Rural areas face unique legal challenges. Many rural areas are considered “legal deserts”—meaning they have fewer than one attorney for every 1,000 residents.<sup>83</sup> This may decrease access to paid attorneys and make it so that paid attorneys have less time to take on pro bono cases.<sup>84</sup> Similarly, rural populations are

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80. See, e.g., Andrew Seltzer, *Hey, Can We Talk? Mediation Might Help Reduce Evictions*, SAN FRANCISCO PUB. PRESS (Aug. 27, 2018), <https://www.sfpublishing.org/hey-can-we-talk-mediation-might-help-reduce-evictions/> (noting that the tenant resource center in Madison, WI, “mediates about 300 of the 2,000 annual eviction cases in Dane County. It uses two metrics to measure success: 90 percent of those who enter mediation don’t end up in homeless shelters, and 70 percent still have not been evicted within three months after mediation”).

81. See, e.g., Brian Bieretz, Kimberly Burrowes, and Emily Bramhall, *Getting Landlords and Tenants to Talk: The Use of Mediation in Eviction*, URB. INST. (Apr. 2020), [https://www.urban.org/sites/default/files/publication/101991/getting-landlords-and-tenants-to-talk\\_3.pdf](https://www.urban.org/sites/default/files/publication/101991/getting-landlords-and-tenants-to-talk_3.pdf).

82. See *id.*

83. Elaine S. Povich-Stateline, *Lack of Rural Lawyers Leaves Much of America Without Support*, NH BUS. REV. (Feb. 16, 2023), <https://www.nhbr.com/lack-of-rural-lawyers-leaves-much-of-america-without-support/>.

84. A forthcoming study of South Dakota’s Rural Attorney Recruitment Program indicates that some participating attorneys do very little additional pro bono work, beyond the required one case per

“disproportionately poor”<sup>85</sup> and may have a greater demand for legal aid. At the same time, rural legal aid attorneys have to cover a larger geographic area, and spend more of their time on travel.<sup>86</sup> When they travel, they are likely to face infrastructure challenges that are not as prevalent in urban areas.<sup>87</sup> Together, this suggests that there may be fewer attorneys (both legal aid and private market) to represent low-income people in rural areas, and that the attorneys who are there may be able to represent fewer individuals because of geography, infrastructure, and travel time.

The little that we know about rural eviction suggests that it matches this larger trend in the challenges of rural areas and legal needs. It is important to study the impact of rurality in eviction, in part because evidence suggests that the eviction process varies widely from location to location.<sup>88</sup> This is because “the mix of local rules, practices, and culture that affects how [courts] hear and process disputes.”<sup>89</sup> The impact of this variation is great, with at least one author suggesting that these place-based factors are as important as the underlying substantive law in determining the outcome for a person experiencing eviction.<sup>90</sup>

One prior study of eviction court found that rural courts differ from those in more populous jurisdictions in important ways.<sup>91</sup> There, the authors concluded that rural courts have less strict procedural rules and formality but may also lead to worse outcomes for renters.<sup>92</sup> Specifically, the authors found that rural counties were more likely to issue writs of eviction against tenants. This was true even though the less formal proceedings led tenants to feel as though they had been heard in the process, increasing their satisfaction with the proceedings.

year, citing “concerns about making a living.” Elizabeth Chambliss, *Rural Legal Markets* 12 TEX. A&M L. REV. 1, 19 (forthcoming 2025) (citing HANNAH HAKSGAARD, *THE RURAL LAWYER: HOW TO INCENTIVIZE RURAL LAW PRACTICE AND HELP SMALL COMMUNITIES THRIVE* (forthcoming 2025) (manuscript at 146)). Other participating attorneys, however, “do more” thanks to a “culture of providing pro bono services among participating attorneys—perhaps because the program requires it.” *Id.* at 146 (internal citations omitted).

85. Lisa R. Pruitt & Bradley E. Showman, *Law Stretched Thin: Access to Justice in Rural America*, 59 S.D. L. REV. 466, 496 (2014). See also Tracey Farrigan, *Extreme Poverty Counties Found Solely in Rural Areas in 2018*, USDA ECON. RES. SERV. (May 4, 2020) <https://www.ers.usda.gov/amber-waves/2020/may/extreme-poverty-counties-found-solely-in-rural-areas-in-2018/> (explaining that 78.9% of high poverty counties are considered rural, and that one out of every four rural counties are high poverty compared to one out of ten urban counties).

86. For example, most lawyers in the Louisville Legal Aid Society (an urban legal aid organization) spend a majority of their time representing survivors at just one courthouse in Louisville. In contrast, attorneys at AppalReD Legal Aid (a rural legal aid organization) must cover courts in multiple counties and therefore inherently spend more of their workday traveling.

87. See Carrie Henning-Smith et al., *Rural Transportation: Challenges and Opportunities*, U. OF MINN. RURAL HEALTH RES. CTR. (Nov. 2017), [http://rhrc.umn.edu/wp-content/files\\_mf/1518734252UMRHRCTransportationChallenges.pdf](http://rhrc.umn.edu/wp-content/files_mf/1518734252UMRHRCTransportationChallenges.pdf) (explaining that rural populations face unique challenges in the health care context related to infrastructure, geography, funding, and more).

88. See generally Sudeall & Pasciuti, *supra* note 65.

89. *Id.* at 1372.

90. *Id.* at 1375.

91. *Id.* at 1367.

92. *Id.* at 1367, 1402.

We also examined the impact of rurality on eviction proceedings in a previous study.<sup>93</sup> We found that those living in a rural area were 55 percent more likely to experience a judgment of eviction—just by virtue of where they lived. In that paper, we hypothesized that this impact could be because of a lack of supportive services, the presence of legal deserts that create a lack of attorney representation, and/or an absence of tenant-friendly structures within rural areas.<sup>94</sup> We called for further study of the rural eviction process as a way to better understand how to ameliorate the disparate impacts of living in a rural area on eviction outcomes. Here, we seek to further elevate and examine the unique role of rurality in the eviction process.

## II. EVICTION: DESCRIPTIVE AND EMPIRICAL FINDINGS

This study seeks to add to the literature on the formal eviction process in two important ways. First, it seeks to better understand how legal representation impacts a tenant's case outcomes. As explained above, there are many possible ways for counsel to help create positive outcomes for tenants: adding time, imparting expertise, bringing negotiation skills, attending court for clients, and more. It is important to disentangle these possible mechanisms to elucidate which impacts require legal representation, and which can be achieved through other policy levers.

Here, we were specifically interested in understanding if and how a lawyer adds more time to a tenant's case and, relatedly, how more time impacts case outcomes. If one of the impacts of a tenant's legal representation in an eviction proceeding is that the attorney buys a tenant more time to find alternative housing and thus lessen a tenant's risk of becoming housing insecure, this benefit could be realized through other policy tools. For example, a jurisdiction might pass laws adding more time to the eviction process to allow tenants more time to explore housing options.<sup>95</sup>

Second, we were interested in better understanding the role lawyers play in the eviction process in rural communities. To that end, we were interested in understanding the demographics of representation in rural areas, as well as if lawyers added similar amounts of time in rural areas as urban areas. Relatedly, we were interested in understanding the time an eviction case took from filing to completion in rural areas and whether that timeline aligned with urban areas. We do not know of any existing study that has examined these factors and thus this paper fills an important gap in the existing literature.

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93. See generally Cassie Chambers Armstrong & Christopher J. Ryan, Jr., *Rural Renting: An Empirical Portrait of Eviction*, 93 U. CIN. L. REV. 1 (2024).

94. *Id.* at 36.

95. Recognizing that similar policy goals might be achieved through other means is not meant to imply that eviction counsel is not an incredibly important intervention. Nor is it meant to suggest that every benefit of legal representation can be achieved in other ways. Rather we merely seek to acknowledge that—in a political world full of resource constraints—policymakers may have additional tools available to them.

### A. The Eviction Process

A brief understanding of the eviction process is helpful to contextualize our data and findings. Although this description is based on Kentucky law, as this study utilized data from Kentucky cases, it is more or less similar to eviction processes throughout the United States.

The first step in the eviction process is for tenant to be notified by a landlord of a breach of the rental agreement. This is called a pre-filing notice. Depending on the breach, the tenant may have a week to two weeks to cure the breach.<sup>96</sup> If not so cured within that window of time, a landowner may then file an action for forcible detainer.<sup>97</sup> After that action is filed, state law requires the district court to issue a warrant of eviction to the sheriff or constable.<sup>98</sup> The officer then takes this warrant, which notifies the renter that an action has been filed against him or her, to the place where the renter lives.<sup>99</sup>

Interestingly, the renter against whom the action has been filed does not have to be personally served with the warrant. The law only requires that the sheriff place the notice on the door of the premises.<sup>100</sup> For multi-unit buildings, in particular, this is problematic. The notice of the eviction might fall off the door or be removed by another tenant. More traffic in multi-unit buildings means more potential people who might interfere. Undoubtedly, the law as written means that some people who experience eviction will have a judgment entered against them without ever knowing that a case has been filed.<sup>101</sup>

After the sheriff serves the notice of eviction, the case moves quickly. State law says that a renter is entitled to “at least three (3) days’ notice of the time and place of the meeting of the jury”—although nothing in state law guarantees them more time.<sup>102</sup> It is not uncommon for a hearing on an eviction case to be scheduled within a week of when the eviction warrant was served.<sup>103</sup>

The structure of eviction cases adds to the speed with which the court processes them. Although each party has the right to request a jury trial, the default—

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96. In the most common example of breach—the nonpayment of rent—the tenant typically has just a week to cure the breach of the agreement.

97. KY. REV. STAT. ANN. § 383.200 (defining “forcible detainer” actions).

98. KY. REV. § 383.210.

99. *Id.*

100. Thomas H. Watson, *Forcible Detainer in Kentucky Under the Uniform Residential Landlord and Tenant Act*, 63 KY. L. J. 1046, 1048–49 (1975), <https://uknowledge.uky.edu/cgi/viewcontent.cgi?article=2473&context=klj>.

101. This is in contrast to other types of cases, such as domestic violence protective orders. *See* Andrew C. Budzinski, *Reforming Service of Process: An Access-to-Justice Framework*, 90 U. COLO. L. REV. 167 (2019). In those cases, every respondent who is alleged to have committed an act of domestic violence must be personally served with a victim’s petition. *Id.* This requirement is so stringent and so uniform that it has been described as an access to justice barrier as many victims of domestic violence are unable to have their petitions heard on the merits solely because the respondent has successfully evaded service. *Id.*

102. KY. REV. STAT. ANN. § 383.210.

103. Interview with George Eklund, Director of Education and Advocacy, Coalition for the Homeless (2024).

if neither party requests a jury trial—is for the judge to try it in a bench trial.<sup>104</sup> This means that eviction cases can move more quickly and without the procedural requirements of calling in a jury.

Similarly, there is nothing in state law that guarantees a renter time for discovery or motion practice.<sup>105</sup> A renter does not have a right to seek documents from the landlord about the evidence in the case, nor does he have a right to depose the landlord about his reasons for pursuing the eviction. The downstream impact is that a judge can enter an order of eviction against a renter at the first hearing on a case.<sup>106</sup> If a renter fails to show, a default judgment can be entered in that person's absence.<sup>107</sup> This is because eviction was designed to be a fast-moving cause of action to protect landlord rights.<sup>108</sup>

If a renter does show up to court, the case goes to trial, possibly on that same day.<sup>109</sup> At trial, the judge or jury must reach a decision about who is entitled to possession of the premises and enter a corresponding judgment.<sup>110</sup> If a court enters a judgment against a renter, that person has just seven days to appeal.<sup>111</sup>

If a renter does not appeal a judgment of eviction within a week, the court then takes steps to remove the renter from the property. Specifically, the court will enter a document known as a warrant of restitution.<sup>112</sup> The warrant informs the sheriff that a renter “ha[s] been found guilty of a forcible entry in (or detainer of)” a property and states that those officers are “commanded that, with the power of the county if necessary, you put the said [landlord] in possession of said premises[.]”<sup>113</sup> In other words, the court instructs the sheriff to remove the renter from the property and give possession of it back to the landlord.

The next step in the process is what is commonly known as a set out, named because it is the stage at which the sheriff removes and “sets out” a renter's property.<sup>114</sup> Once the sheriff's office has the warrant, the property owner and the sheriff agree on a date to have the renter's property removed from the building.<sup>115</sup> The

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104. KY. REV. STAT. ANN. § 383.210.

105. See generally KY. REV. STAT. ANN. §§ 383.200–282.285.

106. Interview with Jefferson Coulter, Executive Director, Louisville Legal Aid Society (2024).

107. See generally KY. REV. STAT. ANN. §§ 383.200–282.285.

108. Historically, landlords were able to personally remove renters from the landlord's property, a process known as “self-help.” Lauren A. Lindsey, *Protecting the Good-Faith Tenant: Enforcing Retaliatory Eviction Laws by Broadening the Residential Tenant's Options in Summary Eviction Courts*, 63 OKLA. L. REV. 101, 103 (2010). These altercations often became violent, though, and the existing legal causes of action were viewed as being too slow-moving. *Id.* In response, legislatures created modern eviction processes, intended to protect tenants from “self-help” evictions and landlords from overly burdensome legal processes. *Id.*

109. KY. REV. STAT. ANN. § 383.210.

110. KY. REV. STAT. ANN. § 383.240.

111. KY. REV. STAT. ANN. § 383.245.

112. *Id.*

113. *Id.*

114. See *Criminal Division: Evictions*, JEFFERSON CNTY. SHERIFF OFF., (last visited Oct. 15, 2023), <https://www.jcsoky.org/criminal-division/evictions#:~:text=The%20%22set%2Dout%22%20Warrant,recover%20back%20rent%20owed%20them.>

115. *Id.*

sheriff delivers the warrant to the renter, or posts it on the door of the property if the renter is not home.<sup>116</sup> This stage is intended to give the tenant notice of the date that the sheriffs will return to remove their property. Set outs, when they occur, are one of the most traumatic stages of the eviction process for renters who experience them.

Sheriffs' offices often have additional policies around eviction set outs that are designed to regulate the process. Jefferson County, the largest sheriff's office in Kentucky (and associated with the city of Louisville), requires a property owner to provide "3 able bodied people for the [e]viction from an apartment" and "5 persons for a house."<sup>117</sup> They state that the sheriff's office will allocate one hour for the set-out process, and that those assisting with removing a renter's belongings must place all property one foot from the curb without blocking the sidewalk.<sup>118</sup> The office also notes that a landlord must leave a renter's property on site for 48 hours before removing it.<sup>119</sup>

It is undeniable that the process of eviction moves quickly in Kentucky, when viewing the underlying eviction laws in place under a close lens. And once a tenant has been evicted, it is not a question of "if" a tenant will experience the associated trauma but "when." It is for these reasons that we undertook our present study.

### B. Data

In this study, we endeavored to investigate the factors that related to a tenant's outcome in eviction cases. Specifically, we were interested in the effect of legal representation and case length on how tenants fared before eviction courts.<sup>120</sup> To do so, we leveraged data provided to us by the Kentucky Administrative Office of the Courts (AOC).<sup>121</sup> The data the AOC tracked included eviction warrants issued at the outset of a case, case outcomes, and ZIP codes of the parties to an eviction proceeding in all 120 Kentucky counties from 2018-2022. This totaled over 500,000 unique party observations for over 240,000 cases. However, these data were missing some values in some of the observations. After accounting for missingness, cleaning the data, combining relevant records, and creating the variables described below, our dataset contained over 320 variables and 202,572 fully-coded case observations.

The proliferation of variables we employed resulted from our use of the mailing ZIP codes of the parties in the original case records to map on additional U.S. Census data variables. These imputations were, in part, out of necessity. Because the data in our eviction case sample were deidentified, we could not know about specific traits of the tenants or landlords. As a result, we proxied for these traits by imputing census data at the ZIP code tract area level (or ZCTA). These data

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116. *Id.*

117. *Id.*

118. *Id.*

119. *Id.*

120. Kentucky does not have special housing or eviction courts. Rather, the cases in our dataset come from the district courts of the 120 counties of Kentucky.

121. *Administrative Office of the Courts*, KY. CT. OF JUST. (last visited Oct. 16, 2023), <https://kycourts.gov/AOC/pages/default.aspx>.



imputations give us a close sense of the demographic and socioeconomic factors pertaining to the litigants in our sample. For example, the control variables we gleaned from Census data included: unemployment rate; median rent; percentage of vacant units; percentage of tenant occupied units; percentage of single-family housing units; percentage of population that comprised women, people of color, and women of color; percentage of residents with less than a four-year college degree; percentage of children in poverty; and mean household income. Imputing these variables allowed us to control for factors known to impact eviction outcomes and remove the bias associated with the effects we observed on our variables of interest in our regression analyses.

But we also developed several other independent variables to aid our analysis, specifically: the date differential between when the case was filed with the court clerk and when the case was disposed of; whether the tenant was represented by an attorney; whether the eviction matter was filed in a rural county (defined as one with less than 125,000 residents);<sup>122</sup> whether the eviction matter was decided during the emergency phase of the COVID-19 pandemic (i.e., between mid-March 2020 and the end of October 2021); whether the tenant rented a unit within a jurisdiction that had adopted the Uniform Residential Landlord Tenant Act (URLTA);<sup>123</sup> whether the tenant was served a “set out”

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122. We realize this definition of rurality may seem idiosyncratic. It is, however, not haphazard or coded for convenience. We initially coded each county according to the USDA Rural-Urban Continuum codes. See *Rural-Urban Continuum Codes*, U.S. DEPT. OF AG. (updated Jan. 7, 2025), <https://www.ers.usda.gov/data-products/rural-urban-continuum-codes/>. This methodology is in line with how other scholars have ascribed urban or rural status to counties. See, e.g., Carl Gershenson & Matthew Desmond, *Eviction and the Rental Housing Crisis in Rural America*, 89 RURAL SOCIO. 86 (2024). However, the methodology behind this coding does not pass the proverbial smell test for a state like Kentucky. See, e.g., Ryan, *supra* note 14, at n. 101. “For example, Bracken County, Kentucky, having a population of 8,400 in the 2020 Census, is coded with the highest possible density value: a ‘1: Metro – Counties in metro areas with 1 million population or more.’ Bracken County is decidedly unpopulous and rural. Its county seat, however, is just under 50 miles from Cincinnati, Ohio, which could be a reason for this coding value. Regardless, the methodology of the Rural-Urban Continuum cannot possibly contemplate the unique factors that make courthouses, residential locations, and ways of life different from urban areas in these rural communities, which define most of the 120 Kentucky counties. Indeed, the definition of a ‘city’ under Kentucky law is quite liberal and allows many rural communities to achieve city status, which isn’t particularly helpful in ascribing urban versus rural status to a given community. See, e.g., Ky. Rev. Stat. Ann. § 81.005 (West).” *Id.* And so, we used a different metric to ascribe urban or rural status to a given Kentucky county. We determined a cutoff of a county population of 125,000 or more, according to the 2020 Census, constituted an urban area by Kentucky’s standards. This meant that cases originating from five counties met this criterion: Jefferson, Fayette, Kenton, Warren, and Boone. The other 115 Kentucky counties fell below this threshold—and in most cases considerably below—meaning that cases originating in these areas were coded as rural. We note that, in the dataset, the frequency of rural cases was nearly half of urban cases; there were 254,985 urban eviction cases and 138,756 rural eviction cases.

123. This Act, commonly referred to as “URLTA” in housing circles, provides additional obligations and rights to both property owners and tenants. URLTA has been adopted by the Kentucky General Assembly but requires that municipalities enact its provisions. Thus, its take-up has been piecemeal. The majority of municipalities in Kentucky that have enacted the Act’s provisions are located in urban counties. See Ky. Rev. Stat. Ann. § 383.500 (West 2021).

warrant;<sup>124</sup> and whether the landlord resided outside of the ZIP code or state of the tenant. Together, these variables comprised our primary independent variables of interest.

We note, however, that our data has shortcomings. For instance, we are unable to determine when an attorney for a tenant—or a landlord for that matter—entered the case. We only know whether an attorney appeared for either party to an eviction proceeding in our sample. Likewise, we cannot know how and under what circumstances the parties to the eviction proceeding came to be represented, if applicable. Thus, there exists the potential of selection bias in our sample in the sense that some tenants were represented while many others were not, for reasons that our data do not permit us to decipher. However, because we leveraged every available tool to correct for this potential bias, we feel confident in our principal findings around the impact of time and representation in eviction proceedings.

### C. Descriptive Findings

In a previous study, we noted the expediency of the eviction process in Kentucky.<sup>125</sup> Arguably, the entire process was designed this way to privilege the landlord's possessory rights over those of the tenant.<sup>126</sup> The swiftness of the process may be linked to the propensity with which courts find for the landlord in eviction cases.<sup>127</sup> But regardless of the design of the law, eviction cases proceed at a rapid pace in our sample and within the jurisdiction of Kentucky over the time period we studied.

Using the full dataset—including cases with missing variables related to the litigants in the proceeding—we observe that the average eviction case in our sample is settled, dismissed, or adjudicated in just over one month<sup>128</sup>—from the time of filing to the time that the case is disposed of by the court. And, remarkably, it is even faster, on average, in rural counties, clocking in at almost exactly one month from filing to disposition.<sup>129</sup> We caveat this finding, however, by noting that several of the observations used to produce this result had such limited information about the case to make its speed seem implausible, and for this reason, we employ only our fully-coded dataset in the analysis going forward.

Yet, such a fast-moving process undeniably helps landlords either prevail on their claim or mitigate loss expended in pursuit of it. Specifically, by moving so quickly, landlords can avoid costs above and beyond court filing fees, like ongoing legal fees and foregone rent, whether or not the proceeding results in an

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124. The AOC database referred to this as an eviction warrant, however we have termed it a “set out warrant” here to help clarify what the document is and its role in the eviction process.

125. See generally Armstrong & Ryan, *supra* note 93. Kentucky is not alone in its expedient judicial process of eviction, but as we note above, eviction judgments can be affected swiftly when compared to other jurisdictions like California, Massachusetts, or New York. See Table 1, *infra*.

126. See generally Ryan, *supra* note 14.

127. In our sample, eviction judgments were rendered in the plaintiff's (or landlord's) favor more than half the time.

128. See *infra* Table 1.

129. See *id.*

eviction judgment. Simultaneously, the speed with which the legal process of eviction moves poses many problems for tenants—not the least of which is a speedy set-out, to the extent that the tenant is ordered evicted by the court. And even if the tenant does not receive an eviction judgment, it may still be the case that the tenant is forced to find alternative housing quickly once the proceeding resolves, because the relationship between the landlord and tenant is necessarily negatively impacted by the mere filing of the eviction proceeding on the part of the landlord. In other words, the speed of disposition of eviction cases has a natural output, whether or not the tenant is evicted; tenants subject to an eviction proceeding in Kentucky may be legally displaced or forced to relocate in just over one month following an eviction filing.

TABLE 1: CASE DATE DIFFERENTIAL (IN YEARS)

	Mean	Std. Err.	95% Confidence Interval	
All	0.0918855	0.0006075	0.0906948	0.0930762
Urban	0.0940199	0.0004526	0.0931329	0.094907
Rural	0.0880637	0.0014889	0.0851454	0.0909821

Thus, maybe more than in any other legal domain, time matters in eviction cases. It matters because it affords tenants the ability to negotiate with landlords to arrange for payment of arrearages, move-out conditions, and a host of other such considerations that have significant bearing on tenants’ wellbeing. To that end, we find that only 39 percent of tenants with at or below average case-date differentials (between the date of filing and disposition of the case) avoided eviction, while the other 61 percent of this group received an eviction judgment.<sup>130</sup> This means that more than three out of every five tenants with cases that lasted just one month and three days—or less—were evicted. Thus, faster-than-average case-date differentials—in an already quickly moving legal process—heavily favor landlords. By contrast, when the case-date differential exceeded the average, only 32.56 percent of the time was the tenant evicted.<sup>131</sup> The other 67.44 percent of the time, when the case-date differential exceeded the average, the tenant avoided an eviction judgment altogether.<sup>132</sup> This means that roughly two in three tenants whose cases were longer than average avoided eviction judgments completely. In other words, in our sample, the outcomes invert to heavily favor the tenant when the legal process exceeds the average time to disposition. These differences are not trivial and were statistically significant.

130. See *infra* Table 2. It also bears noting that when constructing our “average” for purposes of creating the binary variable that we employ below (at or below average vs. above average), we rounded up to the nearest day. This means that our “average” included cases that were decided in just one month and four days from the filing date. It also means that a slight majority of cases in our sample were decided within this time frame—or more quickly.

131. See *id.*

132. See *id.*

TABLE 2: OUTCOME BY CASE DATE DIFFERENTIAL

Date Differential	Evicted	Not Evicted
At or Below Average	98,599	63,048
Above Average	13,322	27,603
Total	111,921	90,651

To the extent that time matters—and it does for tenant outcomes in eviction cases, as we have shown above<sup>133</sup>—the presence of an attorney representing the tenant may add not only to the length of time the legal process takes from start to finish but also to the outcomes the tenant realizes. For example, we observe that when a tenant was unrepresented in an eviction proceeding, the case-date differential exceeded the average just 19.23 percent of the time.<sup>134</sup> In all other cases where the tenant was unrepresented (or 80.77 percent of the time), the legal process moved as fast or even faster than the average case-date differential.<sup>135</sup> In short, approximately four out of five unrepresented tenants had case-date differentials at or below the average case length.

Compare these findings to the cases in which the tenant received representation. While few in number within our sample, they paint a clear picture that attorney representation affords the tenant valuable time within the legal process of eviction. Nearly two thirds (or 66.48 percent) of the cases in which tenants were represented exceeded the average case-date differential.<sup>136</sup> This evidences the fact that, on balance, legal representation gave tenants more time than average within the legal process of eviction by a factor of nearly two to one.<sup>137</sup>

But the differences did not end there. Within our sample, we find that unrepresented tenants, who vastly outnumbered represented tenants, had just 0.1923 years, or 2.31 months, from the date of filing to the date of their case's disposition, on average.<sup>138</sup> Contrast this with represented tenants, whose date differentials averaged 0.6648 years, or 7.98 months—nearly three and a half times that of unrepresented tenants.<sup>139</sup> Notably, these differences were statistically significant at the highest levels.<sup>140</sup> In short, this is proof that legal representation for tenants in eviction proceedings affords tenants with considerably more—and thus valuable—time that they would not otherwise have if they faced an eviction proceeding on their own.

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133. See Tables 1 and 2, *supra*.

134. See *infra* Table 3.

135. See *id.*

136. See *id.*

137. See *id.*

138. See *infra* Table 4.

139. See *id.*

140. See *id.*

TABLE 3: REPRESENTATION BY CASE DATE DIFFERENTIAL

Date Differential	No Representation	Representation
At or Below Average	160,256	1,391
Above Average	38,166	2,759
Total	198,422	4,150

TABLE 4: *T*-TEST FOR REPRESENTATION *VIZ* DATE DIFFERENTIAL

Group	Observations	Mean	Std. Error	Std. Dev.
Not Represented	198,422	0.1923	0.0008	0.3941
Represented	4,150	0.6648	0.0073	0.4721
Combined	202,572	0.2020	0.0009	0.4015
Difference		−0.4725	0.0062	
Pr(  <i>T</i>   <   <i>t</i>  ) = 0.0000; <i>t</i> = −76.0892				

We also find that legal representation is similarly associated with avoiding eviction for the tenant. Among tenants without legal representation in the eviction cases we studied, these tenants avoided eviction about 44.32 percent of the time.<sup>141</sup> This means that these fortunate *pro se* tenants settled the suit, had it dismissed, or received a judgment in their favor—not bad odds when one considers the complexities of navigating the legal process of eviction independently. However, among tenants with legal representation, nearly two thirds of them (or 65.37 percent) avoided eviction along the same lines.<sup>142</sup> The percentage-point differential between the outcomes of these two groups is substantial: an over 21 percentage-point increase in likelihood of avoiding eviction. And, once again, the differences between unrepresented and represented tenants were statistically significant.<sup>143</sup> In short, and *ceteris paribus*, legal representation greatly increases the likelihood that the tenant would avoid an eviction judgment altogether.

141. See *infra* Table 5.

142. See *id.*

143. See *infra* Table 6.

TABLE 5: OUTCOME BY REPRESENTATION

Representation	Evicted	Not Evicted
No Representation	110,484	87,938
Representation	1,437	2,713
Total	111,921	90,651

TABLE 6: *t*-TEST FOR LEGAL REPRESENTATION *v/z* OUTCOME

Group	Observations	Mean	Std. Error	Std. Dev.
Not Represented	198,422	0.55681	0.00111	0.49676
Represented	4,150	0.34626	0.00738	0.47583
Combined	202,572	0.55249	0.00110	0.49723
Difference		0.21054	0.00778	
Pr( T  <  t ) = 0.0000; <i>t</i> = 27.0457				

D. Empirical Findings

We sought to further interrogate these descriptive findings by performing a series of regression analyses. We did so to test the influence that representation and length of time to resolve the case, among other factors, have on eviction case outcomes.<sup>144</sup> But as a preliminary matter, we regressed case length (in years) on a host of variables to determine the effect of each on protracting the legal process. We did so because we found, in our descriptive analyses above, that longer eviction cases result in more favorable outcomes for the tenant.

Several variables in our regression model specified in Table 7 achieved statistical significance.<sup>145</sup> Most of these statistically significant variables had modest effects on the outcome.<sup>146</sup> However, we now note that three variables were positively related to our outcome of interest (the differential between the filing and disposition dates): being filed during the COVID-19 pandemic emergency period, being filed in a jurisdiction that adopted URLTA, and the tenant having representation.

First, cases filed when the federal eviction moratoria were in place during the COVID-19 pandemic emergency period were longer. This is especially true of

144. Notably, the analysis we employ below, with ordinary least squares regression modeling, allows us to use causal inference, whereas the descriptive analysis we employed above merely represents relationships between variables.

145. See e.g., Table 7, *infra* (noting the statistically significant effects for variables that included, among others: percent women of color, evictions filed during COVID, rural county evictions, represented tenants, and more).

146. See *id* (noting the small effect sizes associated with—for example—unemployment rates, median rents, educational attainment rates, child poverty rates, and household income rates).



eviction cases in urban counties.<sup>147</sup> It is likely that this reflects the eviction moratoria in place at this time that limited the types of eviction cases a property owner could file and is consistent with other studies on the matter.<sup>148</sup> Similarly, it may also reflect an overburdened court system struggling to meet the challenges of the COVID-19 pandemic.

Interestingly, we also find that URLTA jurisdictions within Kentucky had longer-than-average date differentials.<sup>149</sup> URLTA provides tenants with additional rights and protections. Thus, this finding is perhaps related to the tenant protections that this uniform law enables, where adopted, and is particularly acute in rural counties that have adopted the model law.<sup>150</sup>

This particular finding is an important one, because rural tenants in our sample were far more likely to be evicted than urban tenants. In fact, within urban areas, 46.20 percent of those who received an eviction filing were eventually evicted.<sup>151</sup> In contrast, 71.45 percent of those in a rural area who had a case filed against them were later evicted.<sup>152</sup>

More importantly, as we observed above, representation makes a significant difference for tenants: it buys them valuable time before a judicial decision is made. The mere presence of an attorney affords tenants an extra 0.118 years, or 1.416 months, between the date of filing and the date of disposition, on average and at the highest statistically significant level.<sup>153</sup> No other variable we observed in our robust regression model even came close to the size of effect that we observe that representation makes on the legal eviction process. And in rural areas, representation buys tenants an additional 0.176 years, or more than two months, above average.<sup>154</sup> Again, no other variable we controlled for had as high of a coefficient in determining this case date differential.

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147. See *infra* Table 8. We note that, where Table 7 aggregates the full dataset, Table 8 disaggregates the cases as between urban and rural settings.

148. See, e.g., Peter Hepburn, Renee Louis, Joe Fish, Emily Lemmerman, Anne Kat Alexander, Timothy A. Thomas, Robert Koehler, Emily Benfer, and Matthew Desmond, *U.S. Eviction Filing Patterns in 2020*, 7 *SOCIUS* 1-18 (2021).

149. See *infra* Tables 7-8.

150. See *infra* Table 8.

151. See *infra* Tables A-1 and A-2 (60,054 eviction judgments out of 129,980 eviction filings).

152. See *infra* Tables A-1 and A-2 (51,867 eviction judgments out of 72,592 eviction filings).

153. See *infra* Table 7.

154. See *infra* Table 8.

TABLE 7: OLS REGRESSION ON TIME FROM FILING TO OUTCOME (IN YEARS)

	(1)
VARIABLES	All
Percent Unemployment Rate	−0.000319
	(0.000470)
Median Rent	−7.62e-06
	(1.09e-05)
Percent Vacant Units	0.00220***
	(0.000477)
Percent Renter Occupied	−0.000853***
	(0.000221)
Percent Units One Unit	−0.000141
	(0.000125)
Percent Female	−0.000373
	(0.000817)
Percent People of Color	0.00214***
	(0.000731)
Percent Women of Color [Interaction]	−3.30e-05**
	(1.40e-05)
Percent Less than a 4-Year Degree	−0.000206
	(0.000194)
Percent Children Poverty	−3.41e-05
	(0.000121)
Mean Income Household	−1.51e-07
	(1.42e-07)
Eviction Warrant	−0.0339***
	(0.00112)
Rural Counties (<125K)	0.0115***
	(0.00358)
COVID (2020&2021)	0.0582***
	(0.00172)
URLTA Jurisdictions	0.0244***
	(0.00467)
Defendant Represented by Attorney	0.118***
	(0.00939)

TABLE 7: CONTINUED

	(1)
VARIABLES	All
Constant	0.121*
	(0.0673)
Observations	200,966
R-squared	0.210

Standard errors in parentheses  
\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

TABLE 8: OLS REGRESSION ON TIME FROM FILING TO OUTCOME (IN YEARS)

	(1)	(2)
VARIABLES	Urban	Rural
Percent Unemployment Rate	−0.00162***	0.000422
	(0.000352)	(0.000534)
Median Rent	2.51e-05***	2.96e-06
	(5.20e-06)	(1.37e-05)
Percent Vacant Units	0.00309***	0.00157***
	(0.000223)	(0.000311)
Percent Renter Occupied	0.000139	−0.00115***
	(0.000124)	(0.000277)
Percent Units One Unit	0.000200***	0.000262
	(7.63e-05)	(0.000215)
Percent Female	0.00120***	−0.000501
	(0.000451)	(0.000726)
Percent People of Color	0.00364***	0.00174
	(0.000414)	(0.00222)
Percent Women of Color [Interaction]	−5.74e-05***	−3.75e-05
	(7.66e-06)	(4.23e-05)
Percent Less than a 4-Year Degree	−1.40e-07	0.000591**
	(8.83e-05)	(0.000275)
Percent Children Poverty	−0.000854***	0.000244
	(8.00e-05)	(0.000171)
Mean Income Household	−9.72e-08	−1.16e-07
	(6.44e-08)	(1.98e-07)

TABLE 8: CONTINUED

	(1)	(2)
VARIABLES	Urban	Rural
Eviction Warrant	−0.0230***	−0.0470***
	(0.00103)	(0.00362)
COVID (2020&2021)	0.0985***	−0.00626*
	(0.000974)	(0.00338)
URLTA Jurisdictions	0.0177***	0.0313***
	(0.00178)	(0.00510)
Defendant Represented by Attorney	0.0889***	0.176***
	(0.00280)	(0.0115)
Constant	−0.0608**	0.0736
	(0.0292)	(0.0488)
Observations	128,814	72,152
R-squared	0.100	0.090

Standard errors in parentheses  
\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

The results above stress the importance of time in eviction cases and the factors that relate to lengthening the time in the legal process of eviction, while controlling for variables related to the tenant’s place of residence. However, ultimately, we endeavored to test whether attorney representation and case-date differentials affect tenant outcomes in the legal eviction process. We specified this analysis with a simplistic model, as well as a more complete model for a robustness check, which we include in the Appendix.<sup>155</sup> The effect size, direction, and magnitude of statistical significance do not meaningfully differ between these model specifications.<sup>156</sup> What is notable is that case-date differentials—which we measure as the distance in years between date of disposition and date of filing—are also a strong predictor that the case will break in the defendant’s favor. What we mean by this is that the longer a case lasts, the greater the likelihood that the case is either dismissed, settled, or results in a judgement rendered for the tenant. In fact, a one-year differential between filing and disposition increases this type of tenant-favorable outcome by about 18 percentage points.<sup>157</sup> While several variables in the model have strongly positive and statistically significant relationships with such an outcome, no other variable we controlled for

155. See *infra* Tables 9 and A-3.  
156. Compare Table 9 with Table A-3.  
157. See *infra* Table 9.

performed as highly—not even whether the tenant was represented, which we explore more fully below.

TABLE 9: OLS REGRESSION ON DEFENDANT OUTCOMES

	(1)
VARIABLES	Baseline Model
Eviction Warrant	−0.529*** (0.00180)
Rural Counties (<125K)	−0.180*** (0.00413)
COVID (2020 & 2021)	0.0821*** (0.00261)
URLTA Jurisdictions	0.0698*** (0.00409)
Defendant Represented by Attorney	0.0908*** (0.00833)
Case Date Differential - Years	0.177*** (0.00845)
Constant	0.520*** (0.00442)
Observations	202,572
R-squared	0.271

Standard errors in parentheses  
\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

Finally, we specified the same model as indicated in [Table 9](#), this time with an interaction on case length and attorney representation. Surprisingly, this interaction term, which tests the effect of attorney representation in cases with an above average case length range, resulted in a marginally negative effect estimate.<sup>158</sup> That is, we find that attorney representation in longer-than-average-duration eviction cases slightly depresses tenant-positive results at statistically significant levels. This finding does not indicate that attorneys do not add value or time to their clients’ cases. Indeed, the very fact that representation adds time to a tenant’s case can be a boon to the tenant for the reasons we have described above. However, it does suggest that—in our sample—tenants with legal representation that also had longer than average case durations fared slightly worse

158. See *infra* Table 10.

than those without. Although, interestingly, an attorney's representation of a tenant appears to have mitigated the dramatically negative effect of rurality rather substantially, as compared with unrepresented tenants, which is no small feat.<sup>159</sup> Likewise, tenants with longer than average case durations were slightly more likely to be represented than tenants with below average case lengths.<sup>160</sup>

Many factors are related to legal representation, and because Kentucky does not have a state-wide right-to-counsel program, we cannot know whether attorneys agreed to take eviction cases in our sample based on their merits. Yet, we observe that certain factors were related to representation at statistically significant rates. For example, rural tenants were slightly more likely than urban tenants to have legal representation in the eviction proceedings in our sample.<sup>161</sup> Also, tenants in our sample tended to have legal representation at higher rates during the COVID-19 pandemic emergency period.<sup>162</sup> Yet, we further observe that rurality was not positively related to tenants avoiding eviction,<sup>163</sup> but cases litigated during the COVID-19 pandemic moratoria were.<sup>164</sup> Based on this, we do not think there is enough evidence to say definitively, one way or the other, that legal representation helped or hurt tenants in our sample. We interpret our results as indicating that legal representation was a beneficial factor in some tenants' cases but not in others, and we call for further research into why this is. All this to say, we think there is empirical evidence that time matters, independent of legal representation, specifically because it protracts the legal process long enough to result in more favorable outcomes for the tenant.

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159. See *infra* Table A-4. The effect estimate for rurality among represented tenants just missed conventional levels of statistical significance but was significant at the  $p < 0.10$  level. See *id.* We also note that the effect of time is most acute among unrepresented tenants. See *id.* Finally, we note again the small sample size of the represented tenants as compared to those without representation in our sample. See *id.*

160. See *infra* Table A-5.

161. See *id.*

162. See *id.*

163. See, e.g., Tables 9 and 10.

164. See *id.*



TABLE 10: OLS REGRESSION ON DEFENDANT OUTCOMES WITH TIME AND REPRESENTATION INTERACTION

	(1)
VARIABLES	Baseline Model
Eviction Warrant	−0.5251***
	(0.00182)
Rural Counties (<125K)	−0.1641***
	(0.00412)
COVID (2020&2021)	0.0427***
	(0.00269)
URLTA Jurisdictions	0.0598***
	(0.00409)
Defendant Represented by Attorney	0.0952***
	(0.01551)
Case Date Differential Above Average	0.180***
	(0.00292)
Interaction Term: DRA and CDD	−0.0672***
	(0.01819)
Constant	0.5171***
	(0.00438)
Observations	202,572
R-squared	0.279

Standard errors in parentheses  
\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

III. IMPLICATIONS

The results of this study are novel, and they have important implications for research, policy, and wider conversations about the eviction process, as well as access to justice. We set out to understand how adding time to an eviction case influences the outcomes for tenants, and whether the presence of an attorney plays a role in lengthening a case. We find, both descriptively and empirically, that the longer a case lasts, the more likely it is that a tenant is able to avoid having a judgment entered against them—an outcome that likely results in disruptive displacement. Whereas less than 40 percent of those with a below average case length avoid eviction, over 60 percent of those with above average case lengths do. Given that our analysis only analyzed two categories of case length—above and at or below average—this finding is shocking and suggests a strong role for case length in predicting outcomes. Our regression analyses also show a strong, causative impact of case length on favorable outcomes for tenants.

The next question is: why? Of course, we cannot rule out that there is something categorically different about longer cases that we cannot account for in our analysis. Perhaps cases are longer because the tenant has stronger claims, including legitimate defenses, which force the landlord to engage in more litigation before the case reaches a judgment. Or, maybe some cases are longer because they involve legally sophisticated tenants who are—regardless of their representation status—able to negotiate with their landlords to receive more favorable outcomes. But, given our large sample size and strong empirical findings, we think there is something inherent about time that is beneficial to tenants: that simply adding days to the process somehow allows tenants to reach more advantageous outcomes. Perhaps the added time allows for more conversations with landlords, allowing them to reach mutually beneficial settlement agreements. Perhaps more time means that tenants are able to make plans to pay back rent or find alternative housing, allowing both parties to reach a move-out agreement instead of completing the eviction process.

The implication of this, of course, is that jurisdictions should consider adding more time to their eviction processes. We know that this is not without costs, primarily to property owners. However, we believe that adding additional days to the eviction process might lead to better outcomes for all parties, allowing them additional time to negotiate an agreement that advantages both parties.<sup>165</sup> To wit, such negotiations may return nonpayment of rent that the landlord may have forgone to repossess the rented premises. In that way, lengthening the eviction process can advantage tenants, property owners, and society—which often bears the direct and indirect costs of a tenant's displacement.

We are particularly interested in understanding how eviction outcomes look different across jurisdictions with varying lengths of eviction proceedings. As noted earlier, jurisdictions vary significantly on how long their eviction proceedings last.<sup>166</sup> Substantive law in Louisiana and Wyoming allows an eviction to be completed within a week of filing.<sup>167</sup> On the other end of the spectrum, the fastest that an eviction can be completed in Vermont is 43 days. In Massachusetts, it is 53 days.<sup>168</sup> If more time leads to better outcomes for tenants, do states with longer timelines see more tenant-favorable outcomes? Does the additional time result in agreements that are more acceptable to renters, property owners, or both? Are the parties more satisfied with the legal processes and outcomes when they are given more time? We think that these questions warrant further study, and we plan to investigate them in future papers.

The other primary question that we set out to investigate was about the role of attorneys in impacting eviction cases. Like previous studies before us, we

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165. Ultimately, we hypothesize that landlords want to avoid deadweight losses and would thus be willing to concede other issues in a negotiation to do so.

166. Davidson, *supra* note 51. In Nevada, as in 14 other states, the tenant must request an eviction hearing, otherwise the landlord prevails in a default eviction. *Id.*

167. *Id.*

168. *Id.*

descriptively found that having legal representation led to better outcomes for tenants, on balance. Whereas around 44 percent of tenants without representation avoided an eviction judgment, over 65 percent of those with an attorney avoided this outcome. This is certainly in line with prior research suggesting that having an attorney is a benefit in the eviction context.

However, this benefit was not as robust as we had anticipated. Nearly half of tenants in our sample were able to avoid an eviction without legal representation. And having a longer-than-average case was actually equally as impactful on case outcomes as having an attorney was. Over 67 percent of those with longer cases avoided eviction; a little over 65 of those with an attorney achieved the same outcome. Moreover, when subjected to multiple regressions, the effect of legal representation paled in comparison to the effect size of case duration and waned in our interaction models as well.

This is certainly not to suggest that lawyers do not add value to a case, or that efforts to provide tenants with counsel are not impactful. We do not believe this. But this finding does suggest that the underlying substantive law and legal processes within which lawyers operate matters, and that other factors—such as case length—can have a strong impact on a lawyer's ability to achieve a good case outcome.

We were also interested in understanding the mechanism through which a lawyer helps a tenant obtain a good case outcome. Yes, on balance, legal representation helps renters avoid a judgment of eviction. But why? Our data provides strong evidence that at least *part* of the reason is because having an attorney can add time to a case. We found that an unrepresented tenant had a longer-than-average case length just nineteen percent of the time. In contrast, nearly 67 percent of cases with representation exceeded the average case length. Our regression analysis bolstered this finding, showing that the presence of an attorney adds an additional 1.4 months to the case length. Yet, we received a marginally negative effect estimate when we regressed case outcomes on a model that interacted our legal representation variable with our case length variable. This suggests that even when a tenant's case was longer than average, tenants represented by counsel fared slightly worse than tenants who represented themselves.

At the end of the day, we cannot say for sure what percentage of a lawyer's "value added" is simply adding days to a case. But certainly, that is not all of what a lawyer adds. When lawyers add time to a case, they do not simply add days. Likely, they file motions, negotiate with opposing counsel, connect a renter to supportive services and other resources. All of these things matter. And future studies should endeavor to understand how a lawyer and client utilize the added time in an eviction case, and how these particular activities influence outcomes.

We also believe our results call for more study of non-attorney representation. As we explained earlier, several states are experimenting with allowing non-attorney representatives to assist people so long as the representative practices under the supervision of an attorney. We believe that there are circumstances where non-attorney representatives can improve outcomes for individuals undergoing

eviction. Furthermore, given the attorney shortages in rural areas, and our data suggesting people in rural areas experience worse outcomes, it seems as though non-attorney representation programs might be especially effective in rural areas.

A call for further exploration of non-attorney representation is not to say that there are not some types of cases where attorney representation will lead to the best outcome. However, as we better understand how attorney representation adds value to an eviction case, it does seem as though some of these functions—such as referrals to supportive services, negotiating with opposing counsel, and buying time for clients—might be performed by non-attorneys with specialized training. We are cognizant, of course, that it is possible that the people who are most likely to utilize non-attorney representation are among the most vulnerable in a community, and thus we believe it is important that any non-attorney representative program be evaluated to ensure that it is improving client outcomes.

We also think it is important to note that our study found that being in a jurisdiction that has adopted URLTA<sup>169</sup> influenced the case length. This is important, of course, given our findings about time and good outcomes for renters. Interestingly, there is nothing inherently in URLTA that changes the timeline of the eviction process. In fact, URLTA doesn't say anything about eviction at all. Instead, it operates upstream of eviction, adding certain rights and obligations to the parties during the period covered by a lease agreement.

It is fascinating, then, that this upstream intervention adds time to the eviction case itself. In the future, we hope to better understand why this is. It may be that URLTA, because it requires more interaction between landlords and tenants, helps facilitate a stronger relationship between the parties such that they are better able to negotiate and work together once an eviction case has been filed. Under this theory, landlords move more slowly in an eviction proceeding because they are working with a tenant to achieve a mutually agreeable settlement. Another possibility is that, because URLTA grants more rights to tenants, tenants can better slow the eviction process through counterclaims and other leverage points. Implicitly, the process may be slower not because the parties are better at collaborating, but because a tenant has more legal power. Again, this is an area ripe for future study, and with implications for housing policy more broadly.

Another of our findings, albeit unsurprising, is that eviction cases initiated during the emergency phase of the COVID-19 pandemic took longer. This is almost certainly because of eviction moratoria in place at the time, and COVID-19-related restrictions that impacted court functioning. This finding is so unsurprising that it might not be worth mentioning, except for the disparity between urban and rural counties. Our findings suggest that during the emergency phase of the COVID-19 pandemic, cases in urban counties were lengthened even more than cases in rural counties.

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169. As noted above, the Kentucky General Assembly has sanctioned the adoption of URLTA but each county or municipality must take affirmative action to adopt it.

This disparity in urban and rural jurisdictions is particularly interesting given our findings related to differences in these types of counties more broadly. We found that, on average, rural eviction cases move faster than those in urban areas. This difference was statistically significant, although the magnitude of the difference was small—just three days. Yet, when combined with the COVID-19 findings, it does suggest that rural renters face disadvantages in the eviction process. They are more likely to have their cases move quickly, and less likely to benefit from factors (such as COVID-19 delays) that slow cases. We continue to be interested in the unique ways that rural evictions operate and in urban-rural differences in access to justice.

We end our discussions regarding the implications of these findings in the realm of policy. Our goal is to use data to understand the eviction process and to produce findings that will help policymakers design solutions to combat it. We think that some of our results here can do just that. First, and as noted above, we urge policymakers to consider interventions that lengthen the time between when a case is filed and when a judgment can be entered. Some jurisdictions have experimented with mediation programs and other interventions in the eviction process. We favor these policies, as they may increase the time available to the parties to negotiate favorable outcomes.

Additionally, we hope that policymakers will continue to pass policies that increase access to legal representation in eviction cases, as our results suggest that it leads to better outcomes for tenants. However, we also believe that policymakers might want to consider other types of programs—such as mandatory referrals to supportive services or limited assistance legal representation programs—that may provide some of the benefits of legal representation. Finally, the benefits of mediation are numerous—both for tenants and landlords alike. We hope that policymakers can enact greater access to mediation programs to resolve eviction disputes. In a world of limited resources, our goal is to understand where a lawyer is necessary and where another resource can provide a similar support so that we can allocate resources efficiently.

We also hope that policymakers will continue to study the legal challenges of rural areas. As we have noted above, these communities may have a unique need for services to support those experiencing eviction—both in terms of attorneys and other supportive services. We know from our previous research that people living in rural areas are significantly more likely to experience an eviction just by virtue of where they live. So, too, has research by one of us shown that rural survivors of domestic violence experience unique challenges in accessing rural courts. We hope that this paper adds to the conversation about rural access to justice with the goal of driving meaningful change for these communities.

#### CONCLUSION

Time is money, or so the adage goes. But in eviction cases, time represents much more than dollars and cents. Indeed, it is incalculably precious for tenants. Longer durations of time from filing to eviction case disposition afford tenants

with time to locate alternative housing, to negotiate with their counterparty, and ultimately to avoid an eviction judgment at higher rates. By doing so, tenants can avoid the stigma and detrimental impacts of eviction.

In this study, we have demonstrated the importance of time on eviction outcomes in Kentucky. We recognize that eviction cases are tethered to the substantive law of the jurisdiction in which they are brought, as well as the procedure and posture of the courts in which they are heard. Yet, we believe that the lessons we learned from Kentucky are true in other locations, particularly in states that are predominately rural. It is our hope that this study contributes to the understanding of the impact of rurality on the eviction process, housing instability, and the high incidence of rural poverty. Although our dataset did not include measures of each tenant's socioeconomic status, we possessed a good proxy in U.S. Census-level figures at the tenant's ZIP code tract level. From these data, we discerned that the majority of tenants in our dataset, whether urban or rural, were economically disadvantaged by any standard, underscoring the fact that the need for legal services among this population greatly outstrips the supply of attorneys to aid them. In fact, only a small fraction of tenants in our sample had legal representation in their eviction proceedings. However, among those tenants that did have such representation, this representation not only provided them greater time to navigate the hazards of an eviction proceeding but possibly related to a greater likelihood of their avoiding an eviction judgment.

It is on this final consideration that we wish to close this article. We have proffered demonstrable evidence that time is essential to the tenant in eviction cases. This is because time, in an eviction case, relates directly to a tenant's being able to avoid displacement. Additionally, and on balance, tenants with longer than average case durations realized better legal outcomes than those with shorter case durations.<sup>170</sup> But tenants with legal representation not only typically had longer case durations, they also tended to realize tenant-positive outcomes, *ceteris paribus*.<sup>171</sup> That is, legal representation for tenants in eviction proceedings may buy a tenant more than time, but these results were mixed. Yet, one thing is certain: greater time within the eviction proceeding is causally related to tenant-positive outcomes. Time can be the difference between the markers of eviction following a tenant for the rest of her life or offering the tenant another chance at life-making. Thus, we advocate for greater adoption of policies that affirmatively slow the process of eviction, as well as policies like right-to-counsel legislation, by municipalities and states alike to stem the tide of two crises—the eviction and access to justice crises<sup>172</sup>—and the grave personal and social costs they carry.

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170. See, e.g., Tables 9 and 10.

171. See, e.g., Table 9. But see Table 10.

172. See Nora Freeman Engstrom & David Freeman Engstrom, *The Making of the A2J Crisis*, 75 STANFORD L. REV. ONLINE (2024) (describing the lack of access to justice in eviction and other cases).



APPENDIX

TABLE A-1: EVICTIONS BY RENTER LOCATION

Eviction Judgment	Urban	Rural
Evicted	60,054	51,867
Not Evicted	69,926	20,725
Total	129,980	72,592

TABLE A-2: *t*-TEST FOR URBAN V. RURAL *viz* EVICTION OUTCOME

Group	Observations	Mean	Std. Error	Std. Dev.
Urban	129,980	0.46202	0.00138	0.46473
Rural	72,592	0.71450	0.00167	0.45165
Combined	202,572	0.55249	0.00110	0.49723
Difference		−0.25247	0.00223	
Pr( T  <  t ) = 0.0000; <i>t</i> = −1.1e+02				

TABLE A-3: OLS REGRESSION ON DEFENDANT OUTCOMES

	(1)
VARIABLES	Interaction Model
Percent Unemployment Rate	0.000981*
	(0.000593)
Median Rent	7.97e-05***
	(1.15e-05)
Percent Vacant Units	0.000898***
	(0.000333)
Percent Renter Occupied	−0.00217***
	(0.000227)
Percent Units One Unit	−0.000824***
	(0.000166)
Percent Female	0.00335***
	(0.000779)
Percent People of Color	0.00897***
	(0.000917)
Percent Women of Color [Interaction]	−0.000137***
	(1.65e-05)
Percent Less than a 4-Year Degree	−0.00104***
	(0.000220)
Percent Children Poverty	−0.00184***
	(0.000167)
Mean Income Household	−2.88e-07*
	(1.50e-07)
Eviction Warrant	−0.524***
	(0.00183)
Rural Counties (<125K)	−0.162***
	(0.00472)
COVID (2020&2021)	0.0823***
	(0.00262)
URLTA Jurisdictions	0.0468***
	(0.00466)
Defendant Represented by Attorney	0.0920***
	(0.00838)
Case Date Differential - Years	0.182***
	(0.00867)

TABLE A-3: CONTINUED

	(1)
VARIABLES	Interaction Model
Constant	0.508***
	(0.0501)
Observations	200,966
R-squared	0.278

Standard errors in parentheses  
\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

TABLE A-4: OLS REGRESSION ON DEFENDANT OUTCOMES WITH TIME AND REPRESENTATION INTERACTION

	(1)	(2)
VARIABLES	Represented	Unrepresented
Eviction Warrant	−0.6955***	−0.5259***
	(0.0185)	(0.0023)
Rural Counties (<125K)	−0.0344*	−0.1841***
	(0.0249)	(0.0031)
COVID (2020&2021)	0.0381***	0.0826***
	(0.0127)	(0.0022)
URLTA Jurisdictions	0.1633***	0.0691***
	(0.0289)	(0.0031)
Case Date Differential - Years	0.0548***	0.1859***
	(0.0123)	(0.0036)
Constant	0.5838***	0.5195***
	(0.0379)	(0.0033)
Observations	4,149	198,4222
R-squared	0.288	0.269

Standard errors in parentheses  
\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

TABLE A-5: OLS REGRESSION ON ATTORNEY REPRESENTATION

	(1)
VARIABLES	Baseline Model
Percent Unemployment Rate	0.000562***
	(0.000150)
Median Rent	1.39e-06
	(3.08e-06)
Percent Vacant Units	0.000577***
	(8.64e-05)
Percent Renter Occupied	−8.29e-05
	(6.06e-05)
Percent Units One Unit	3.03e-05
	(4.50e-05)
Percent Female	0.000390*
	(0.000202)
Percent People of Color	−0.000171
	(0.000249)
Percent Women of Color [Interaction]	3.24e-06
	(4.48e-06)
Percent Less than a 4-Year Degree	5.07e-05
	(5.89e-05)
Percent Children Poverty	−5.27e-06
	(4.43e-05)
Mean Income Household	4.99e-08
	(4.08e-08)
Eviction Warrant	−0.00598***
	(0.000771)
Rural Counties (<125K)	0.00682***
	(0.00120)
COVID (2020&2021)	0.0197***
	(0.000763)
URLTA Jurisdictions	−0.00132
	(0.00118)
Date Differential - High	0.0493***
	(0.000842)
Constant	−0.0439***

TABLE A-5: CONTINUED

	(1)
VARIABLES	Baseline Model
	(0.0133)
Observations	200,966
R-squared	0.037

Standard errors in parentheses  
\*\*\* p<0.01, \*\* p<0.05, \* p<0.1