

The Right to Counsel at Scale

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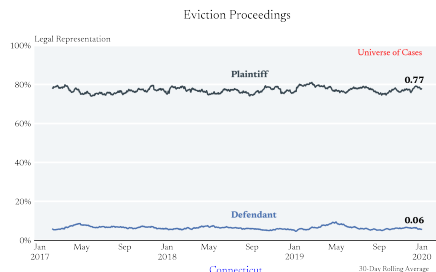
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1 Introduction

1.1 What’s the Problem?

The 2 million evictions that occur each year across the United States are costly to individuals, landlords, courts, and the general public (Desmond [2016]). Unlike criminal cases in the U.S., defendants in an eviction case are not entitled to a public attorney. Currently, a gap in legal representation exists between landlords and tenants which has been documented to be as large as 95% – 1% in some areas in favor of the landlord (Collinson et al. [2022]).



Given the severity of the costs associated with eviction, the multitude of underlying factors which contribute to its occurrence, and the typical manner in which an eviction case is settled, many in the U.S. believe that legal counsel should be provided to low income households. Over the past several years, 15 cities and 3 states have acted on this belief by introducing a Right to Counsel with the aim of closing the gap in legal representation and improving downstream outcomes related to health, employment, and financial credit.

The problem is that we don’t have a good grasp on how this policy affects housing stability. Some have argued that eviction cases are complicated and that legal aid can successfully keep families housed in a cost effective manner (Stout). Others, push back by pointing out that the majority of eviction cases are the result of a non-payment of rent, and that legal aid can only delay an eviction.¹ This delay increases the costs for landlords who might then respond by making it harder for low income families to secure housing which would ultimately decrease housing stability. As 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.”

The aim of this paper is to empirically address this open question, exploiting the ongoing roll-out of the Right to Counsel across the state of Connecticut.

1.2 What have others done?

The current literature has only recently begun to consider the effects at scale. Prior work (Seron et al. [2001], Greiner et al. [2012]), has largely used small scale randomized control trials to study the legal effectiveness of the Right-to-Counsel. More recent work such as Cassidy and Currie [2022] has evaluated the direct effects by exploiting the rollout of the

¹“Once out in the hallway, the attorney quickly explained that James won because his landlord gave him an improper notice. ... the landlord was willing to give James the week to move out before he would attempt to evict him again.” Petersen [2020]