

The Right to Counsel at Scale

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Abstract

Our paper assesses the impact of the Right to Counsel on housing stability. The Right to Counsel is a policy which ensures that low-income tenants facing eviction have access to free legal representation. Exploiting the recent zip code level adoption of this policy across the state of Connecticut, we provide empirical estimates regarding whether legal representation improves legal & housing outcomes for those currently housed and whether the policy adversely effects those who are currently unhoused. Regression analysis for the intention-to-treat and IV estimates are performed using linear models, fine-tuned large language models and cluster regularized neural networks. Additionally, we provide insight about the type of tenants most likely to respond to the policy as well as how lawyers can alter their aims to improve the downstream outcomes of their clients.

Keywords: Evictions

1 Introduction

Motivation

It's not yet 8:30, and the four men milling around an oversized moving truck are anxious to get started. A few cars back out of their places, and a dog is let out across the street. No one seems to mind the tenants in the central unit, their front lawn disappearing underneath a heap of furniture and clothes as they make repeated trips to the basement. Several minutes pass before the State Marshall walks through the doorway to ask for the keys. There's no squabble. No one asks for more time. It's eerily similar to a "Pens Down" command at the end of an exam period, except instead of turning over a paper, they're turning over their half emptied apartment. As the tenants turn their attention towards clearing the front lawn, the four men from the moving company set to work inside: taping up boxes and hauling the remaining items out to the truck. The back of a t-shirt reads, *If You Don't Pay ... You Can't Stay*.

Each year, there are roughly one million evictions in the United States.¹ And, in contrast a criminal case, a defendant in an eviction case isn't provide with representation by the state. As a result, a significant gap exists in favor of the landlord.

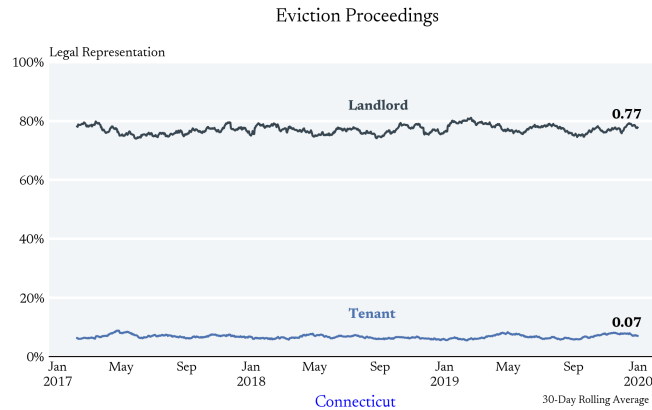


Figure 1: Representation Rate in Eviction Cases in Connecticut Prior to Covid-19

Given the well documented costs associated with eviction (Collinson et al. [2022]), the multitude of factors which contribute to its occurrence (Desmond [2016]), and the typical manner in which an eviction case evolves (Nelson [2022]), many believe that tenants should receive representation. And indeed, over the past couple of years, more than 15 cities and 3 states have acted on this belief by introducing a **Right to Counsel** with the hope that

¹Princeton Eviction Lab

by providing access to free legal representation, the adverse effects of eviction might be mitigated.

In this paper we contribute to the growing literature on the Right to Counsel by exploiting the zip code level implementation of the policy across the state of Connecticut. In contrasts to prior works which have largely focused on whether this policy improves legal outcomes, we make the following contributions.

Contributions

We exploit the underlying text that makes up an eviction case. First by using [OpenAI’s LLM API](#), we collect a rich set of details about each case: monthly rental price, type of lease, length of lease, landlords reason(s) for filing, and tenant’s stated defense. These textual features (a) provide us with a better understanding of the rental market that is most affected by evictions (b) strengthens our identification strategy by providing us with a richer set of controls and (c) allows to understand what types of tenants are most responsive to the policy. In addition to extracting numerical representations from the case, we also estimate intention-to-treat and IV parameters by fine-tuning large language completion models directly on the text which provides us with a novel robustness check.²

We assess the impact of legal representation on housing stability. As previous literature has pointed out, legal outcomes are a noisy predictor of whether tenants remained housed in their current unit. Following an unsatisfactory legal ruling, landlords might remove tenants from their units informally.³ With consumer reference data ([Phillips \[2020\]](#)) which tracks individuals’ addresses overtime, we explore whether having a lawyer decreases the likelihood of a move. Using personally identifiable data from the Homeless Management Information System, we also examine whether tenants are less likely to become homeless following an eviction filing.

We consider the potential negative impact of the Right to Counsel on those currently without housing. Specifically, we explore whether the housing search process becomes more difficult for low-income households following the implementation of this policy.⁴ Explaining how landlords may transfer the costs of this policy onto the unhoused, [Abramson \[2021\]](#) writes, “Low income households, who are priced out of the rental market, are intuitively the main losers.” Using data from HMIS on families and individuals who are currently homeless but don’t face significant barriers to rehousing,⁵ we estimate whether the **search length** and the **total voucher cost** (which we proxy for a price of housing)

²As we’ll explain in more detail later, the instrument in our setting is an indicator variable for whether the tenant lives in a zip code where the Right to Counsel has been implemented

³The broader literature on this topic refers to an informal e

⁴As [Gunn \[1995\]](#) writes, “By increasing landlords’ costs of doing business, legal services attorneys may enrich their clients at the expense of all other similarly situated poor tenants.”

⁵We use HMIS data on Rapid Rehousing Programs. Importantly for our work, these programs (1) are restricted to households who don’t face significant barriers to housing, (2) provide limited short-term financial assistance and (3) require that the rental agreements that households sign have “the same rights and responsibilities as a typical lease holder.” -[Reference](#)

increases in response to the Right to Counsel. For each household, we observe a rich set of characteristics including race, gender, disability, previous living situation, income, and household size.

We explore how the Right to Counsel could be improved by altering Lawyers’ strategies. Prior literature has found conflicting results about the effectiveness of a lawyer in an eviction case. One potential reason for this is that the lawyers in different contexts have adopted different strategies. Exploiting this systematic variation across lawyers in their tendency to achieve certain case outcomes, we adopt an instrumental variable strategy to assess whether a Stipulation Agreement is more likely to keep a tenant housed in their current unit than a Dismissal.⁶ We posit apriori that that a Stipulation Agreement is more effective as tenants likely have more bargaining power in the presence of their attorney.

Preview of Results

In this paper, we provide further insight into the effectiveness of the Right to Counsel by exploiting the ongoing implementation across the state of Connecticut. Given the short time period between when the policy was signed into law (June 2021) and when it went into effect (January 2022), Connecticut initially targeted zip codes where the supply of legal aid matched the expected demand for lawyers under this policy, as opposed to assigning treatment to zip codes solely based on their need. As figure 2 illustrates, this introduced substantial overlap in the overall number of evictions in the treated and control zip codes which we exploit to estimate the effects of the policy.



Figure 2: Highlighting the overlap between treated and control zip codes, each dot corresponds to a zip code where either the Right to Counsel went into effect on January 31, 2022 (Treated) or it did not (Control). The x-axis shows the average number of eviction filings over the years 2017, 2018, and 2019

For many of our results, we report estimates using Ordinary Least Squares, Fine-Tuned Large Language Model, and Zip Code Regularized Neural Networks⁷. Across these models, we find the following:

1. The Right to Counsel increases legal representation by legal aid lawyers between 9-15 percentage points.

⁶As we explain later, a Stipulation Agreement lays out a set of conditions that if the tenant adheres to, such as catching up on rent, will allow them to remain in the unit

⁷Controls for the zip code level adoption of the policy

2. A lawyer reduces the likelihood of a Judgement of Possession, Dismissal, and Final Stay, while increasing the likelihood of a Withdraw and Stipulation agreement.
3. A lawyer decreases the probability that we observe the tenant moving to a new address by 7 percentage points, but has no effect on the probability of entering a homeless shelter.
4. Unhoused individuals without significant barriers to housing don't have higher monthly rental costs or longer housing searches in response to the policy.
5. Lawyers who push for a stipulation agreement rather than a dismissal can decrease the likelihood the we observe the tenant moving to a new address by roughly 20 percentage points.

Summary: As we will emphasize throughout the paper, there are several limitations to our analysis: sensitivity to hyperparameters, missing control variables, black box consumer reference data, and the short term nature of our outlook. With that in mind, our results suggest that the Right to Counsel has a positive effect on legal outcomes which translates into improved housing stability with limited observable negative effects on those who are currently unhoused.

Related Literature

There is a growing literature on the causes and policies concerning Evictions. Most pertinent to our work, though, are those that focus on the Right to Counsel. Early work on the topic, [Seron et al. \[2001\]](#) and [Greiner et al. \[2012\]](#), make use of small scale randomized control trials consisting of tenants who are thought to likely benefit from legal representation. More recent empirical work, such as [Cassidy and Currie \[2022\]](#) has extended this analysis by exploiting the roll-out of the policy across New York City to understand it's affects when made accessible to a broader population. Focusing on legal outcomes, these works find that lawyers decreases the likelihood of a judgement of possession and extend the length of the case. Macroeconomic work, such as [Abramson \[2021\]](#), develops a model which incorporates these results together with details on the causes of eviction to illustrate that the Right to Counsel can have net adverse effects by pushing more tenants into homelessness.⁸ Our paper complements these prior works by empirically examining the effects of this policy on legal and housing outcomes for those currently housed and the housing search process for those who are unhoused.

⁸[Abramson \[2021\]](#) highlights that landlords' cost increase in response to the policy because the length of the case increase and tenants pay back a smaller fraction of back rent. Landlords then respond to this increased cost by being more selective in terms of who they rent to.