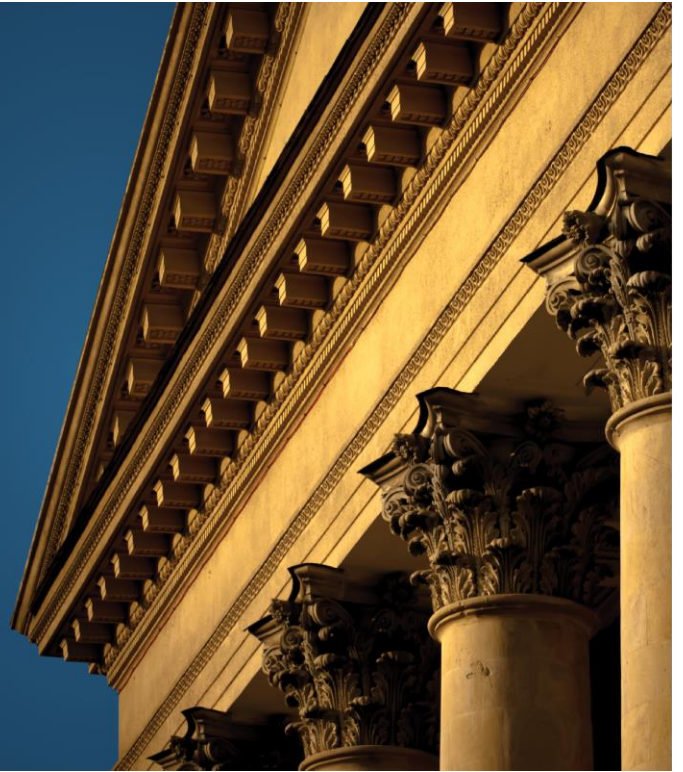


Oklahoma Summit
—• *on* •—
Access to Justice





Oklahoma Summit on Access to Justice

Program Moderator: William H. Hoch, Crowe & Dunlevy

OBA Management Assistance Program
Jim Calloway, Director
Ramey McMurray, Assistant

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Oklahoma Summit on Access to Justice

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Hon. Rick Bozarth, Associate District Judge, Dewey County
Michael Figgins, Commission Chair, Executive Director, Legal Aid Services of OK, Inc. (LASO)
Anna Carpenter, Commission Vice-Chair, Associate Clinical Professor of Law, University of Tulsa College of Law
M. David Riggs, Commission Past-Chair, Riggs, Abney, Neal, Turpen, Orbison & Lewis
3. **There is Too Much Law for Those Who Can Afford It, AND FAR TOO LITTLE FOR THOSE WHO CAN'T!**
Michael C. Turpen, Riggs, Abney, Neal, Turpen, Orbison & Lewis
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Katherine Alteneder, Executive Director, Self-Represented Litigation Network
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Michael Figgins; William Hoch, Crowe & Dunlevy; Richard M. Klinge, Oklahoma City University School of Law; and Eric Hallett, LASO

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Oklahoma Summit on Access to Justice

October 11, 2018 - Oklahoma Bar Center

- 8:30 a.m. Registration and Continental Breakfast
- 9:00 a.m. Welcome OBA President Kimberly Hays (5 minutes)
- The Justice Gap – James J. Sandman, President of the Legal Services Corporation
- 9:50 a.m. Break
- 10:00 a.m. The Oklahoma Access to Justice Commission – A Report Card
- Hon. Douglas Combs, Chief Justice, Oklahoma Supreme Court; Hon. Rick Bozarth, Associate District Judge, Dewey County; Michael Figgins, Commission Chair, Executive Director, Legal Aid Services of Oklahoma, Inc. (LASO); Anna Carpenter, Commission Vice-Chair, Associate Clinical Professor of Law, University of Tulsa College of Law; M. David Riggs, Commission Past-Chair, Riggs, Abney, Neal, Turpen, Orbison & Lewis
- 10:35 a.m. **Keynote Address** Moving the Mountains on Access to Justice
- Hon. Jonathan Lippman, Latham & Watkins LLP, former Chief Judge of New York and Chief Judge of the New York Court of Appeals
- 11:15 a.m. There is Too Much Law for Those Who Can Afford It, AND FAR TOO LITTLE FOR THOSE WHO CAN'T! Michael C. Turpen, Riggs, Abney, Neal, Turpen, Orbison & Lewis
- 11:40 a.m. Networking Lunch (Included in registration)**
- 12:20 p.m. “Why Civil Justice Reform Matters for Oklahoma” Katherine Alteneder, Executive Director, Self-Represented Litigation Network
- 1:10 p.m. “What the Data Tell Us About Civil Access to Justice” Ryan Gentzler, Director, Open Justice Oklahoma, and Anna Carpenter
- 1:45 p.m. Break
- 1:55 p.m. The New Reality of Eviction and Homelessness -- Michael Figgins; William Hoch, Crowe & Dunlevy; Richard M. Klinge, Oklahoma City University School of Law; and Eric Hallett, LASO
- 2:25 pm Oklahoma Free Legal Answers and the Work of the OBA Access to Justice Committee – Rodney Ring, OBA Access to Justice Committee Chair
- 2: 35 pm Delivering Limited Scope Services Safely and Effectively
- Jim Calloway, Director OBA Management Assistance Program
- 3:30 p.m. Adjourn

The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans

June 2017

LSC | America's Partner
for Equal Justice
LEGAL SERVICES CORPORATION



About the Legal Services Corporation

The Legal Services Corporation (LSC) was established by Congress in 1974 to promote equal access to justice. LSC operates as an independent 501(c)(3) non-profit corporation and currently serves as the single largest funder of civil legal aid for low-income Americans. More than 93% of LSC's total funding is currently distributed to 133 independent non-profit legal aid programs with more than 800 offices across America. LSC's mission is to help provide high-quality civil legal aid to low-income people. To learn more about LSC, please visit www.lsc.gov.

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LSC acknowledges NORC at the University of Chicago for its contributions to the *2017 Justice Gap Measurement Survey* and *The Justice Gap* report, and in particular, the work of Becky Reimer and Mary C. Slosar. NORC is an objective and independent research organization, which conducts work for a variety of federal agencies, foundations, associations, and other organizations. Under contract with LSC, NORC conducted survey data collection using its probability-based AmeriSpeak® Panel and also conducted the data analysis that informs this report. NORC does not take a position on the policy implications of this research.

LSC would also like to acknowledge the contributions of the Justice Gap Advisory Committee:

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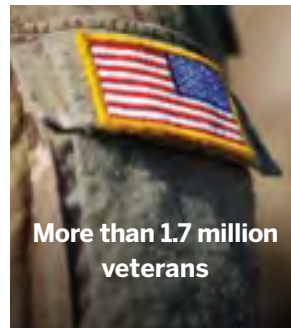
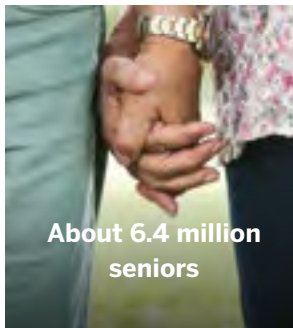
The Legal Services Corporation (LSC) contracted with NORC at the University of Chicago to help measure the justice gap among low-income Americans in 2017. LSC defines the justice gap as the difference between the civil legal needs of low-income Americans and the resources available to meet those needs. NORC conducted a survey of approximately 2,000 adults living in households at or below 125% of the Federal Poverty Level (FPL) using its nationally representative, probability-based AmeriSpeak® Panel. This report presents findings based on this survey and additional data LSC collected from the legal aid organizations it funds.

86% of the civil legal problems reported by low-income Americans in the past year **received inadequate or no legal help.**

In the past year, **71%** of low-income households **experienced at least one civil legal problem**, including problems with domestic violence, veterans' benefits, disability access, housing conditions, and health care.

In 2017, low-income Americans will approach LSC-funded legal aid organizations for support with an estimated **1.7 million** problems. They will **receive only limited or no legal help for more than half of these problems** because of a lack of resources.

More than **60 million** Americans have family incomes at or below 125% of FPL, including:



Data Source: U.S. Bureau of the Census, American Community Survey, 2015 1-year estimates

Key Findings: Experience with Civil Legal Problems

Data Source: 2017 Justice Gap Measurement Survey



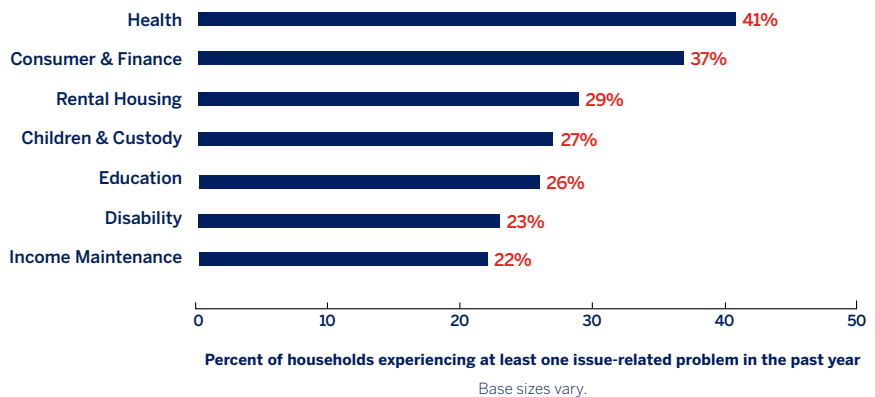
71% of low-income households have experienced a civil legal problem in the past year. **The rate is even higher for some:** households with survivors of domestic violence or sexual assault (**97%**), with parents/guardians of kids under 18 (**80%**), and with disabled persons (**80%**).

1 in 4 low-income households has experienced 6+ civil legal problems in the past year, including **67% of households with survivors of domestic violence or sexual assault.**

7 in 10 low-income Americans with recent personal experience of a civil legal problem **say a problem has significantly affected their lives.**

71% of households with **veterans or other military personnel** have experienced a civil legal problem in the past year. They face the same types of problems as others, but **13%** also report problems specific to veterans.

Common Civil Legal Problem Areas



Key Findings: Seeking Legal Help

Data Source: 2017 Justice Gap Measurement Survey



Low-income Americans seek professional legal help for only **20%** of the **civil legal problems they face.**

Top reasons for not seeking professional legal help are:

- **Deciding to deal with a problem on one's own**
- **Not knowing where to look for help or what resources might exist**
- **Not being sure whether their problem is "legal"**

Low-income Americans are most likely to seek professional legal help on problems that are more **obviously "legal,"** like **custody issues** and **wills/estates.**

Key Findings: Reports from the Field

Data Source: LSC 2017 Intake Census and LSC 2016 Grantee Activity Reports



The 133 LSC-funded legal aid organizations across the United States, Puerto Rico, and territories will serve an estimated **1 million** low-income Americans in 2017, but **will be able to fully address the civil legal needs of only about half of them.**

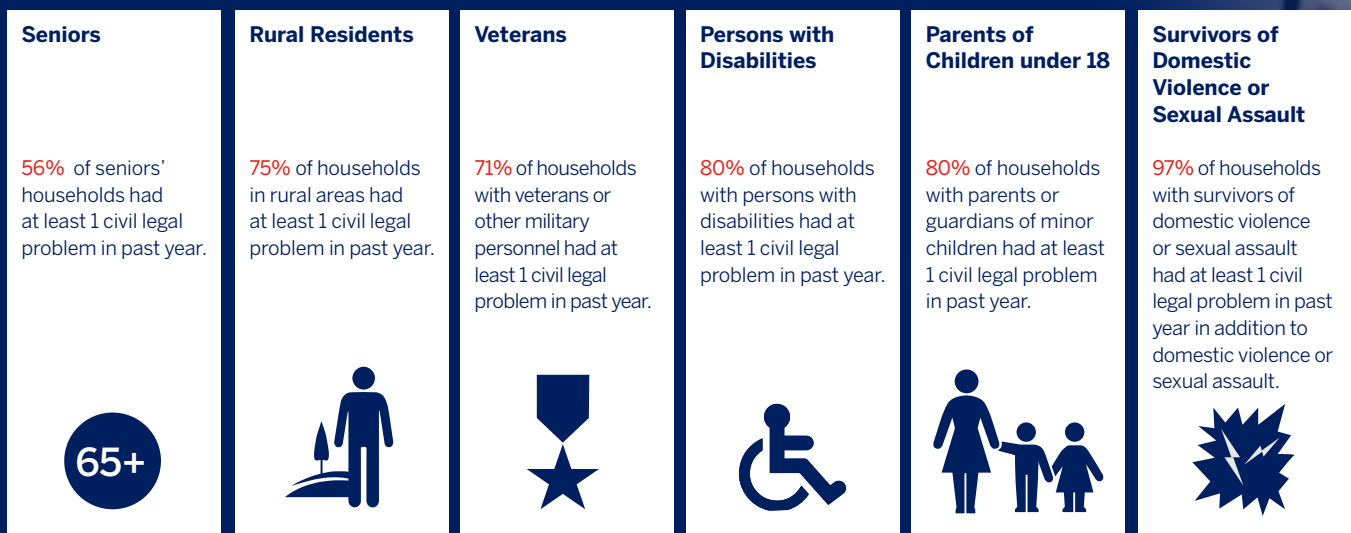
Among the low-income Americans receiving help from LSC-funded legal aid organizations, the top three types of civil legal problems relate to **family, housing, and income maintenance.**

In 2017, low-income Americans will **receive limited or no legal help** for an estimated **1.1 million** eligible problems after seeking help from LSC-funded legal aid organizations.

A lack of available resources accounts for the vast majority **(85% - 97%)** of civil legal problems that LSC-funded organizations **do not fully address.**

Special Focus

The Special Focus section of this report presents key findings for several groups of interest.



| Introduction |

The phrase “with liberty and justice for all” in the U.S. Pledge of Allegiance represents the idea that everyone should have access to justice, not just those who can afford legal representation. In criminal cases, legal assistance is a right. Americans accused of a crime are appointed legal counsel if they cannot afford it. As a general matter, however, there is no right to counsel in civil matters. As a result, many low-income Americans “go it alone” without legal representation in disputes where they risk losing their job, their livelihood, their home, or their children, or seek a restraining order against an abuser.

This “justice gap” – the difference between the civil legal needs of low-income Americans and the resources available to meet those needs – has stretched into a gulf.¹ State courts across the country are overwhelmed with unrepresented litigants. In 2015, for example, an estimated 1.8 million people appeared in the New York State courts without a lawyer.² And we know that 98% of tenants in eviction cases and 95% of parents in child support cases were unrepresented in these courts in 2013.³ Comparable numbers can be found in courts across the United States.

This study explores the extent of the justice gap in 2017, describing the volume of civil legal needs faced by low-income Americans, assessing the extent to which they seek and receive help, and measuring the size of the gap between their civil legal needs and the resources available to address these needs.



The **justice gap** is the difference between the civil legal needs of low-income Americans and the resources available to meet those needs.

Background

The Legal Services Corporation (LSC) was created by Congress in 1974 with the mission to expand access to the civil justice system for low-income Americans. LSC supports civil legal aid organizations across the country, which in turn provide legal assistance to low-income Americans grappling with civil legal issues relating to essential human needs, such as safe housing and work environments, access to health care, safeguards against financial exploitation, and assistance with family issues such as protection from abusive relationships, child support, and custody.

In 2005 and 2009, LSC published studies measuring the justice gap.⁴ Both were consistent in finding that about 50% of people who approached LSC-funded legal aid organizations for help did not receive help because of insufficient resources. The 2009 Report, *Documenting the Justice Gap in America*, also found that many courts were seeing increased numbers of unrepresented litigants.

LSC's two previous reports on the justice gap used three approaches to describe the gap:

- An intake census – a count of people seeking assistance from LSC grantees who were not served because of a lack of resources;
- A review of state-level studies about access to civil justice and about unrepresented litigants in state and local courts; and
- A comparison of the ratio of legal aid attorneys per capita for low-income Americans with the ratio of all private attorneys per capita for all Americans.

These approaches permitted analysis that shed light on the scarcity of resources and the expressed needs that go unmet. But they left key questions unanswered about the civil legal needs experienced by low-income Americans who do not seek professional legal help and about the paths they take when facing a civil legal problem (with or without the help of LSC-funded legal aid organizations).

The 2017 Justice Gap report seeks to answer these questions. It includes analysis of data from the 2017 Justice Gap Measurement Survey, which is the first national household survey on the justice gap in over 20 years. The most recent national study that assessed the justice gap with a household survey was conducted by the Institute for Survey Research at Temple University in 1994, with funding from the American Bar Association.⁵ Since that time, a number of individual states have also conducted justice gap studies.⁶ Notably, the Washington State Supreme Court conducted a study in 2014 (refreshing work completed in 2003), which took a comprehensive look at the civil legal needs of the state's low-income households.⁷ The Washington State work served as a point of departure for the 2017 Justice Gap Measurement Survey, which is described in more detail below.

This report also presents analysis of data from LSC's 2017 Intake Census. LSC asked its 133 grantee programs to participate in an "intake census" during a six-week period spanning March and April 2017. As part of this census, grantees tracked the number of individuals approaching them for help with a civil legal problem whom they were unable to serve, able to serve to some extent (but not fully), and able to serve fully. Grantees recorded the type of assistance individuals received and categorized the reasons

individuals were not fully served where applicable. LSC sent the resulting data to NORC for analysis. The findings presented in this report are based on data from the LSC grantees that receive Basic Field Grants. See Appendix B4 for more information about the LSC 2017 Intake Census and how the data are used in this report.

In addition to the 2017 Justice Gap Measurement Survey and LSC's 2017 Intake Census, this report uses data from the U.S. Census Bureau's American Community Survey (ACS). More information about the ACS data used can be found in Appendix B1. Finally, this report uses data from LSC's 2016 Grantee Activity Reports, and more information about these data can be found in Appendix B4. Where the report relies on other data sources, this is referenced in endnotes as appropriate.

The 2017 Justice Gap Measurement Survey

LSC contracted with NORC at the University of Chicago to conduct a survey of more than 2,000 adults living in low-income households using its nationally representative, probability-based AmeriSpeak® Panel. For the purposes of the survey, "low-income households" are households at or below 125% of the Federal Poverty Level (FPL), the income eligibility standard for people seeking assistance from an LSC-funded legal aid program. The survey was administered using telephone and web interview modes, which allowed a flexible survey logic to gather detailed information about low-income Americans' civil legal needs at the individual level, household level, and level of specific civil legal problems.

The survey was designed to accomplish the following goals:

- Measure the prevalence of civil legal problems in low-income households in the past 12 months;
- Assess the degree to which individuals with civil legal problems sought help for those problems;
- Describe the types and sources of help that low-income individuals sought for their civil legal problems;
- Evaluate low-income Americans' attitudes and perceptions about the fairness and efficacy of the civil legal system; and
- Permit analysis of how experiences with civil legal issues, help-seeking behavior, and perceptions vary with demographic characteristics.

This report uses data from the 2017 Justice Gap Measurement Survey to provide insight into the extent of the justice gap in 2017. It does not present or discuss all of the findings from the survey. Readers are encouraged to see the accompanying survey report that presents results from the entire 2017 Justice Gap Measurement Survey. Additionally, the survey instrument and data will be made publicly available.

More details on the survey and the AmeriSpeak® Panel can be found in Appendix A and also at www.lsc.gov/justicegap2017.

The units of analysis and the base sizes for the survey results presented throughout this report vary. Some results are based on respondents (or their households), some are based on their civil legal problems, and others are based on subsets of respondents, households, or problems. Readers are encouraged to pay close attention to information describing the units of analysis and which sets of observations comprise the relevant bases for results. Wherever a result is based on a variable containing a small number of observations ($n < 100$), we indicate this with a special endnote, “SB-X” (where “SB” stands for “small base” and “X” corresponds to the endnote number in this series).

Report Overview

The core findings of this report are organized in four sections:

Section 1: Low-income America | Using current data from the U.S. Census Bureau and other sources, this section describes the low-income population in America. More specifically, it explores how many people live in households below 125% of the Federal Poverty Level (FPL), how they are distributed across the U.S., and how key demographics like education and racial and ethnic background are distributed among them.

Section 2: Experience with Civil Legal Problems | Using data from the 2017 Justice Gap Measurement Survey, this section presents findings on the prevalence of civil legal problems among low-income households, the types of problems they face, and the degree to which civil legal problems affect their lives.

Section 3: Seeking Legal Help | Using data from the 2017 Justice Gap Measurement Survey, this section presents findings on which types of problems are most likely to receive legal attention, where people turn for legal help, what types of legal assistance they receive, and the reasons why people do not seek legal help.

Section 4: Reports from the Field | Using data from LSC’s 2017 Intake Census and 2016 Grantee Activity Reports, this section presents findings on the assistance low-income Americans receive after seeking help from a legal aid organization funded by LSC.

The report concludes with a “Special Focus” section. This section presents key findings for six groups that are highlighted throughout the report. These groups include seniors, persons with disabilities, veterans, parents and guardians of minor children, rural residents, and survivors of domestic violence or sexual assault. At the end of Sections 1, 2, and 3, we include a page that presents related findings for these groups.⁸ The findings for these highlighted groups are then summarized in this final “Special Focus” section of the report.

Client stories are presented throughout the report. These are meant to help readers understand the types of problems faced by low-income Americans. The stories were collected by LSC, primarily through searches of grantees’ annual reports and websites, but also through specific requests to grantees for such stories. These stories were first edited by LSC’s Government Relations and Public Affairs unit and vetted by the corresponding grantees for accuracy. NORC later completed additional minor edits to the stories in an effort to shorten them for inclusion in this report. In this report, the names have been changed to protect the identity of individuals. Likewise, the accompanying photos are not of the actual clients.

Study Findings in Brief

The findings presented in this report add important, new insights to the growing body of literature on the justice gap. We find that seven of every 10 low-income households have experienced at least one civil legal problem in the past year. A full 70% of low-income Americans with civil legal problems reported that at least one of their problems affected them very much or severely. They seek legal help, however, for only 20% of their civil legal problems. Many who do not seek legal help report concerns about the cost of such help, not being sure if their issues are legal in nature, and not knowing where to look for help.

In 2017, low-income Americans will approach LSC-funded legal aid organizations for help with an estimated 1.7 million civil legal problems. They will receive legal help of some kind for 59% of these problems, but are expected to receive enough help to fully address their legal needs for only 28% to 38% of them. More than half (53% to 70%) of the problems that low-income Americans bring to LSC grantees will receive limited legal help or no legal help at all because of a lack of resources to serve them.

Based on the analysis presented in this report, we have three key findings relating to the magnitude of the justice gap in 2017:

- Eighty-six percent of the civil legal problems faced by low-income Americans in a given year receive inadequate or no legal help (see Section 3);
- Of the estimated 1.7 million civil legal problems for which low-income Americans seek LSC-funded legal aid, 1.0 to 1.2 million (62% to 72%) receive inadequate or no legal assistance (see Section 4),⁹
- In 2017, low-income Americans will likely not get their legal needs fully met for between 907,000 and 1.2 million civil legal problems that they bring to LSC-funded legal aid programs, due to limited resources among LSC grantees. This represents the vast majority (85% to 97%) of all of the problems receiving limited or no legal assistance from LSC grantees (see Section 4).

Low-income America



As a general rule, LSC funds may be used only to serve the legal needs of people with family incomes at or below 125% of the Federal Poverty Level.¹⁰ This section describes this population of Americans. It explores how many people have family incomes at this level, how they are distributed across the U.S., and some key demographics of this population.

About the Data

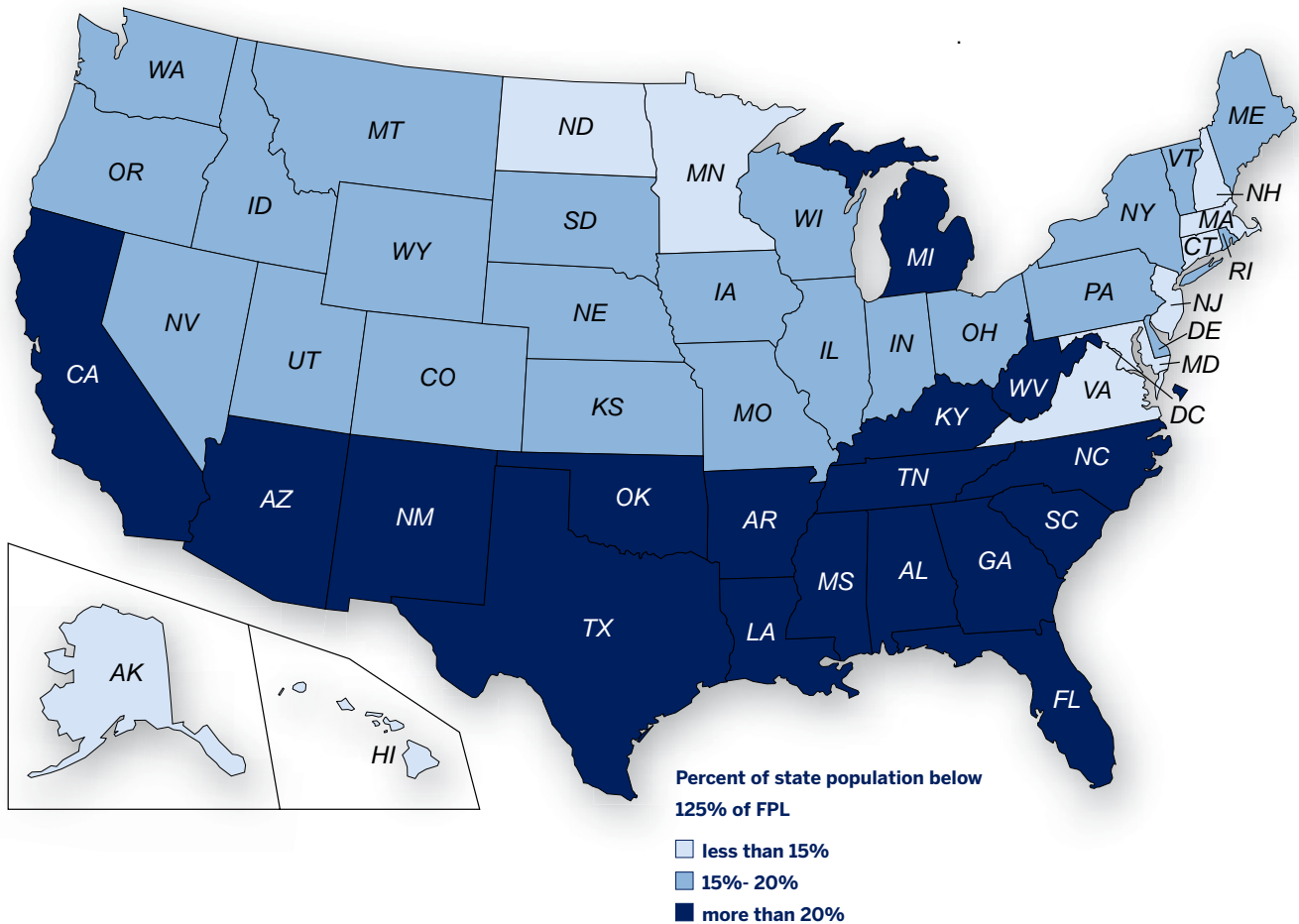
Most of the population estimates presented in this section come from the 2015 American Community Survey (ACS) Single Year Estimates.¹¹ Note that the ACS reports on people with family incomes *below* 125% of the Federal Poverty Level rather than *at or below* this income level (which is how income eligibility for LSC-funded services is defined). Occasionally, other data sources are also used and are noted accordingly. The unit of analysis in this section is individuals.

More than 60 million Americans have family incomes below 125% of the Federal Poverty Level.

A family income below 125% of the Federal Poverty Level (FPL) corresponds to \$30,750 per year or less for a family of four.¹² Based on recent estimates from the Census Bureau, nearly one in five Americans (19%) have family incomes below 125% of FPL. This comes to about 60 million people, including approximately 19 million children (0-17 years), 35 million adults aged 18-64 years old, and 6.4 million seniors (65+ years).^{13,14}

As Figure 1 shows, some states have higher proportions of people with family incomes below 125% of FPL. The states with the highest proportions of people in low-income families include Mississippi (28%), New Mexico (26%), Arkansas (25%), and Louisiana (24%). Looking at population counts, a few other states stand out. For example, California alone has 7.7 million people with family incomes below 125% of FPL and Texas has 5.7 million people.¹⁵ Appendix B1 presents the population counts and proportions for all states in the U.S.

Figure 1: Percentage of Each State's Population Below 125% of the Federal Poverty Level, 2015¹⁶



[CLIENT STORY]



Mary | Ohio | Health | Mary lives in an assisted-living community. When a health condition required rehabilitation, she entered a skilled nursing facility for what she expected would be a short-term stay. Once therapy was completed, however, the nursing home refused to begin discharge, insisting she required 24-hour care and demanding payment for her continued stay. Mary could not afford to pay for both the nursing home and her assisted living residence. Legal aid attorneys got involved, advocating for her right to make an informed decision about her living situation. They also helped Mary work with her primary care physician to arrange for the necessary home health services she needed to return to her home.

Source: LSC Client Success Stories.

Most American adults with family incomes below 125% of FPL do not have any college education.

There is great disparity in education levels by income. About 62% of low-income Americans aged 25 years or older have no more than a high school education. Americans of the same age with higher family incomes are nearly three times more likely to have graduated from college (34% vs. 12%).¹⁷ Existing literature on the justice gap suggests that educational background is important for understanding access to justice.¹⁸



88% of low-income adults do not have a college degree, including **62%** who have no more than a high school education.

While low-income Americans come from very diverse racial and ethnic backgrounds, a plurality identify as white (with no Hispanic origin).

Forty-four percent of Americans with family incomes below 125% of FPL identify themselves as white and claim no Hispanic origin. Another 28% identify as Hispanic, and 21% identify as black with no Hispanic origin. Four percent identify as Asian, 1% as American Indian, 8% as another race, and 4% as two or more races.¹⁹ The life experiences of people with different racial and ethnic backgrounds are thought to be important for understanding people's likelihood to trust institutions and to seek civil legal assistance.²⁰

| Special Focus |

Millions of Americans from the various groups highlighted in this report have family incomes below 125% of FPL. This page presents population estimates for the number of low-income people for each group wherever such estimates are available. No such estimates are available for recent survivors of domestic violence or sexual assault, but we cite other information that speaks to rates of such violence among low-income Americans.

65+

Seniors

Approximately **6.4 million** seniors have family incomes below 125% of FPL.²¹



Rural Residents

Approximately **10 million** people living in rural areas of the U.S. have family incomes below 125% of FPL.²²



Veterans

More than an estimated **1.7 million** veterans have family incomes below 125% of FPL.²³



Persons with Disabilities

More than **11.1 million** people with a disability have family incomes below 125% of FPL.²⁴



Parents/Guardians of Children under 18

Approximately **18 million** families with related children under 18 have incomes below 125% FPL.²⁵



Survivors of Domestic Violence/Sexual Assault

Rates of intimate partner violence among people with family incomes at or below 100% of FPL are about **four times** the rates among people with incomes at or above 400% of FPL.²⁶

Experience with Civil Legal Problems



A large majority of low-income American households face civil legal problems in their everyday lives. These problems are most often related to basic needs like health care, safety, making ends meet, and housing. Using data from the 2017 Justice Gap Measurement Survey of low-income households, this chapter presents findings on the prevalence of civil legal problems among these households, the types of problems they face, and how civil legal problems affect their lives.

About the Data

The findings presented in this section come from the 2017 Justice Gap Measurement Survey. Respondents were presented with an extensive list of specific problems that typically raise civil legal issues. They were asked whether they had experienced any of these problems in the past 12 months and whether anyone else in their household had. While not all of the reported problems would be able to be addressed through civil legal action, the resulting data make it possible to estimate how common various civil legal problems are at the household level. A total of 88 distinct problems (divided into 12 main categories) were explored in the survey. The primary unit of analysis in this section is households.

A large majority of low-income American households face civil legal problems.

The 2017 Justice Gap Measurement Survey assessed the prevalence of various types of problems that typically raise “justiciable civil legal issues,” that is, issues that could be addressed through civil legal action. This is consistent with standard practice in the literature for measuring the prevalence of civil legal problems. While an in-depth interview with a legal professional would reveal that some of the problems reported by respondents are not actually justiciable, most will be. For ease of reporting, and to be consistent with established literature, we refer to these problems as “civil legal problems” throughout this and the next section.



71% of low-income households have experienced at least **one civil legal problem in the past year.**

Seventy-one percent of low-income households have experienced at least one civil legal problem in the past year. Many of these households have had to deal with several issues. Indeed, more than half (54%) faced at least two civil legal problems and about one in four (24%) has faced six or more in the past year alone. The civil legal problems these Americans face are most often related to basic needs like getting access to health care, staying in their homes, and securing safe living conditions for their families.

Common civil legal problems among low-income households relate to issues of health, finances, rental housing, children and custody, education, income maintenance, and disability.

As Figure 2 shows, civil legal problems related to health and to consumer and finance issues affect more households than any other type of issue. Health issues, for example, affect more than two in five (41%) low-income households. The most common problems in this area include having trouble with debt collection for health procedures (affecting 17% of households), having health insurance that would not cover medically needed care or medications (17%), and being billed incorrectly for medical services (14%).

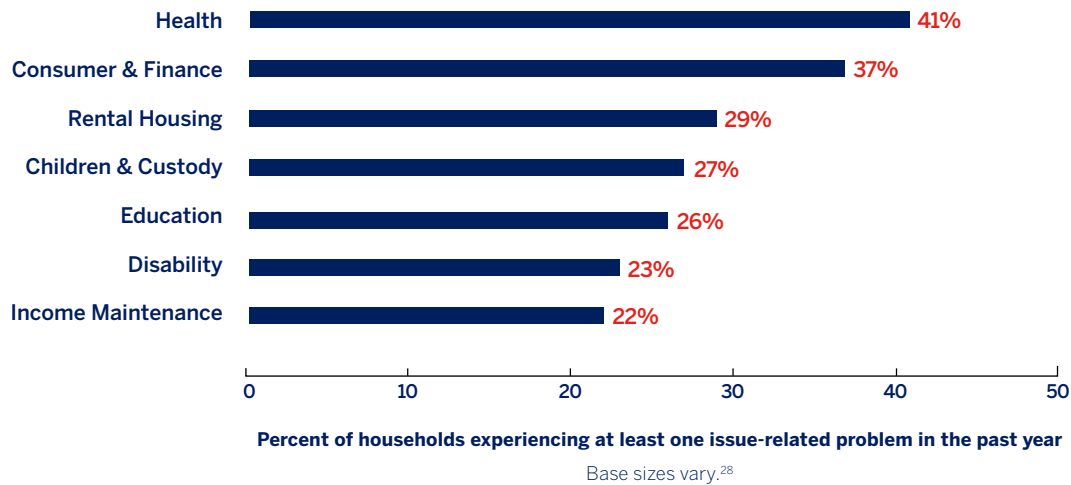
Over one-third (37%) of low-income households have experienced consumer and finance problems in the past year. These issues typically follow from not being able to make payments for debt or utilities on time. The most common issues in this area include difficulties with creditors or collection agencies (affecting 16% of households), having utilities disconnected due to nonpayment or a billing dispute (14%), and having problems buying or paying for a car, including repossession (8%).

Other common categories of civil legal problems include rental housing, children and custody, and education. Each of these problem categories affects more than one in four low-income households in which the issue is relevant (e.g., rental housing problems affect 29% of households living in a rented home). Income maintenance and disability issues affect one in five issue-relevant households.

[CLIENT STORY]



Ronald | Louisiana | Consumer and Finance | Ronald needed legal help when FEMA filed a claim against him for repayment of disaster funds issued after Hurricane Katrina. He had never even applied for, much less received, any FEMA funds. FEMA seized his income tax refund and told him he had to pay an additional \$8,000. With the help of legal aid, Ronald was able to demonstrate that the funds in question had been issued to someone else. FEMA dismissed the claim and returned the money wrongfully seized from Ronald's accounts.

Figure 2: Common Civil Legal Problem Categories²⁷

Rental Housing | A full 29% of households living in a rented home have experienced a related civil legal problem in the past year. Such problems include having a landlord fail to provide basic services or repairs (affecting 16% of rental households), having a dispute with a landlord or public housing authority over rules or terms of a lease (11%), and living in unsafe rental housing (9%).



Children and Custody | Twenty-seven percent of households with parents or guardians of children under the age of 18 have experienced a civil legal problem related to children or custody in the past year. Related problems include difficulty collecting child support payments or setting up a child support obligation (affecting 13% of these households), being investigated by Child Protective Services (9%), and having trouble with custody or visitation arrangements (8%).



Education | Twenty-six percent of households with someone who is in school or someone who has a child in school have experienced at least one civil legal problem related to education in the past year. Problems in this area include being denied access to special education services or problems with access to learning accommodations (affecting 15% of these households), attending a school that was unsafe or had problems with bullying (9%), and being suspended from school (7%).



Disability | Twenty-three percent of low-income households where someone lives with disability report at least one civil legal problem related to disability in the past year. The most common problems are being denied state or federal disability benefits or services or having them reduced or terminated (affecting 14% of these households) and being denied or experiencing limited access to public programs, activities, or services because no reasonable accommodation was made (8%).



Income Maintenance | Twenty-two percent of low-income households have experienced at least one problem related to income maintenance in the past year. Related problems include not being approved for state government assistance or having that assistance reduced or terminated (affecting 15% of households), being denied or terminated from Social Security Disability income (SSDI) or Social Security Survivors benefit (6%), and being denied or terminated from Supplemental Security Income (SSI) (6%).

Other Types of Civil Legal Problems

Other areas where low-income Americans report civil legal problems include the following:

Employment. Civil legal problems related to employment affect 19% of all low-income households. Problems include being terminated from a job for unfair reasons (8%), having a workplace grievance not taken seriously or not adequately addressed (7%), and being exposed to working conditions that were physically unsafe or unhealthy (7%).

Family. Civil legal problems related to family affect 17% of all low-income households. Problems include experiencing domestic violence or sexual assault (8%), filing for divorce or legal separation (5%), and situations where a vulnerable adult has been taken advantage of or abused (4%).

Homeownership. Civil legal problems related to homeownership affect 14% of low-income homeowners. Problems include falling several payments behind on a mortgage (9%) and having a home go into foreclosure (5%).

Veterans' Issues. Civil legal problems related to veterans' issues affect 13% of low-income households with veterans or other military personnel. Problems include difficulty getting medical care for service-related health conditions (9%), being denied service-related benefits (8%), and problems with discharge status (4%).

Wills and Estates. Civil legal problems related to wills and estates affect 9% of all low-income households. Problems include needing help drawing up a legal document like a will or advance directive (7%) and needing help with probate or administering an estate, trust, or will (5%).



Civil legal problems affect people's lives.

Civil legal problems can have a substantial impact on people's lives. Many of the civil legal problems low-income Americans face relate to life-essential matters like losing a home, dealing with debt, or managing a health issue. There are also less direct, yet important, ways these problems affect people's lives. For example, other research has shown that the stress of dealing with civil legal issues can lead to mental health conditions like anxiety and depression, which further complicate the situations of the families affected.²⁹ Many civil legal problems, like having unsafe housing and losing benefits to buy food, can also pose a threat to physical health.

For each issue that respondents indicated they had personally experienced within the last 12 months, the survey asked them to rate the effect the problem had on them on a five-point scale from "not at all" to "severe." Seventy percent of low-income Americans who personally experienced a civil legal problem in the past year, say at least one of the problems has affected them "very much" or "severely." This amounts to more than half (55%) of all the problems personally experienced by low-income Americans. The types of problems most likely to have a substantial impact are those related to veterans' issues (85%),^{SB-1} income maintenance (65%), employment (65%), rental housing (63%), and family (62%). See Figure 3 below.

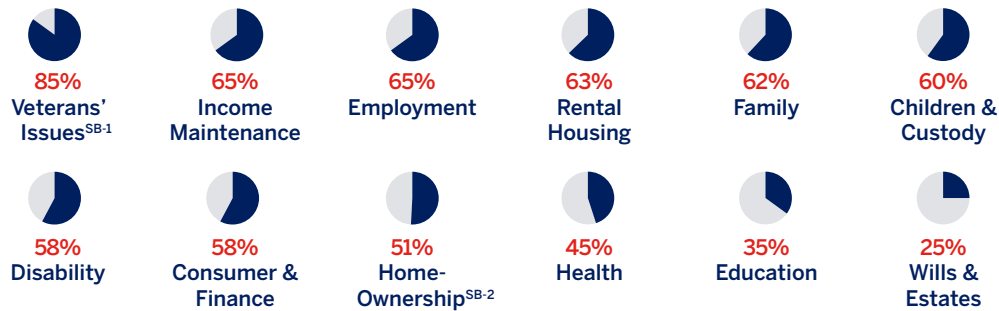
[CLIENT STORY]



Jill | Indiana | Housing | Jill, a senior and legal guardian of two young granddaughters, faced possible homelessness. Jill's sole income came from Social Security Disability benefits, which qualified her for Section 8 subsidized housing. When Jill's apartment was cited for not meeting Section 8 standards, the landlord refused to make the repairs, and the housing authority stopped its payments. The landlord filed an eviction notice for failure to pay rent despite Jill's attempts to continue paying her portion of the rent. A legal aid attorney represented Jill in small claims court, and Jill and her two granddaughters were allowed to stay in the apartment while she searched for another suitable place to live. Without an eviction on her record, Jill retained her Section 8 eligibility and found a new, safe home for her granddaughters.

Source: LSC Client Success Stories.

Figure 3: Civil Legal Problems Substantially Affecting People's Lives³⁰



Percent of personally experienced problems affecting individuals "very much" or "severely"



70% say at least one of their civil legal problems has "very much" or "severely" affected their lives.

[CLIENT STORY]



Misty | Nebraska | Income Maintenance | While giving birth to her third child, Misty, 32, went into cardiac arrest and was left with a serious heart condition that made her eligible for Social Security Disability benefits. She filed for benefits to help make ends meet and take care of her family, but was denied two times. With the help of legal aid attorneys, Misty's third application for disability benefits was expedited and shortly thereafter, she received a favorable decision. The decision, which granted her \$700 per month, also granted her Medicaid, which allowed her to secure a Ventricular Assist Device that has allowed her to live a more full life with her family again.

Source: LSC Client Success Stories.

| Special Focus | Civil legal problems are common among the groups highlighted in this report, and many have experienced multiple problems. Households with survivors of domestic violence or sexual assault are particularly likely to experience civil legal problems. Ninety-seven percent have experienced at least one problem in addition to their problems related to violence. Additionally, compared to other households, households with survivors tend to face more problems in a year and are more likely to experience problems in most of the issue areas covered in the survey.



Seniors' Households (n=286)

56% had at least 1 civil legal problem in past year

10% had 6+ problems in past year

Common problem areas: **Health (33%)**, and **Consumer/Finance (23%)**, and **Income Maintenance (13%)**



Households in Rural Areas (n=285)

75% had at least 1 civil legal problem in past year

23% had 6+ problems in past year

Common problem areas: **Health (43%)**, **Consumer/Finance (40%)**, and **Employment (25%)**



Households with Veterans or Other Military Personnel (n=297)

71% had at least 1 civil legal problem in past year

21% had 6+ problems in past year

Common problem areas: **Health (38%)**, **Consumer/Finance (36%)**, and **Employment (20%)**



Households with Persons with Disabilities (n=950)

80% had at least 1 civil legal problem in past year

32% had 6+ problems in past year

Common problem areas: **Health (51%)**, **Consumer/Finance (44%)**, **Income Maintenance (28%)**, and **Disability (23%)**



Households with Parents/Guardians of children under 18 (n=874)

80% had at least 1 civil legal problem in past year

35% had 6+ problems in past year

Common problem areas: **Health (46%)**, **Consumer/Finance (45%)**, and **Income Maintenance (28%)**, **Custody (27%)**, **Family (26%)**, **Employment (26%)**, and **Education (25%)**



Households with Recent Survivors of Domestic Violence/Sexual Assault (DV/SA) (n=194)

97% had at least 1 civil legal problem in past year in addition to DV/SA

67% had 6+ problems

Common problem areas: **Consumer/Finance (66%)**, **Health (62%)**, **Employment (46%)**, **Rental Housing (45%)**, **Income Maintenance (44%)**, and **Family (40%)** (in addition to DV/SA)



Seeking Legal Help



While most low-income Americans face at least one civil legal problem in a given year, only one in five seeks help from a legal professional. Using data from the 2017 Justice Gap Measurement Survey, this section presents findings on which types of problems are most likely to receive legal attention, where people turn for legal help, what types of legal assistance they receive, and reasons why so many people do not seek legal help. One noteworthy finding from this section is that 86% of the civil legal problems faced by low-income Americans in a given year receive inadequate or no legal help.

About the Data

The findings presented in this section come from a section of the 2017 Justice Gap Measurement Survey that asked detailed questions about a subset of the civil legal problems reported by respondents. For each respondent, the survey randomly selected up to four personally-experienced problems affecting them more than “not at all.” Due to the low incidence of problems relating to veterans’ issues and disabilities, these problems were always selected if they met the other criteria. Respondents answered questions about what, if any, help they sought to address each of these problems. The unit of analysis in this section is problems.

Low-income Americans do not seek the help of legal professionals for most of their civil legal problems.

Low-income Americans report seeking the help of a legal professional for only 20% of their problems. Interestingly, people are only slightly more likely to seek professional legal help for problems that substantially affect them (24% of problems that affect them very much or severely) compared to problems that do not affect them much (17% of problems that affect them moderately or slightly).

Additionally, while we might expect to see differences in help-seeking behavior across education levels, low-income Americans with less education are only slightly less likely to seek professional legal help for their civil legal problems. Those with no more than a high school education seek professional legal help for 19% of their civil legal problems, and people with more education seek it for 22% of their civil legal problems. In fact, none of the differences observed by educational attainment are statistically significant.



Low-income Americans seek professional legal help for only
20% of the civil legal problems they face.

Low-income Americans get inadequate or no professional legal help for most of the civil legal problems they face.

Low-income Americans say they have received or expect to receive as much legal help as they need for 69% of the problems where they sought professional legal help. While this is a promising result, it is important to remember that they seek professional legal help for only 20% of their problems. Additionally, some respondents indicate that they tried to get professional legal help but were unable to do so.³¹ Taking all of this together, we find that low-income Americans receive inadequate or no professional legal help for 86% of their civil legal problems in a given year.³²

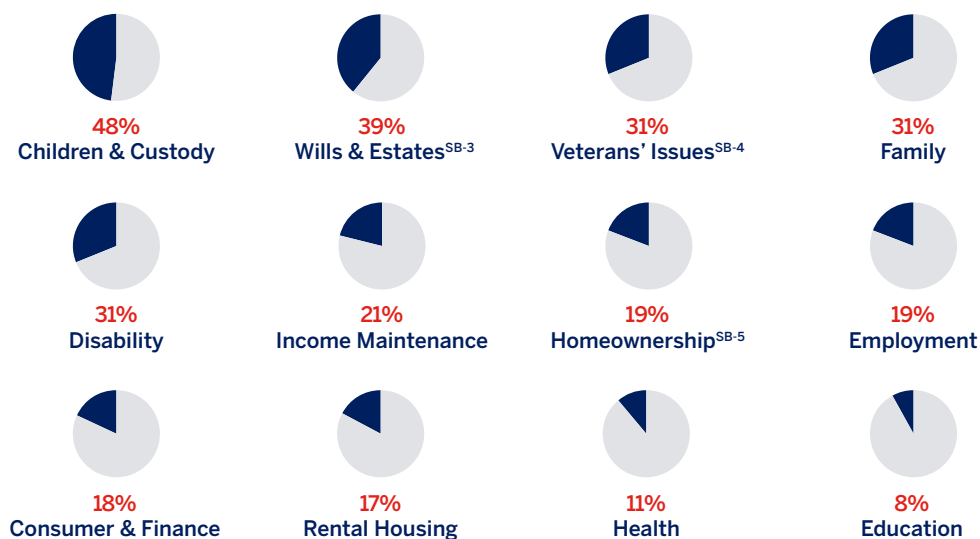


Low-income Americans receive inadequate or no professional legal help for **86%** of the civil legal problems they face in a given year.

People are more likely to seek professional legal help for problems that are more plainly “legal” in nature.

People are most likely to seek professional legal help for problems related to children and custodial issues and wills and estates. Low-income Americans seek such help for 48% of their civil legal problems related to children and custody and for 39% of their problems related to wills and estates.^{SB-3} Of all the civil legal problems explored in the survey, the ones in these categories are more obviously “legal.” Issues relating to children and child custody, for example, usually have to be decided or approved by a judge. Similarly, issues dealing with wills and estates involve legal paperwork and often lawyers as well.

While civil legal problems related to health issues and consumer and finance issues are the most commonly experienced problems among low-income Americans, they are not the problem areas most likely to get attention from a legal professional. As Figure 4 shows, people seek professional legal help for only 18% of their civil legal problems related to consumer and finance and for only 11% of those related to health.

Figure 4: Civil Legal Problems for which Professional Legal Help Is Sought³³

Percent of issue-related problems for which professional legal help is sought

Base sizes vary.

Low-income Americans who seek professional legal help rely on a variety of sources and most often receive help in the form of legal advice.

People who seek the help of a legal professional rely on various sources. They most often turn to legal aid organizations (30% of problems), paid private attorneys (29%), and social or human services organizations (24%). They go to volunteer attorneys 11% of the time and to disability service providers 10% of the time. Finally, low-income Americans reach out for help through legal hotlines for 8% of their civil legal problems.

As Figure 5 shows, when people get help from legal professionals, they are most likely to receive this help in the form of legal advice. Two in five (40%) problems receiving some sort of professional legal help are addressed with legal advice. People report receiving assistance filling out legal documents or forms for 21% of these problems, being represented by a legal professional in court for 20% of them, and getting help negotiating a legal case for 14% of them.

The legal services that people receive vary for at least two reasons. Of course, different types of problems require different types of help and to varying degrees. The help people receive also varies according to what resources might be available to help them address their specific civil legal needs. In the next section, discussion about the work of LSC grantees sheds light on how limited resources means that some cases receive more attention from legal aid professionals than others.

Figure 5: Types of Services Received from Legal Professionals³⁴



[CLIENT STORY]



Michaela | New Jersey | Veterans | Michaela is a lifelong New Jersey resident, always living there except for six years serving in the armed forces in the 1990s. While stationed in Alabama, she divorced, but a name change was not included in the divorce. As a result, when she returned to New Jersey after her service ended, she was compelled to obtain a driver's license using her married name. Michaela used her maiden name in all other matters, causing issues in the various aspects of her life that involve identification (e.g., finances, utilities, leases, etc.). A legal aid attorney represented Michaela in a name change, permitting her to resume use of her maiden name and to once and for all clarify her identification in all aspects of her life.

Source: LSC Client Success Stories.

When people do not seek professional legal help, they often turn to other resources.

Low-income Americans do not seek professional legal help for 78% of the civil legal problems they face in a given year. When someone does not seek such help, they turn to other resources about half of the time (for 54% of problems for which professional legal help is not sought). They speak with others who are not legal professionals (commonly friends and family members) for 33% of these problems, search for information online for 13% of these problems, or take both of these actions for 8% of these problems. When people search for information online, they often search for legal information about procedures to resolve a specific civil legal problem, legal rights on specific issues, or how to get legal assistance.³⁵

Many people do not seek legal help because they think they can handle their problems on their own or because they do not know where to turn for help.

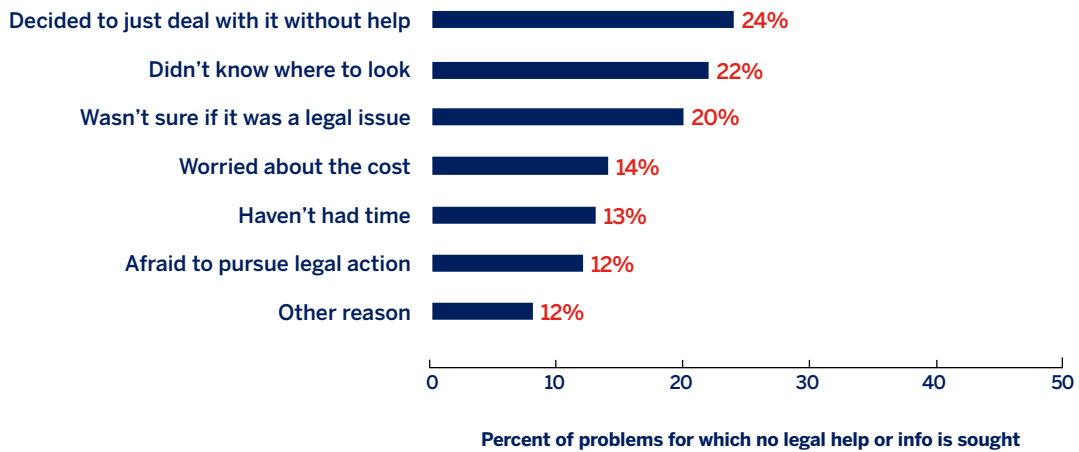
Combining the survey results on seeking professional legal help with those on searching for legal information online, we find that low-income Americans do not seek either type of legal help for 72% of the civil legal problems they face in a given year. Their reasons for not seeking either type of legal help or information are varied. See Figure 6. The most common reason is that they decide to deal with the problem on their own. This is cited 24% of the time. This is consistent with previous studies that find that many people are inclined to believe they can take care of their civil legal problems on their own.³⁶ The next most common type of reason relates to not knowing where to look for help or what resources might be available. People cite this type of reason 22% of the time.

Not seeing their problem as a “legal” problem is another major barrier to seeking legal help.

We know from other studies related to the justice gap that a major reason people do not seek legal help is because they do not perceive their civil legal problems to be legal.³⁷ We find that low-income Americans cite this reason for one in five (20%) civil legal problems where no legal help was sought. This is also consistent with the findings above showing that people are more likely to seek professional legal help for issues that are more plainly legal in nature like custody issues and wills, and less likely to do so for problems like health and finances, which are not as obviously legal.

Other reasons people give for not seeking legal help are being concerned about the cost of seeking such help (14%), not having time (13%), and being afraid to pursue legal action (12%). See Figure 6.

Figure 6: Reasons for Not Seeking Legal Help³⁸



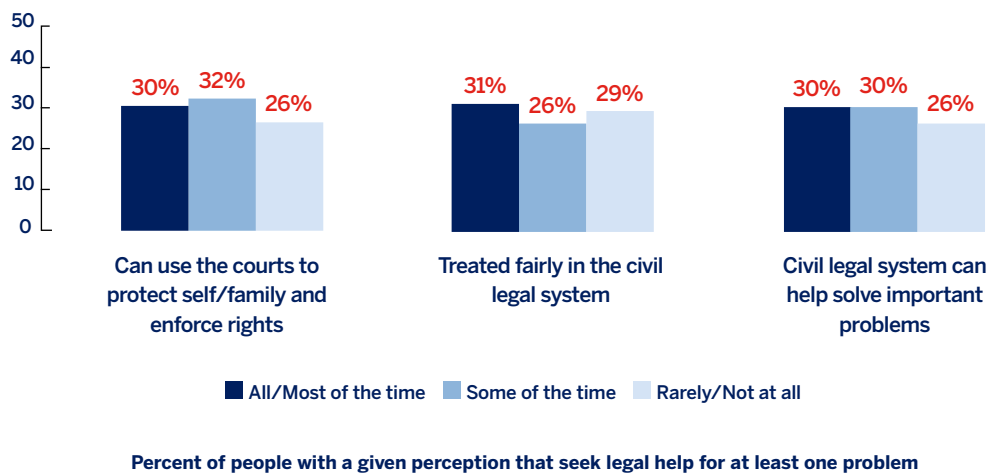
Views of the justice system do not seem to influence whether or not one seeks legal help.

The survey asked respondents the following three questions to assess their perceptions of the civil legal system:

- To what extent do you think people like you have the ability to use the courts to protect yourself and your family or to enforce your rights?
- To what extent do you think people like you are treated fairly in the civil legal system?
- To what extent do you think the civil legal system can help people like you solve important problems such as those you identified in this survey?

We compared people offering more positive views with those offering more negative views to see if there are any noteworthy differences in their patterns of seeking legal help. More specifically, we compared people to see if those holding certain perceptions would be more or less likely than others to seek legal help for at least one of their civil legal problems explored in depth in the survey. They are not. Low-income Americans who view the system in a more negative light are no more or less likely to seek professional legal help or to search for legal information online. See Figure 7.

Figure 7: Seeking Legal Help by Perceptions of the Civil Legal System³⁹



| Special Focus | Rates of seeking professional legal help do not vary much across the groups highlighted in this report.⁴⁰ All seek such help for only about one in five of their civil legal problems. For most, the two most common reasons for not seeking legal help are not knowing where to look and deciding to deal with the problem on their own. The only exception is recent survivors of domestic violence or sexual assault, who cite not being sure if a problem was a legal issue 31% of the time. Also noteworthy is that seniors are more likely than others to cite not having time as a reason for not seeking legal help.



Seniors (n=306 problems)

Seek professional legal help for
19% of problems]

Top reasons for not seeking legal help: **didn't know** where to look (22%), **decided to deal with problem on own** (21%), and **didn't have time** (19%)



Rural Residents (n=558 problems)

Seek professional legal help for
22% of problems

Top reasons for not seeking legal help: **decided to deal with problem on own** (26%), **wasn't sure if legal** (21%), and **didn't know where to look** (18%)



Veterans (n=511 problems)

Seek professional legal help for
21% of problems

Top reasons for not seeking legal help: **didn't know** where to look (29%), **decided to deal with problem on own** (25%), and **wasn't sure if legal** (18%)



Persons with Disabilities (n=1986 problems)

Seek professional legal help for
20% of problems

Top reasons for not seeking legal help: **decided to deal with problem on own** (25%), **didn't know where to look** (21%), and **wasn't sure if legal** (19%)



Parents/Guardians of Children under 18
(n=1758 problems)

Seek professional legal help for
21% of problems

Top reasons for not seeking legal help: **decided to deal with problem on own** (25%), **didn't know where to look** (21%), and **wasn't sure if legal** (20%)



Survivors of Domestic Violence/Sexual Assault
(n=621 problems)

Seek professional legal help for
23% of problems

Top reasons for not seeking legal help: **wasn't sure if legal** (31%), **didn't know where to look** (23%), and **decided to deal with problem on own** (20%)

Reports from the Field



The previous section explored the demand side of the justice gap. This section explores the supply side. Using data from LSC's 2017 Intake Census, this section presents findings on the assistance low-income Americans receive after seeking help from an LSC-funded legal aid organization. One key finding is that, given the number of low-income Americans who are expected to seek help in 2017, LSC grantees will not be able to provide adequate legal assistance for an estimated 1 million civil legal problems due to a lack of resources.

About the Data

Most of the findings in this section are based on analysis of the data collected during LSC's 2017 Intake Census. For six weeks in March and April 2017, LSC grantees tracked the individuals who contacted them seeking assistance with civil legal problems. Individuals coming to LSC grantees with problems were grouped into three main categories: unable to serve, able to serve to some extent (but not fully), and able to serve fully.⁴¹ The resulting data permit estimates of the rates at which people seeking legal help for a problem from LSC-funded legal aid organizations receive the legal assistance necessary to meet their needs. The unit of analysis in this section is problems.⁴²

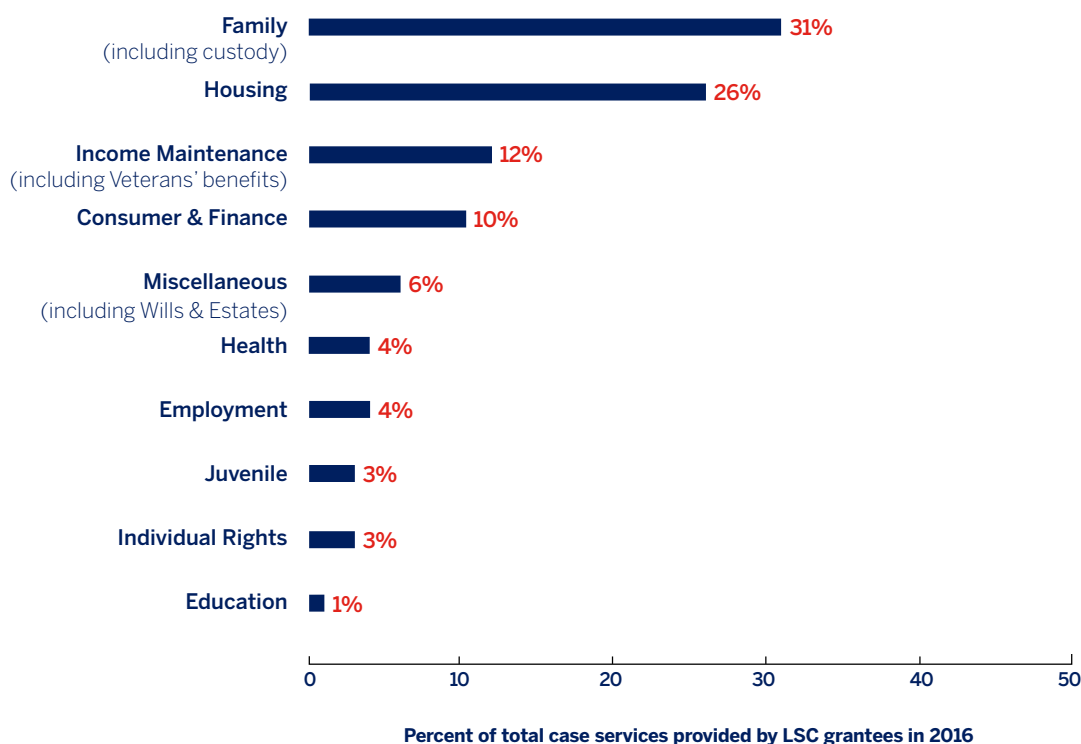
More than half of the problems receiving legal case services from LSC-funded legal aid programs involve family and housing issues.

As a general rule, to be eligible for LSC-funded legal assistance, an individual must have a family income at or below 125% of the Federal Poverty Level (FPL), and their civil legal problem cannot be related to issues for which use of LSC funds is prohibited, like abortion, euthanasia or class-action litigation.⁴³ We will refer to civil legal problems that meet these criteria as “eligible problems” or “eligible civil legal problems” throughout this section.

Not all income-eligible individuals with a legal problem receive the legal assistance they need. To maximize the use of available legal aid resources, LSC grantees develop guidelines on the types of legal problems they prioritize for service. LSC requires grantees to conduct comprehensive legal needs assessments in their communities on a regular basis to inform these guidelines. Some income-eligible individuals have problems that fall within these priority guidelines, but still do not receive the assistance they need for other reasons. We examine these instances throughout this section, trying to assess the extent to which they are shaped by a lack of resources.



The types of problems for which LSC grantees provided case services in 2016 are summarized in Figure 8.⁴⁴ Family problems, including child custody, as well as housing problems like evictions and rental repairs, form the bulk of LSC grantees' casework. The reader will notice that the distribution across the problem categories reported by LSC grantees is different from the distribution of problems experienced by low-income Americans that was presented in Section 2 (see Figure 2). This is due in large part to the types of problems LSC grantees prioritize as well as the fact that people are more likely to seek legal help for certain types of problems, as was discussed in Section 3.

Figure 8: Civil Legal Case Services by Problem Category, 2016^{45,46}

In 2017, low-income Americans are expected to approach LSC-funded legal aid organizations for help with more than 1.7 million civil legal problems.

During LSC's six-week-long Intake Census, low-income Americans approached grantees for assistance to address nearly 196,000 eligible civil legal problems. Based on this, we project that low-income Americans will approach LSC grantees with an estimated 1.7 million eligible civil legal problems in 2017.

Our projection likely underestimates the number of eligible problems that will be brought to LSC grantees. While the vast majority (89%) of reporting grantees said their intake during this six-week period was typical in terms of the number and type of problems brought to them, 12 grantees reported they processed fewer problems than normal due to staff shortages, office closures, or other reasons. Three other grantees reported it was atypical in other ways, including one who says they experienced more traffic than usual. Additionally, one grantee (out of a 133 total grantees) did not report any data for

the Intake Census and, thus, the problems they processed during the six-week period are not accounted for in the sample counts nor in the 12-month projections. Finally, LSC grantees counted individuals (not problems or case services) during the Intake Census, and it is possible that one person could seek assistance for more than one civil legal problem.

It is important to keep in mind that these estimated 1.7 million civil legal problems represent less than 6% of the total civil legal problems faced by low-income Americans. Recall from Section 3 that low-income Americans seek professional legal help for only 20% of their civil legal programs, and they turn to legal aid organizations for only 30% of the problems for which they seek such help. Taken together, this means they seek professional legal help from legal aid organizations 6% of the time. Note that this corresponds to help sought from the set of all legal aid organizations in the U.S., not just those funded by LSC.

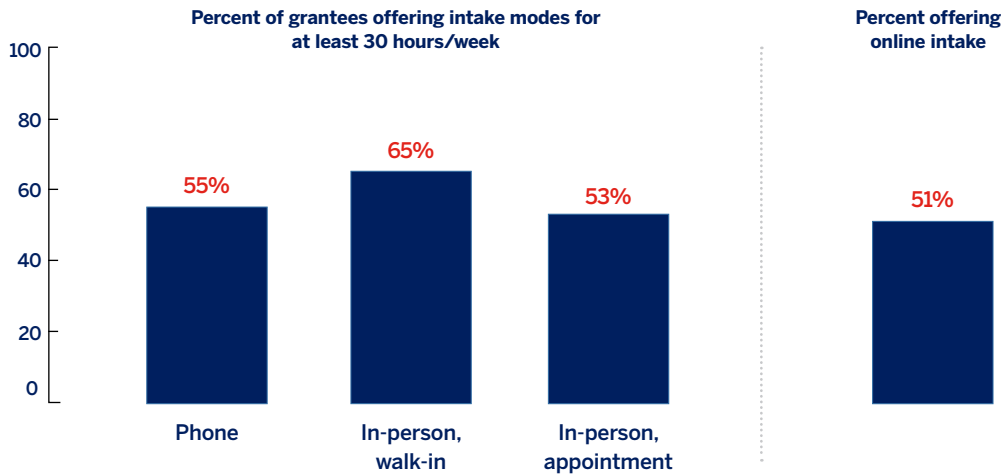
Low-income Americans likely seek the help of legal aid organizations for even more problems that do not get processed for intake.

The estimated 1.7 million problems low-income Americans will bring to LSC grantees in 2017 is more accurately described as the number of problems that LSC grantees will process for intake in 2017. There are likely other problems that people consider bringing or try to bring to an LSC grantee, but are unable to get to or through the point of intake. These situations are not captured in the Intake Census data. It is difficult to know how often this happens, but because legal aid organizations can only offer intake for so many hours and in so many ways, it is bound to happen. The types and availability of various intake modes varies across LSC grantees, depending on the resources they have at their disposal (e.g., staffing, technology, and other resources).

There are three primary intake modes currently offered by LSC-funded legal aid organizations:

- In-person: This a face-to-face interview that takes place at the legal aid program's office. This can happen on a walk-in basis or as the result of an appointment.
- Phone: This involves conducting the screening process over the phone. This often involves a mix of going through an automated process (e.g., "press two if you...") and speaking with a legal aid staff member directly.
- Online: This method involves submitting interview information via an online form or web application.

Figure 9: Intake Modes Offered by LSC-funded Legal Aid Programs⁴⁷



Most legal aid organizations have set hours for intake, which are scheduled times when new requests for assistance are received. Intake hours can vary for a variety of reasons, including program resources and community needs. Online options are the exception; these screening tools are usually available continuously and monitored regularly by staff during business hours.

When grantees submitted their Intake Census data to LSC, they also indicated how many hours per week they offered various intake modes (on average). Figure 9 presents the percent of LSC grantees that offer various intake modes for at least 30 hours per week and that offer online intake. Sixty-five percent of grantees offer in-person intake on a walk-in basis for at least 30 hours per week; 53% offer in-person intake by appointment for at least 30 hours per week; and 55% offer intake by phone for at least 30 hours per week. About half (51%) of LSC grantees offer online modes of intake.

[CLIENT STORY]



Donna | New York | Domestic Violence | Donna, a rural resident of New York State, suffered from severe mental health problems resulting from domestic violence and the sexual abuse of one of her children. She did not feel comfortable speaking about her situation before contacting an LSC grantee, who helped her address various civil legal problems she was facing. Specifically, the legal aid attorney helped Donna avoid a workfare sanction by the local Department of Social Services and won her SSI appeal, permanently removing her from the county welfare rolls. Donna received over \$40,000 in retroactive SSI benefits, which has allowed her to establish her own home and provide a college education for her child.

Low-income Americans receive some kind of legal help for 59% of the eligible civil legal problems they bring to LSC-funded organizations.

In 2017, LSC grantees will provide some form of legal assistance for an estimated 999,600, or 59%, of eligible problems presented by low-income Americans. The type and extent of help vary, depending on the requirements and complexity of a given problem and the resources available. From the Intake Census data, we can group eligible problems for which LSC grantees provide assistance into three main categories: “fully served”; “served, but not fully”; and “served, but extent of service pending” (or, for short, “served, extent pending”). This information is summarized in Table 1 along with corresponding 12-month projections for 2017.

Table 1: Distribution of Eligible Problems by Extent of Service⁴⁸

	Percent of total eligible problems	Total from 2017 Intake Census sample	Total 12-month projection
Total eligible problems	100%	195,776	1,701,400
Total served to some extent	59%	115,024	999,600
Served fully	28%	54,657	475,000
Served, but not fully	21%	41,371	359,500
Served, but extent of service is pending	10%	18,996	165,100
Not served	41%	80,752	701,800
Total problems not served or not served fully (excluding pending)	62%	122,123	1,061,300
Total problems not served or not served fully (including pending)	72%	141,119	1,226,400

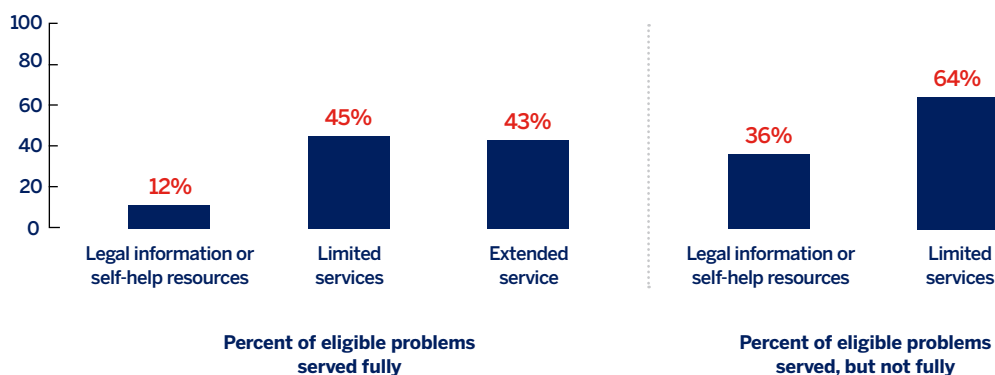
Problems fully served

LSC grantees reported they will be able to “fully serve” at least 28% of all the eligible problems low-income Americans presented during the intake census (see Table 1 above). In these instances, people receive legal assistance expected to fully address their legal needs. This can take the form of providing legal information or self-help resources (12% of fully-served problems) or of “limited services” like providing legal advice, speaking with third parties on behalf of a client, or helping to prepare legal documents (45% of fully-served problems).⁴⁹ Another 43% of fully-served problems receive “extended service,” which includes cases in which a legal aid attorney represents a client in negotiated settlements (with or without litigation), in administrative agency hearings or other administrative processes, or in a court proceeding.⁵⁰ See Figure 10.

Problems served, but not fully

Of all the eligible problems low-income Americans presented to LSC grantees during the intake census, at least 21% will receive some legal assistance, but not to the extent necessary to fully address the clients' legal needs (see Table 1 above). Help for people with these "served, not fully" problems takes the form of providing legal information or self-help resources (36% of problems served, but not fully) and "limited service" like providing legal advice, speaking with third parties on behalf of a client, or help preparing legal documents (64% of problems served, but not fully).⁵¹ See Figure 10.

Figure 10: Types of Legal Assistance Provided⁵²



Problems served, but extent of service pending

At the conclusion of the Intake Census, LSC grantees had not yet determined the level of legal assistance for 10% of eligible problems presented to them.

After seeking legal assistance from LSC grantees, low-income Americans will not receive any legal assistance for an estimated 700,000 eligible problems in 2017.

Forty-one percent of the eligible problems low-income Americans presented to LSC grantees during the intake census will not receive any legal help from grantees. This corresponds to slightly more than an estimated 700,000 problems for 2017. There are many reasons why an individual with an eligible civil legal problem might not receive legal assistance. More than half (54%) of these problems are not served because they fall outside of the guidelines grantees use to prioritize eligible problems due to limited resources. About one in four (24%) eligible problems falls within grantees' priorities, but is not served due to insufficient resources. A small portion (6%) are not served because

the grantee has identified a conflict of interest. For example, the organization might already be representing another party to the dispute. Finally, 16% do not receive legal assistance for other reasons, often involving situations where contact with a client is lost.

Low-income Americans will receive insufficient or no legal help for an estimated 1.1 million eligible problems this year alone.

Estimating the number of eligible problems for which low-income Americans will receive insufficient legal help (“underserved”) or no legal help (“unserved”) requires making some assumptions. Because the extent of legal assistance provided for the problems currently categorized as “served, but extent pending” is not known, we cannot provide a simple estimate for the percent of eligible problems that receive insufficient or no legal assistance. However, by making some assumptions about the extent to which these problems will be served, we can arrive at a range of estimates. We find that between 62% and 72% of all eligible problems brought to LSC grantees either receive no legal assistance or receive a level of assistance that is not expected to fully address the client’s legal needs. That corresponds to an estimated 1.1 to 1.2 million eligible civil legal problems expected to go unserved or underserved in 2017 alone.

The 62% figure underestimates the problems unserved or underserved. It treats “served, but extent pending” problems as being “served fully.” Conversely, the 72% figure is an overestimation, treating “served, but extent pending” problems as “served, but not fully.” In reality, the rate will fall somewhere in between. See Table 1 above.

A lack of available resources accounts for the vast majority of eligible civil legal problems that go unserved or underserved.

Civil legal problems that are unserved or underserved due to limited resources account for the vast majority of the problems that do not receive the assistance necessary to fully address the client’s needs. Table 2 presents two estimates of the number of eligible problems that go unserved or underserved for this reason. Overall, we estimate that insufficient resources account for between 85% and 97% of all unserved or underserved eligible problems, representing 53% to 70% of all eligible problems. This corresponds to an estimated range of about 900,000 to 1.2 million problems for which the assistance necessary to meet the legal needs of low-income Americans cannot be provided due to a lack of resources. See Table 2.

The upper-bound estimate of 97% is likely an overestimation. Only problems that involve a conflict of interest between parties are not included, corresponding to 3% of unserved or underserved problems. In this case, we assume the worst-case scenario and count all of the “served, but extent pending” problems as served but not to the full extent necessary and attribute this to a lack of resources.

Table 2: Estimates of Eligible Problems that are Unserved or Underserved Due to a Lack of Resources⁵³

	Lower-bound	Upper-bound
Intake Census sample count	104,364	136,278
12-month projection count	907,000	1,184,300
Percent of all eligible problems	53%	70%
Percent of all eligible problems that are unserved or underserved	85%	97%

Additionally, this 97% estimate treats eligible problems that go unserved due to “other reasons” as unserved due to a lack of resources, because many of the underlying reasons could potentially be resolved or avoided if there were more resources. For example, these reasons often involve situations where legal aid staff lose touch with clients. If there were more resources to facilitate follow-up by legal aid staff or to help clients with transportation to and from meetings, for example, many of these problems would receive the legal assistance needed. To create a simple upper-bound estimate, we assume all of these problems would have received the necessary legal assistance had more resources been available.

The lower-bound estimate of 85% is likely an underestimation. In this case, we assume that all of the “served, but extent pending” problems will be served to the full extent necessary and that none of the problems that are unserved for “other reasons” could have been successfully served had more resources been available.

See Appendix B4 for a detailed explanation of how these estimates were calculated.



In 2107, an estimated **1 million civil legal problems** brought to LSC grantees by low-income Americans **will not receive the legal assistance required** to fully address their needs due to a lack of available resources.

Special Focus



This section presents key findings for the six groups of low-income Americans highlighted throughout this report. These groups include seniors, persons with disabilities, veterans, parents and guardians of children under 18, rural residents, and survivors of domestic violence or sexual assault.

65+

Seniors

Key findings related to the civil legal needs and experiences of low-income seniors include the following:

- Approximately 6.4 million seniors have family incomes below 125% of FPL.^a
- 56% of low-income seniors' households experienced a civil legal problem in the past year, including 10% that have experienced 6+ problems.^b
- LSC-funded legal aid organizations provided legal services to low-income Americans aged 60+ years old for about 135,000 cases in 2016.^c
- The most common types of civil legal problems for low-income seniors' households include: health (33%), consumer and finance (23%), income maintenance (13%), and wills and estates (12%).^b
- Low-income seniors seek professional legal help for 19% of their civil legal problems, receiving inadequate or no professional legal help for an estimated 87% of all their problems.^b
- The top reasons low-income seniors give for not seeking legal help include the following:^b
 - Not knowing where to look or what resources were available (22%)
 - Deciding to deal with problem on their own (21%)
 - Not having time (19%)
 - Wasn't sure if it was a legal issue (17%)

Low-income seniors **received inadequate or no professional legal help** for **87%** of their civil legal problems in 2017.

[CLIENT STORY]



Helen | Pennsylvania | Income Maintenance | Helen is a 68-year-old widow whose only income is a monthly Social Security Administration (SSA) widow's benefit. When she sought help from an LSC grantee, she was scared, vulnerable and overwhelmed. She had just received a letter from the SSA indicating they had overpaid her \$47,000 and notifying her that they would stop her monthly benefit payment until the debt was repaid. The legal aid attorney found that the overpayment was caused by fraudulent conduct by Helen's late ex-husband that occurred after their divorce and long after they had separated. The attorney helped Helen resolve the situation, and she continued to receive her SSA widow's benefit.

Source: LSC Client Success Stories.

^aU.S. Bureau of the Census, American Community Survey, 2015 1-year estimates, S1703: Selected Characteristics Of People At Specified Levels Of Poverty In The Past 12 Months. Senior is defined as ages 65+. ^b2017 Justice Gap Measurement Survey. ^c2016 Legal Services Corporation Grantee Activity Report.



Rural Residents

Key findings related to the civil legal needs and experiences of low-income, rural residents include the following:

- Approximately 10 million rural residents have family incomes below 125% of FPL.^a
- 75% of low-income rural households experienced a civil legal problem in the past year, including 23% that have experienced 6+ problems.^b
- The most common types of civil legal problems among low-income, rural households include: health (43%), consumer and finance (40%), and employment (25%).^b
- Low-income rural residents seek professional legal help for 22% of their civil legal problems, receiving inadequate or no professional legal help for an estimated 86% of all their problems.^b
- The top reasons low-income, rural residents give for not seeking legal help include the following:^b
 - Deciding to deal with problem on their own (26%)
 - Wasn't sure if it was a legal issue (21%)
 - Not knowing where to look or what resources were available (18%)

Low-income rural residents received inadequate or no professional legal help for **86%** of their civil legal problems in 2017.

[CLIENT STORY]



Charles | California | Housing | Charles and his wife care for their elderly parents and grandchildren in their home in rural California. They first experienced financial problems when Charles's employer reduced his work hours. Then he became ill from a life-threatening disease. He and his wife asked their lending bank for help. When the bank did not respond to their modification request, they sought help from an LSC grantee. The legal aid staff succeeded in obtaining a modification that lowered their monthly mortgage payment and established a fixed payment for principal and interest.

Source: LSC Client Success Stories.

^aU.S. Bureau of the Census, American Community Survey, 2015 1-year estimates, S1703: *Selected Characteristics Of People At Specified Levels Of Poverty In The Past 12 Months*. Senior is defined as ages 65+. ^b2017 Justice Gap Measurement Survey.



Veterans

Key findings related to the civil legal needs and experiences of low-income veterans and other military personnel include the following:

- More than 1.7 million veterans have family incomes below 125% of FPL.^a
- 71% of low-income households with veterans or other military personnel experienced a civil legal problem in the past year, including 21% that have experienced 6+ problems.^b
- LSC-funded legal aid organizations provided legal services to low-income households with veterans for about 41,000 cases in 2016.^c
- The most common types of civil legal problems for low-income households with veterans and other military personnel include: health (38%), consumer and finance (36%), and employment (20%).^b
- Low-income veterans and other military personnel seek professional legal help for 21% of their civil legal problems, receiving inadequate or no professional legal help for an estimated 88% of all their problems.^b
- The top reasons low-income veterans and other military personnel give for not seeking legal help include the following:^b
 - Not knowing where to look or what resources were available (29%)
 - Deciding to deal with problem on their own (25%)
 - Wasn't sure if it was a legal issue (18%)

Low-income veterans and other military personnel **received inadequate or no professional legal help** for **88%** of their civil legal problems in 2017.

[CLIENT STORY]



Bud | West Virginia | Veteran Benefits | Bud is a 68 year-old Vietnam veteran who had been receiving his Marine pension benefits for the past eight years. After a government clerk keyed in the wrong social security number, his benefits were suspended. Moreover, the Department of Veterans Affairs (VA) deemed the money he had been receiving as overpayment and threatened action against him. Bud tried to correct his record, but he was having a difficult time and, meanwhile, his savings were being depleted. An attorney with an LSC grantee's Veteran's Assistance Program worked with the Social Security office, the VA, and the Internal Revenue Service, and was eventually able to establish Bud's identity, win reinstatement of his pension, and resolve the false overpayment issue.

Source: LSC Client Success Stories.

^aU.S. Bureau of the Census, American Community Survey, 2015 1-year estimates, S1703: Selected Characteristics Of People At Specified Levels Of Poverty In The Past 12 Months. Senior is defined as ages 65+. ^b2017 Justice Gap Measurement Survey. ^c2016 Legal Services Corporation Grantee Activity Report.



Persons with Disabilities

Key findings related to the civil legal needs and experiences of low-income persons with disabilities include the following:

- More than 11.1 million people with a disability have family incomes below 125% of FPL.^a
- 80% of low-income households with someone with a disability experienced a civil legal problem in the past year, including 32% that have experienced 6+ problems.^b
- The most common types of civil legal problems among low-income households with someone with a disability include: health (51%), consumer and finance (44%), income maintenance (28%), and disability (23%).^b
- Low-income persons with a disability seek professional legal help for 20% of their civil legal problems, receiving inadequate or no professional legal help for an estimated 87% of all their problems.^b
- The top reasons low-income persons with a disability give for not seeking legal help include the following:^b
 - Deciding to deal with problem on their own (25%)
 - Not knowing where to look or what resources were available (21%)
 - Wasn't sure if it was a legal issue (19%)

Low-income persons with a disability **received inadequate or no professional legal help** for **87%** of their civil legal problems in 2017.

[CLIENT STORY]



Elinor | New York | Housing | Elinor has a daughter with a disability who had to crawl four flights of stairs each day to their apartment. Her daughter spent about 30 minutes sliding down the steps to reach the wheelchair stashed under the stairwell alcove and more than an hour getting in and out of her building to attend school five days a week. When there was a vacancy on the ground floor, Elinor sought to move there, but the landlord told them “transfers” weren’t allowed. Represented by an LSC grantee lawyer, the family was able to acquire the apartment on the ground floor and maintain their \$700 rent for their three-bedroom, rent-controlled apartment.

Source: LSC Client Success Stories.

^aU.S. Bureau of the Census, American Community Survey, 2015 1-year estimates, S1703: *Selected Characteristics Of People At Specified Levels Of Poverty In The Past 12 Months*. ^b2017 Justice Gap Measurement Survey.



Parents of Children under 18

Key findings related to the civil legal needs and experiences of low-income parents and guardians of minor children include the following:

- Approximately 18 million families with related children under 18 have incomes below 125% of FPL.^a
- 80% of low-income households with parents or guardians of minor children experienced a civil legal problem in the past year, including 35% that have experienced 6+ problems.^b
- Common types of civil legal problems among low-income households with parents or guardians of minor children include: health (46%), consumer and finance (45%), income maintenance (28%), children and custody (27%), family (26%), employment (26%), and education (25%).^b
- Low-income parents and guardians of minor children seek professional legal help for 21% of their civil legal problems, receiving inadequate or no professional legal help for an estimated 87% of all their problems.^b
- The top reasons low-income parents and guardians of minor children give for not seeking legal help include the following:^b
 - Deciding to deal with problem on their own (25%)
 - Not knowing where to look or what resources were available (21%)
 - Wasn't sure if it was a legal issue (20%)

Low-income parents and guardians of minor children **received inadequate or no professional legal help** for **87%** of their civil legal problems in 2017.

[CLIENT STORY]



Patricia | Georgia | Education | Patricia was worried about her 13-year-old daughter, a middle-schooler diagnosed with leukemia. She was being bullied at school and, because she was often ill or hospitalized, she needed help with academics and extra time to complete assignments. After speaking with school officials, Patricia did not feel her concerns were being heard. LSC grantee lawyers worked with the school to develop a special education plan, bringing in an education specialist from the hospital where her daughter was being treated. An individual education plan (IEP) was developed, giving Patricia's daughter the extra support she needed and permission to wear a hat to cover her bald head. School officials also addressed the bullying, making her time in school safer and more productive.

Source: LSC Client Success Stories.

^aCPS Table Creator, Current Population Survey Annual Social and Economic Supplement, US Census Bureau, 2016. <https://www.census.gov/cps/data/cpstablecreator.html>. ^b2017 Justice Gap Measurement Survey.



Survivors of Domestic Violence or Sexual Assault

Key findings related to the civil legal needs and experiences of low-income survivors of domestic violence or sexual assault include the following:

- Rates of intimate partner violence among people with family incomes at or below 100% of FPL are about four times higher than the rates among people with incomes at or above 400% of FPL.^a
- 97% of low-income households with survivors of recent domestic violence or sexual assault (DV/SA) experienced a civil legal problem in the past year (in addition to problems related to DV/SA), including 67% that have experienced 6+ problems.^b
- Common types of civil legal problems among low-income households with recent survivors include: consumer and finance (66%), health (62%), employment (46%), rental housing (45%), income maintenance (44%), and family (40%) (in addition to DV/SA-related problems).^b
- Low-income survivors seek professional legal help for 23% of their civil legal problems, receiving inadequate or no professional legal help for an estimated 86% of all their problems.^b
- The top reasons low-income survivors give for not seeking legal help include the following:^b
 - Wasn't sure if it was a legal issue (31%)
 - Not knowing where to look or what resources were available (23%)
 - Deciding to deal with problem on their own (20%)

Low-income survivors of recent domestic violence or sexual assault **received inadequate or no professional legal help** for **86%** of their civil legal problems in 2017.

[CLIENT STORY]



Frida | Washington | Domestic Violence | Frida, a domestic violence survivor, and her four children, fled abuse at the hands of her husband. The children were sexually molested by their father, confined to the house, and repeatedly threatened with weapons. During the subsequent divorce, the husband was granted unsupervised telephone contact with the children. When one child became suicidal, a legal aid attorney helped Frida secure an order to stop the phone calls. The grantee was able to secure a lifetime protection order and child support. Frida has since started her own business, and her children are doing well in therapy.

Source: LSC Client Success Stories.

^aErika Harrell, Ph.D., and Lynn Langton, Ph.D., BJS Statisticians, Marcus Berzofsky, Dr.P.H., Lance Couzens, and Hope Smiley-McDonald, Ph.D., *RTI International, Household Poverty and Nonfatal Violent Victimization, 2008–2012*, Table 2, Rate of violent victimization, by victim–offender relationship and poverty level, 2008–2012.
^b2017 Justice Gap Measurement Survey.

- ¹ This is how the Legal Services Corporation (LSC) defines the justice gap and is consistent with the way others in the literature on the topic use the term.
- ² New York State Courts Access to Justice Program, “Report to the Chief Judge and the Chief Administrative Judge of the State of New York,” 2015. www.nycourts.gov/ip/nya2j/pdfs/NYA2J_2015report.pdf.
- ³ James J. Sandman, “Rethinking Access to Justice”, Hawaii Access to Justice Conference, June 20, 2014. <http://www.lsc.gov/rethinking-access-justice-james-j-sandman-hawaii-access-justice-conference>.
- ⁴ Legal Services Corporation, *Documenting the Justice Gap In America: The Current Unmet Civil Legal Needs of Low-Income Americans*. September 2005 (Updated June 2007 and September 2009). <http://www.lsc.gov/sites/default/files/LSC/images/justicegap.pdf>; and http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf.
- ⁵ American Bar Association. 1994. *Legal Needs and Civil Justice: A Survey of Americans, Major Findings from the Comprehensive Legal Needs Study*. http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/downloads/legalneedstudy.authcheckdam.pdf.
- ⁶ See, for example: Documenting the Justice Gap in Michigan, State Bar of Michigan in Collaboration with Michigan’s Legal Services Corporation Funded Providers, Spring 2012 (Updated Spring 2015). <http://www.michbar.org/file/programs/atj/pdfs/JusticeGap.pdf>;
Florida Commission on Access to Civil Justice Interim Report, October 1, 2015. http://devlamp2.flabar.org/wordpress/flaccesstojustice/wp-content/uploads/sites/3/2015/10/CivilLegalNeedsstudy_October2015_V21_Final10_14_15.pdf.
- ⁷ Washington State Supreme Court’s Civil Legal Needs Study Update Committee. 2015. *2015 Washington State Civil Legal Needs Study Update*. http://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf.
- ⁸ Unfortunately, given the nature of the data analyzed in Section 4, it was not possible to present findings specific to these groups in that section.
- ⁹ These figures include only problems for which LSC funds may be used to help an individual based on the person’s income and the type of problem they are facing. LSC eligibility is discussed in further detail in Section 4.
- ¹⁰ See 45 CFR part 1611.3 (October 2015 Edition): <https://www.gpo.gov/fdsys/pkg/CFR-2015-title45-vol4/pdf/CFR-2015-title45-vol4-subtitleB-chapXVI.pdf>. In limited circumstances, an LSC grantee can provide legal assistance to individual up to an income of 200% of the federal poverty level: 45 CFR Part 1611.5.
- ¹¹ See Appendix B1 for details on the data used and estimates made.
- ¹² *U.S. Federal Poverty Guidelines used to Determine Financial Eligibility for Certain Federal Programs*, Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, January 2017. <https://aspe.hhs.gov/poverty-guidelines>. Note that these guidelines are estimated by household size for households in the 48 contiguous states, with higher guidelines issued for households in Hawaii and Alaska, where Americans face higher prices on average for basic household necessities.
- ¹³ U.S. Bureau of the Census, American Community Survey, 2015 1-year estimates, *Table S1701, Poverty Status in the Past 12 Months*. The base for this estimate is the entire population for whom poverty status is determined.
- ¹⁴ U.S. Bureau of the Census, American Community Survey, 2015 1-year estimates, S1703: *Selected Characteristics Of People At Specified Levels Of Poverty In The Past 12 Months*. The base for this estimate is the entire population for whom poverty status is determined.

Endnotes

- ¹⁵ U.S. Bureau of the Census, American Community Survey, 2015 1-year estimates, S1703: *Selected Characteristics Of People At Specified Levels Of Poverty In The Past 12 Months*. The base for this estimate is the total number of people for whom poverty status is determined in the state.
- ¹⁶ This map is based on the map presented in the Legal Services Corporation FY2018 Budget Request, available at <http://www.lsc.gov/media-center/publications/fiscal-year-2018-budget-request>. The data are from the U.S. Census Bureau, 2015 American Community Survey 1-year estimates, Table S1701, Poverty Status in the Past 12 Months.
- ¹⁷ U.S. Bureau of the Census, American Community Survey, 2015 1-year estimates, S1703: *Selected Characteristics Of People At Specified Levels Of Poverty In The Past 12 Months*. The base for this estimate is the total number of people for whom poverty status is determined in the U.S who are age 25+.
- ¹⁸ Charn, Jeanne. "Celebrating the 'Null' Finding: Evidence-Based Strategies for Improving Access to Legal Services," 122 *The Yale Law Journal*, 2206-2234 (2013).
- ¹⁹ U.S. Bureau of the Census, American Community Survey, 2015 1-year estimates, S1703: *Selected Characteristics Of People At Specified Levels Of Poverty In The Past 12 Months*. The base for this estimate is the estimated number of people below 125% FPL.
- ²⁰ Greene, Sara Sternberg. "Race, Class, and Access to Civil Justice," 101 *Iowa Law Review* 1234-1322 (2016).
- ²¹ U.S. Bureau of the Census, American Community Survey, 2015 1-year estimates, S1703: *Selected Characteristics Of People At Specified Levels Of Poverty In The Past 12 Months*. Senior is defined as ages 65+.
- ²² American Community Survey Single Year Estimates, 2015. Table C17024: Age by Ratio of Income to Poverty Level in the Past 12 Months. Geography: United States – Rural. The ACS defines rural as 'Territory, population and housing units not classified as urban. 'Rural' classification cuts across other hierarchies and can be in metropolitan or non-metropolitan areas.' See <https://factfinder.census.gov/help/en/index.htm#rural.htm>.
- ²³ Calculated from U.S. Bureau of the Census, American Community Survey 2015 1-Year Estimates, *Table S1701: Poverty Status In The Past 12 Months and Table S2101: Veteran Status*. To compute this estimate, the ratio of the estimated number of persons with incomes less than 125% of FPL to Persons with incomes less than 100% FPL was applied to the total number of veterans below 100% FPL to estimate the number of veterans below 125% FPL.
- ²⁴ U.S. Bureau of the Census, American Community Survey, 2015 1-year estimates, S1703: *Selected Characteristics Of People At Specified Levels Of Poverty In The Past 12 Months*.
- ²⁵ CPS Table Creator, Current Population Survey Annual Social and Economic Supplement, US Census Bureau, 2016. <https://www.census.gov/cps/data/cpstablecreator.html>.
- ²⁶ Erika Harrell, Ph.D., and Lynn Langton, Ph.D., BJS Statisticians, Marcus Berzofsky, Dr.P.H., Lance Couzens, and Hope Smiley-McDonald, Ph.D., *RTI International, Household Poverty and Nonfatal Violent Victimization, 2008–2012*, Table 2, Rate of violent victimization, by victim–offender relationship and poverty level, 2008–2012, see <https://www.bjs.gov/content/pub/pdf/hpnr0812.pdf>.
- ²⁷ 2017 Justice Gap Measurement Survey, 2017, computed variables indicating whether households and individuals experienced at least one civil legal problem in each category in the past 12 months, based on several questionnaire items.
- ²⁸ Base sizes vary and can be referenced in the supporting Justice Gap Appendix B2 Tables at www.lsc.gov/justicegap2017.

- ²⁹ Rebecca L. Sandefur, "Accessing Justice in the Contemporary United States. Findings from the Community Needs and Services Study," American Bar Foundation and University of Illinois at Urbana-Champaign, August 2014; Megan Sandel, Mark Hansen, Robert Kahn, Ellen Lawton, Edward Paul, Victoria Parker, Samantha Morton, and Barry Zuckerman, "Medical-Legal Partnerships: Transforming Primary Care by Addressing the Legal Needs of Needs of Vulnerable Populations," 29 *Health Affairs* 9, 1697-1705.
- ³⁰ 2017 Justice Gap Measurement Survey, 2017, computed variable indicating the severity of each civil legal problem that was personally experienced, based on responses to questionnaire items asking: How much did the following issue(s) personally affect you? Response options: not at all, slightly, moderately, very much, and severely.
- ^{SB1}Note small base size of n=56 for personally experienced problems relating to veterans' issues; this statistic has a large standard error. See Justice Gap Appendix B2 Tables at www.lsc.gov/justicegap2017.
- ^{SB2}Note small base size of n=84 for personally experienced problems relating to homeownership; this statistic has a large standard error. See Justice Gap Appendix B2
- ³¹ At certain points in the survey, some respondents were able to indicate that they had sought help but did not receive it. Unfortunately, not all respondents who sought help had the opportunity to explicitly indicate this so it is not possible to give an estimate of how often this occurs.
- ³² This figure includes problems for which respondents indicated (1) they sought no help of any kind, (2) they sought some sort of assistance from others and/or information online, but they did not seek the help of a legal professional, (3) they sought help from a legal professional, but were unable to get it, or (4) they sought and received help from a legal professional, but felt that they did not or would not be able to get as much legal help with the issue as they felt they needed.
- ^{SB3}Note small base size of n=69 for problems relating to wills and estates; this statistic has a large standard error. See Justice Gap Appendix B3 Tables at www.lsc.gov/justicegap2017.
- ³³ 2017 Justice Gap Measurement Survey, 2017, computed variable summarizing legal help-seeking behavior for civil legal issues, based on multiple questionnaire responses.
- ^{SB4}Note small base size of n=32 for problems relating to veterans' issues; this statistic has a large standard error. See Justice Gap Appendix B3 Tables at www.lsc.gov/justicegap2017.
- ^{SB5}Note small base size of n=45 for problems relating to issues of homeownership; this statistic has a large standard error. See Justice Gap Appendix B3 Tables at www.lsc.gov/justicegap2017.
- ³⁴ 2017 Justice Gap Measurement Survey, question 30: What kind of legal help [have you received so far / did you receive]? (multiple response).
- ³⁵ Due to limited survey data on online searches for legal information, we cannot present detailed findings on this topic.
- ³⁶ Sarah Sternberg Greene, "Race, Class, and Access to Civil Justice," 101 *Iowa Law Review*, 1263-1321 (2016); Rebecca L. Sandefur, "Accessing Justice in the Contemporary United States. Findings from the Community Needs and Services Study," American Bar Foundation and University of Illinois at Urbana-Champaign, August 2014.
- ³⁷ Rebecca L. Sandefur, "Bridging the Gap. Rethinking Outreach for Greater Access to Justice," University of Arkansas at Little Rock *Law Review* 4, 721-740, 2015.
- ³⁸ 2017 Justice Gap Measurement Survey, questions 35 and 37: Why [haven't you talked / didn't you talk] to a legal professional for this issue? Why [haven't you talked / didn't you] talk to anyone else for help or looked for information online about this issue? (multiple response).

Endnotes

- ³⁹ 2017 Justice Gap Measurement Survey, questions 41, 42, and 43: To what extent do you think people like you have the ability to use the courts to protect yourself and your family or enforce your rights?, To what extent do you think people like you are treated fairly in the civil legal system?, To what extent do you think the civil legal system can help people like you solve important problems such as those you identified in this survey?
- ⁴⁰ We present the total number of problems examined in this section of the survey for each group listed. Please see the Justice Gap Appendix B3 Tables at www.lsc.gov/justicegap2017 for the number of corresponding respondents as well as other supporting statistical information on these findings.
- ⁴¹ See Appendix B4 for more information about LSC's 2017 Intake Census and the resulting data analysis.
- ⁴² The Intake Census tracked the number of individuals, not the number of problems, but it is fair to assume that the number of individuals approaching LSC grantees is very close to the number of problems presented to them in this six-week period of time. It is possible that an individual had more than one problem, but this is not likely a common occurrence given the short span of time. For the remainder of this section, we assume that the number of individuals and the number of problems tracked during the Intake Census are equivalent, referring to the number of problems for the purposes of analysis. Our estimates are therefore conservative: to the extent individuals and problems are not equivalent, we are underestimating the number of legal problems for which low-income Americans will seek help from LSC grantees in 2017.
- ⁴³ For more information on the rules governing the use of LSC funds, see: <http://www.lsc.gov/lsc-restrictions-and-funding-sources>.
- ⁴⁴ Case services incorporate eligible problems for which LSC grantees provide legal advice and/or representation. Case services do not include problems for which LSC grantees provide pro se assistance if only legal information or referrals to resources is provided. Case services correspond with "cases closed" and "cases open" in the Grant Activity Reports submitted to LSC.
- ⁴⁵ Grant Activity Reports, Calendar Years 2014-2016, Legal Service Corporation. Note that the proportions calculated are based on both open and closed cases in a given calendar year.
- ⁴⁶ Note that the distribution of case services presented for 2016 is consistent with for other recent years, including 2013, 2014, and 2015.
- ⁴⁷ 2017 LSC Intake Census. Note, LSC grantees also regularly engage in outreach intake. The numbers for this are not represented in Figure 9.
- ⁴⁸ LSC 2017 Intake Census. See Appendix B4 for details on calculations.
- ⁴⁹ The problems coded as fully served with "limited services" include cases that are expected to be fully resolved with the legal assistance provided and have been closed with the following LSC Case Service Report (CSR) Closure categories: A "Counsel and Advice", B "Limited Action", and L "Extensive Service (not resulting in settlement or court or administrative action)". See the LSC 2017 Case Service Report (CSR) Handbook for more information on these definitions: <http://www.lsc.gov/csr-handbook-2017>.
- ⁵⁰ The problems coded as fully served with "extended services" include cases that have been closed with the following LSC Case Service Report (CSR) Closure categories: F "Negotiated Settlement without Litigation", G "Negotiated Settlement with Litigation", H Administrative Agency Decision, and I "Court Decision." See LSC 2017 CSR Handbook referenced above for more information: <http://www.lsc.gov/csr-handbook-2017>.
- ⁵¹ The types of cases counted as receiving more involved assistance like providing legal advice, speaking with third parties on behalf of a client, or help preparing legal documents include cases that have been closed with the following LSC CSR Closure categories AND are expected to be fully resolved with the legal assistance provided: A "Counsel and Advice", B "Limited Action", and L "Extensive Service (not resulting in settlement or court or administrative action)". See the LSC 2017 Case Service Report (CSR) Handbook for more information on these definitions: <http://www.lsc.gov/csr-handbook-2017>.
- ⁵² LSC 2017 Intake Census. See Appendix B4 for details.
- ⁵³ LSC 2017 Intake Census. See Appendix B4 for details on calculations.

Appendix A: 2017 Justice Gap Measurement Survey Methodology

Readers are encouraged to visit www.lsc.gov/justicegap2017, where they can find the full technical survey report, the questionnaire, and the codebook corresponding to the 2017 Justice Gap Measurement Survey. In this appendix, we present some important methodological information about the survey, including information about sampling, survey structure, survey administration, statistical weighting, and the demographic profile of the sample. Additional methodology details can be found in the full technical survey report.

Sampling

For this study, LSC was specifically interested in surveying approximately 2,000 adults living in households with incomes at or below 125% of the federal poverty threshold. Identifying and interviewing a large number of respondents meeting this criterion via many traditional survey methods would be logistically challenging and costly due to the amount of outreach and screening that would be necessary. To efficiently identify individuals residing in such households and interview them in a cost-effective manner, LSC contracted with NORC to conduct the survey using AmeriSpeak®, which is NORC's probability-based panel designed to be representative of the entire U.S. household population. The AmeriSpeak Panel is designed to provide a nationally representative sample of US households for public opinion research. AmeriSpeak was built using a rigorous sampling and recruitment methodology based on probability sampling techniques employed by federally sponsored research.

There are three principal design elements responsible for the scientific integrity of AmeriSpeak. First, it is probability-based, meaning that randomly selected households are sampled with a known, non-zero probability of selection from a documented sample frame. (Almost all other commercially available household panels are based on non-probability, convenience sampling.) AmeriSpeak's sample source is the NORC National Frame, which is an area probability sample designed to provide at least 97% sample coverage of the U.S. population, and allows for increased sample coverage for rural and low-income households. The NORC National Frame is the sample source for landmark NORC surveys such as the General Social Survey and the Survey of Consumer Finance.

Second, AmeriSpeak has the highest American Association for Public Opinion Research (AAPOR) response rate – a key measure of sample quality – among commercially available household panels. The industry-leading response rate for AmeriSpeak is attributable to the extraordinary contact and gaining cooperation techniques used by AmeriSpeak in recruiting randomly sampled US households. The gaining-cooperation techniques rely on traditional methodologies employed in federally sponsored research for decades. Households selected for AmeriSpeak are contacted in English and Spanish, by a series of U.S. mailings and by NORC telephone and field interviewers. Use of field interviewers for in-person recruitment (i.e., face-to-face interviewing) enhances response rates and representativeness for young adults, lower socio-economic households, and non-internet households.

Third, AmeriSpeak in its design facilitates the representation of US households that are commonly under-represented in online panel research. While many panels conduct surveys via the web only, AmeriSpeak recruits households using a combination of telephone and face-to-face methodologies in order to assure that non-internet, "net averse" households, and persons with low literacy levels are represented in AmeriSpeak. Moreover, after joining AmeriSpeak, panelists have the option to participate in the survey program via web or

telephone (speaking with NORC’s professional telephone interviewers). Because AmeriSpeak conducts its surveys in both the telephone and web modes of data collection, AmeriSpeak provides data collections for panelists whether they are comfortable or uncomfortable with web-based surveys.

While NORC keeps recently updated income information on file for all AmeriSpeak panelists, it was important to verify each household’s income level relative to the federal poverty guidelines for this study. NORC drew a sample of roughly 10,500 adults age 18 and older who had previously indicated that their household earnings were at or below 200% of the federal poverty level, with the plan to screen these panelists and select only those with current household incomes at or below 125% of the federal poverty threshold as eligible to complete the survey. The 2016 federal poverty guidelines set by the U.S. Department of Health and Human Services were used to determine income thresholds for screening households of various sizes.^a

Survey Structure

The household screening portion of the survey consisted of only two questions, which assessed current household size and income level. Following the screening questions, eligible respondents proceeded to a section containing questions about household characteristics. This was followed by the largest portion of the main survey instrument, which contained questions assessing the prevalence of various types of civil legal needs. LSC and NORC worked to refine a list of common civil legal issues to include in this portion of the survey, arriving at a final list of 88 distinct issues. These issues were divided into 12 categories.

Some of the categories of civil legal problems were issues that might affect any low-income family, including employment, health, consumer and finance, income maintenance, family and custodial issues, as well as assistance with wills and estates. Other categories of problems only applied to certain subpopulations – survivors of domestic violence, homeowners, renters, households with children, individuals with disabilities, and veterans, so the survey was structured in a way that used earlier answers about household characteristics to selectively present questions related to those characteristics. For example, survey respondents were asked about their living situations, and those who indicated that they owned their homes were presented with a section covering civil legal problems experienced by homeowners, while those who indicated that their homes were rented were presented with a battery of questions about issues with rental housing instead. In addition, only those respondents who indicated that someone in the household was in school (or had children in school) received the section about civil legal issues related to education, while others did not. Finally, sections about disability issues and veterans’ issues were only presented to respondents who indicated that at least one member of their household had a disability, or were military personnel or veterans, respectively.

Within each section of the survey assessing the prevalence of civil legal problems, respondents were presented with a number of specific issues and asked to indicate for each one whether they personally had experienced the issue and whether someone else in their household had experienced the issue within the last 12 months. Each of these questions allowed for multiple selections, so it was possible for respondents to indicate that the issue had been experienced both by themselves and by others. There was also an option to indicate that no one in the household had experienced the problem in the last 12 months.

To delve further into the problems affecting individual respondents, the survey dynamically presented questions about problem severity at the conclusion of each battery of problems. For each issue that

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^aU.S. Department of Health and Human Services. 2016. <https://aspe.hhs.gov/poverty-guidelines>

respondents indicated they had personally experienced within the last 12 months, they were asked to rate the effect the problem had on them on a five-point scale from “not at all” to “severe.”

Following the problem prevalence and severity sections, respondents who had reported that they were personally affected by at least one civil legal issue were presented with a section related to help-seeking behaviors. The first item in this section was a multi-part question covering each relevant civil legal problem and asking respondents to indicate whether they had talked to someone about the problem, had looked for information online, both talked to someone and gone online, or not engaged in either of these behaviors. This question covered all personally experienced problems, except for those that were rated as affecting respondents “not at all”.

Next, the survey included detailed questions about help-seeking behaviors for a subset of the problems reported. As to not overburden respondents who had reported a large number of issues, the survey randomly selected a maximum of four problems for follow-up questions. Each respondent looped through this section up to four times, depending on the number of issues he or she had reported earlier in the survey. The detailed questions included items about the current state of each problem, who (if anyone) the respondent had talked to about the problem (including legal professionals), the type of information sought online (if any), the type of legal assistance received (if any), and reasons why help was not sought (if appropriate). The final section of the survey included three questions assessing perceptions about the fairness and efficacy of the civil legal system.

Survey Administration

A total of 2,028 respondents completed the survey between the dates of January 5, and February 10, 2017, including 1,736 who completed via the web and 292 who completed via telephone. Interviews were completed in both English and Spanish, depending on respondent preference. The screener completion rate for this study was 38.5%. The incidence or eligibility rate was 56.4%. The interview completion rate was 89.1%. The final response rate was 11.2%, based on the American Association for Public Opinion Research Response Rate 3 Method.

Statistical Weighting

Statistical weights for the study-eligible respondents were calculated using panel base sampling weights to start. Panel base sampling weights for all sampled housing units are computed as the inverse of probability of selection from the NORC National Sample Frame (the frame used to sample housing units for AmeriSpeak) or address-based sample. The sample design and recruitment protocol for the AmeriSpeak Panel involves subsampling of initial non-respondent housing units. These subsampled non-respondent housing units are selected for an in-person follow up. The subsample of housing units that are selected for the nonresponse follow up have their panel base sampling weights inflated by the inverse of the subsampling rate. The base sampling weights are further adjusted to account for unknown eligibility and nonresponse among eligible housing units. The household-level nonresponse adjusted weights are then post-stratified to external counts for number of households obtained from the Current Population Survey. Then, these household-level post-stratified weights are assigned to each eligible adult in every recruited household. Furthermore, a person-level nonresponse adjustment accounts for nonresponding adults within a recruited household.

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Finally, panel weights are raked to external population totals associated with age, sex, education, race/ethnicity, housing tenure, telephone status, and Census division. The external population totals are obtained from the Current Population Survey.

Study-specific base sampling weights are derived using a combination of the final panel weight and the probability of selection associated with the sampled panel member. Since not all sampled panel members respond to the screener interview, an adjustment is needed to account for and adjust for screener non-respondents. This adjustment decreases potential nonresponse bias associated with sampled panel members who did not complete the screener interview for the study.

Furthermore, among eligible sampled panel members (as identified via the survey screener questions), not all complete the survey interview for the study. Thus, the screener nonresponse adjusted weights for the study are adjusted via a raking ratio method to 125% of the federal poverty line population totals associated with the following socio-demographic characteristics: age, sex, education, race/ethnicity, and Census division.

Population totals for the 125% of the federal poverty line sample for the Justice Gap Study were obtained using the screener nonresponse adjusted weight for all eligible respondents from the screener question(s). At the final stage of weighting, any extreme weights were trimmed based on a criterion of minimizing the mean squared error associated with key survey estimates, and then, weights re-raked to the same population totals. The overall margin of sampling error was +/- 3.27 percentage points for a 50% statistic, adjusted for design effect resulting from the complex sample design.

A more detailed description of AmeriSpeak panel recruitment and management methodology, and additional information about the Justice Gap Study methodology, are included in Appendices A and B, respectively.

Sample Demographic Profile

The respondents who completed the survey represent households in the United States with incomes at or below 125% of the federal poverty level, based on the 2016 federal poverty guidelines set by the Department of Health and Human Services. These households include a range of incomes depending on household size, from \$14,850 for a single person household to \$61,520 for households of 10 or more. For a family of four, the threshold was \$30,380. About a quarter (24%) of this group have annual household incomes of \$9,999 or less, while 19% have incomes between \$10,000 and \$14,999, 31% have incomes between \$15,000 and \$24,999, and 26% have incomes of \$25,000 or more.

Roughly one third (34%) of this group are under the age of 35, and the remainder are evenly split between the age groups of 35 to 49 (23%), 50 to 64 (22%), and 65 and older (21%). There are more women than men in low-income households (58% vs. 42%). In terms of racial and ethnic identification, just under half (46%) are white, a quarter are Hispanic, 21% are African-American, and 8% fall into some other category or identify as multi-racial. Eighty-five percent live within a metropolitan area, while 15% live outside of metropolitan areas. Most have at least a high school education, but few have a college degree. Twenty-eight percent have not finished high school, while 35% have a high school diploma or equivalent, 29% have completed some college, 6% have a bachelor's degree, and 2% have a graduate degree. Over a third (35%) are currently employed, but

nearly two-thirds (65%) are not working, including 17% who are retired, 13% who are looking for work, and 21% who are not working due to disabilities.

Over a third (34%) reported that the home they live in is owned, and roughly the same number (36%) said they live in a rented home without public assistance, while 17% live in a home that is rented with public assistance, and 13% report having some other housing arrangement. Roughly a quarter are married, and three-quarters are not. Nearly 3 in 10 (28%) live alone, and about half live in households with at least two other members. Four in 10 of these households include parents of children or teenagers under the age of 18 in their households. Six in 10 have internet access at home, at work, or at some other location, while the remaining 4 in 10 only have internet access on a mobile phone or have no access at all.

Appendix B1: Section 1 Data Sources and Methodology

Most of the descriptive data on the population below 125% FPL come from the American Community Survey (ACS) 2015 Single Year Estimates. Most figures are based on data from table S1703: Selected Characteristics of People at Specified Levels of Poverty in the Past 12 Months. At times additional tables were used to provide estimates and are noted in endnotes. To estimate the number of Americans under 125% FPL for each of the groups presented in the report, we used the percent of the population that is estimated to be under 125% FPL and the total number of people estimated to comprise each group. Figures for the estimated number of veterans under 125% FPL are not readily available and had to be calculated. We estimated this figure by calculating ratio of the number of people below 100% FPL and the number of people below 125% FPL nationwide. We applied this ratio to the total number of veterans living below 100% FPL in order to estimate the total number of veterans living below 125% FPL nationwide.

Appendix Table B1.1:
Percent of state populations below 125% of the Federal Poverty Level (FPL).

Data Source: United States Census Bureau, American Community Survey 2015 1-year Estimates, Table S1703: Selected Characteristics of People at Specified Levels of Poverty in the Past 12 Months, accessed June 6, 2017.

State	Total Population	Percent of Population below 125% FPL
Alabama	4,736,333	23.8%
Alaska	720,765	13.9%
Arizona	6,671,705	22.3%
Arkansas	2,887,337	25.3
California	38,398,057	20.2%
Colorado	5,339,618	15.2%
Connecticut	3,480,932	13.7%
Delaware	920,355	15.9%
District of Columbia	638,027	21.4%
Florida	19,850,054	21.1%
Georgia	9,943,145	22.1%
Hawaii	1,394,121	13.2%

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State	Total Population	Percent of Population below 125% FPL
Idaho	1,622,116	19.9%
Illinois	12,559,422	17.8%
Indiana	6,417,418	19.0%
Iowa	3,021,823	16.3%
Kansas	2,830,943	17.3%
Kentucky	4,290,022	23.3%
Louisiana	4,541,688	24.8%
Maine	1,292,996	17.8%
Maryland	5,863,290	12.7%
Massachusetts	6,558,724	14.8%
Michigan	9,698,396	20.2%
Minnesota	5,366,594	14.0%
Mississippi	2,896,579	28.3%
Missouri	5,901,967	19.4%
Montana	1,007,727	19.1%
Nebraska	1,842,682	16.6%
Nevada	2,850,472	19.7%
New Hampshire	1,288,060	10.7%
New Jersey	8,781,575	14.3%
New Mexico	2,044,431	26.0%
New York	19,283,776	19.8%
North Carolina	9,790,073	21.8%
North Dakota	731,354	14.4%
Ohio	11,295,340	19.3%
Oklahoma	3,795,764	21.5%
Oregon	3,952,077	20.0%
Pennsylvania	12,385,716	17.0%
Rhode Island	1,016,343	18.0%
South Carolina	4,750,144	21.7%
South Dakota	829,644	18.4%
Tennessee	6,440,381	22.1%
Texas	26,846,203	21.1%
Utah	2,947,861	15.2%
Vermont	600,659	15.0%
Virginia	8,131,328	14.8%
Washington	7,036,725	16.0%
West Virginia	1,793,096	23.2%
Wisconsin	5,620,223	16.1%
Wyoming	572,319	15.0%

Appendix B2: Section 2 Data Sources and Methodology

The findings presented in Section 2, “Experience with Civil Legal Problems,” come exclusively from the 2017 Justice Gap Measurement Survey. Respondents were presented with an extensive list of specific problems that usually raise civil legal issues. They were asked whether they had experienced any of these problems in the past 12 months and whether anyone else in their household had experienced any of them.

Readers are encouraged to visit www.lsc.gov/justicegap2017, where they can find a document that supplements this appendix called, “Justice Gap Appendix B2 Tables.” This document presents a number of tables with additional information on the survey results presented in Section 2 of this report. For a given set of survey results, the tables present the calculated proportion (or “percent”) along with the standard error of the percent and the unweighted base for the corresponding variable.

On the same landing page (www.lsc.gov/justicegap2017), readers can find the full technical survey report, the questionnaire, and the codebook corresponding to the 2017 Justice Gap Measurement Survey.

Appendix B3: Section 3 Data Sources and Methodology

The findings presented in Section 3, “Seeking Legal Help,” come exclusively from the 2017 Justice Gap Measurement Survey. More specifically, this section presents findings from a part of the survey that asked detailed questions about a subset of the civil legal problems reported by respondents. For each respondent, the survey randomly selected up to four personally-experienced problems affecting them more than “not at all.” Due to the low incidence of problems relating to veterans’ issues and disabilities, these problems were always selected if they met the other criteria. Respondents answered questions about what, if any, help they sought to address each of these problems. The primary unit of analysis in this section is problems.

Readers are encouraged to visit www.lsc.gov/justicegap2017, where they can find a document that supplements this appendix called, “Justice Gap Appendix B3 Tables.” This document provides additional information on the survey results presented in Section 3 of this report. For a given set of survey results, the table presents the calculated proportion (or “percent”) along with the standard error of the percent and the unweighted base for the corresponding variable. Because the primary unit of analysis in this section is problems, the bases represent a number of problems (with the exception of Appendix Table B3.6, where individuals are the unit of analysis). For reference, we have also included the (unweighted) number of respondents corresponding to those problems.

On the same landing page (www.lsc.gov/justicegap2017), readers can find the full technical survey report, the questionnaire, and the codebook corresponding to the 2017 Justice Gap Measurement Survey.

Appendix B4: Section 4 Data Sources and Methodology

Most of the findings presented in Section 4, “Reports from the Field,” are based on data collected during the Legal Services Corporation’s (LSC) 2017 Intake Census. Additional data used in that section come from LSC’s 2016 Grantee Activity Report. This appendix provides more information about both of these data sources as well as details about the assumptions underlying estimates presented in Section 4.

The Legal Services Corporation 2017 Intake Census

Data Collection

As with LSC's two prior justice gap studies, LSC asked its grantees to conduct an Intake Census by documenting the number of individuals who approached LSC grantees with legal needs that could not be addressed because of insufficient resources. The 2017 Intake Census instrument has more categories than the two previous instruments to yield a more granular analysis of the reasons why an individual may not receive services from a grantee. LSC recognizes that this process is imperfect and will not capture all of the unmet need, which is why LSC pursued the national survey with NORC using the AmeriSpeak Panel in addition to conducting the Intake Census.

From March 6, 2017 to April 14, 2017, LSC grantees tracked and collected data about those individuals who approached their program with a legal problem. The Intake Census Instrument has three main data collection categories: (1) Unable to Serve, (2) Unable to Serve Fully, and (3) Fully Served.

Unable to Serve. An individual may fall into the "Unable to Serve" category for a number reasons, including being financially ineligible for services (with a household income that is too high) or being a non-citizen. Other reasons for placing an individual in this category are that the person's problem was not the type of legal issue the grantee handles on a regular basis (e.g., commercial transactions) or the grantee has insufficient resources to assist the individual with their problem.

The five subcategories within "Unable to Serve" are:

- Unable to Serve – Ineligible
- Unable to Serve – Conflict of Interest
- Unable to Serve – Outside of Program Priorities or Case Acceptance Guidelines
- Unable to Serve – Insufficient Resources
- Unable to Serve – Other Reasons

Unable to Serve Fully. An individual may be placed in the "Unable to Serve Fully" category if the individual received some form of legal information or legal advice to help address their problem. In this category, the grantee assesses if the case would have been appropriate for full representation if the grantee had sufficient funding. The legal information or legal advice the individual received is not expected to fully resolve the individual's case.

The two subcategories within "Unable to Serve Fully" are:

- Unable to Serve Fully – Insufficient Resources – Provision of Legal Information or Pro Se Resources
- Unable to Serve Fully – Insufficient Resources – Provided Limited Service or Closing Code "L"

Fully Served. An individual is categorized as "Fully Served" if the grantee has sufficient resources to fully address the individual's problem at an appropriate level given the facts and nature of the case. The legal assistance provided in these cases can vary from providing brief legal advice, or help filling out a form, to full legal representation in court.

The three subcategories within "Fully Served" are:

- Fully Served – Provision of Legal Information or Pro Se Resources
- Fully Served – Provision of Limited Services or Closing Code L
- Fully Served – Extended Service Case Accepted

Finally, there is an additional category called “Pending,” which includes individuals that will receive legal help of some kind, but for whom program management had not made a final decision on the level of legal assistance they will be able to provide before data collection for the Intake Census had ended. Had data collection continued for a longer period of time, such individuals would most likely have been coded into one of the following subcategories:

- Unable to Serve Fully – Insufficient Resources – Provided Limited Service or Closing Code “L”
- Fully Served – Provision of Limited Services or Closing Code L
- Fully Served – Extended Service Case Accepted

Additional information about the 2017 Intake Census, including the detailed definitions of each of these categories and the data collection instructions given to grantees, can be found at www.lsc.gov/justicegap2017.

A total of 132 LSC grantees (out of 133) submitted 2017 Intake Census data. When submitting their data, grantees were also asked to provide the average number of hours they offer intake to potential clients in various modes (e.g., by phone, online, in-person appointments, walk-in) on a weekly basis. They were also asked to indicate the extent to which the six-week Intake Census period was typical and, where applicable, to elaborate about why intake might have been atypical. Fifteen of the total 132 grantees indicated that this period was atypical for them. Twelve of the 15 who said it was atypical, say they processed fewer people for intake than usual because of holidays, staff shortages, or other reasons.

Data Analysis

Unit of Analysis. It is important to note that while the Intake Census tracked the number of individuals, the analysis in Section 4 uses problems as the unit of analysis. It is fair to assume that the number of individuals approaching LSC grantees is very close to the number of problems presented to them in this six-week period of time. It is possible that an individual had more than one problem, but this is not likely a common occurrence given the short span of time covered during data collection. Throughout Section 4, we assume that the number of individuals and the number of problems tracked during the Intake Census are equivalent, referring to the number of problems for the purposes of analysis. The estimates in this report are therefore conservative: to the extent individuals and problems are not equivalent, we are underestimating the number of legal problems for which low-income Americans will seek help from LSC grantees in 2017.

12-month Projections. Throughout this section, we provide 12-month projection estimates for the total number of problems low-income Americans will present to LSC grantees in 2017 and subsets of those problems. These projections were calculated by multiplying the relevant Intake Census figure by 8.6905 (52.14 weeks divided by 6 weeks) and rounding to the nearest hundred.

Estimating the Number of Problems Unserved and Underserved Due to Lack of Resources. In Section 4, we present a range of estimates for the number of problems presented to LSC grantees that do not receive any legal help (“unserved”) or do not receive enough legal help to fully address the client’s needs (“underserved”). In that section, we describe the assumptions we make to produce these estimates and the reasoning behind them. Here, we lay out these assumptions in terms of the original data collection coding scheme.

To produce the upper-bound estimate, we make the following assumptions:

- All observations coded as “Pending” would eventually be coded as “Unable to Serve Fully” and the reason they would not be “Fully Served” is for reasons related to a lack of resources.

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- All observations coded in the following categories were “Unable to Serve” for reasons related to a lack of resources:
 - Unable to Serve – Outside of Program Priorities or Case Acceptance Guidelines
 - Unable to Serve – Insufficient Resources
 - Unable to Serve – Other Reasons
- All observations coded in the following subcategories were “Unable to Serve Fully” for reasons related to a lack of resources:
 - Unable to Serve Fully – Insufficient Resources – Provision of Legal Information or Pro Se Resources
 - Unable to Serve Fully – Insufficient Resources – Provided Limited Service or Closing Code “L”

To produce the lower-bound estimate, we make the following assumptions:

- All observations coded as “Pending” would eventually be coded as “Served Fully.”
- All observations coded in the following categories were “Unable to Serve” for reasons related to a lack of resources:
 - Unable to Serve – Outside of Program Priorities or Case Acceptance Guidelines
 - Unable to Serve – Insufficient Resources
- None of the observations coded as “Unable to Serve – Other Reasons” would have been served if more resources were available.
- All observations coded in the following subcategories were “Unable to Serve Fully” for reasons related to a lack of resources:
 - Unable to Serve Fully – Insufficient Resources – Provision of Legal Information or Pro Se Resources
 - Unable to Serve Fully – Insufficient Resources – Provided Limited Service or Closing Code “L”

Legal Service Corporation Grantee Activity Report

Section 4 presents the distribution of the types of problems for which LSC grantees provided case services in 2016. The data for this come from the Legal Services Corporation Grantee Activity Report (GAR) data. GAR is the largest and longest running data collection effort on civil legal aid in the United States. Dating back to 1976, LSC has recorded and reported data from grantees in a variety of ways. Information from the Grantee Activity Reports is summarized on an annual basis by LSC staff for public reports and for internal use by management and program staff. The data are also publicly available through the Grantee Data Page on the LSC site and as a full dataset at LCS’s DATA.GOV site: <https://catalog.data.gov/organization/legal-services-corporation>.

The data are gathered annually from all grantees on a calendar year basis. Grantees use automated reporting forms that are accessible via the Internet. Grantees report on the conduct of their Basic Field, Agricultural Worker and Native American grant programs to LSC on a calendar year basis, using automated reporting forms that are accessible via the Internet. The reports are collected in January and February of each year.

More information about the GAR can be found at <http://www.lsc.gov/grant-activity-reports>.

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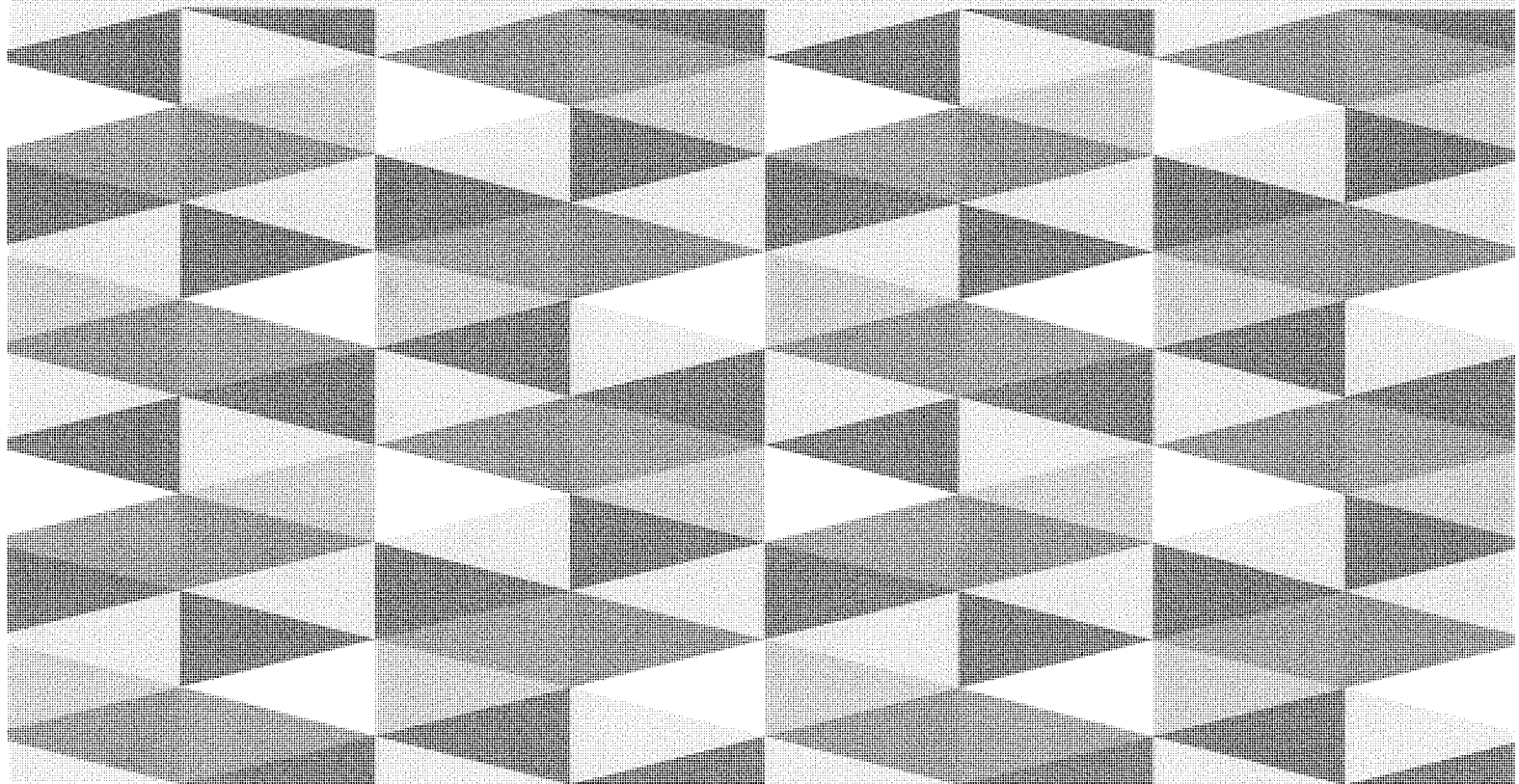
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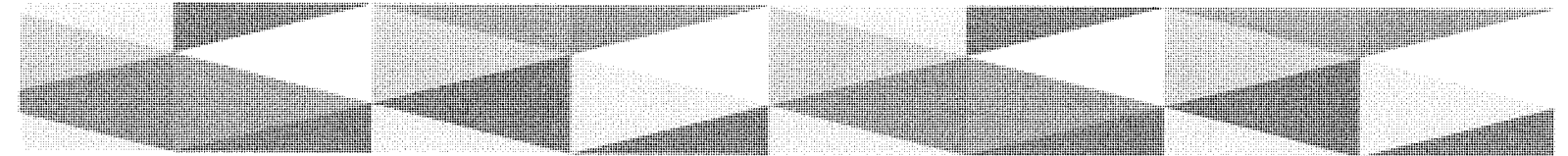
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ACCESS TO JUSTICE COMMISSIONS:
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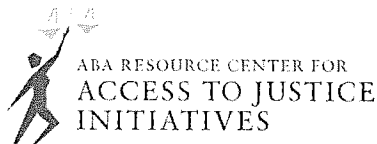


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ACCESS TO JUSTICE COMMISSIONS: INCREASING EFFECTIVENESS THROUGH ADEQUATE STAFFING AND FUNDING

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INTRODUCTION: ACCESS TO JUSTICE COMMISSIONS - FILLING A NEED

The rapid spread of the Access to Justice Commission model has been one of the most striking and consequential justice-related developments of the past decade.¹

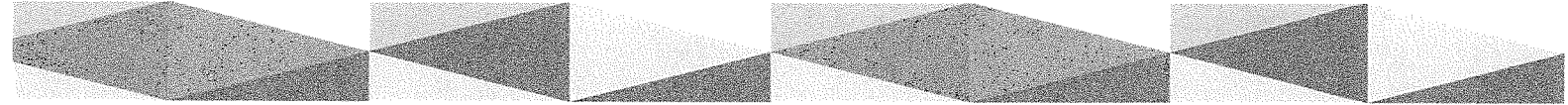
In 1998, a handful of access to justice commissions existed around the country. Since then, an amazing phenomenon has occurred: so many additional access to justice commissions were established that we now have forty states and territories with commissions taking responsibility for coordinating efforts to improve the civil justice system. They have become an important part of the local and national infrastructure of organizations pursuing comprehensive access to justice.

Rejecting the "silo" approach, where bar associations or legal aid or court systems worked somewhat independently and with inadequate coordination, these commissions serve an umbrella function, involving an expanded range of key justice system stakeholders from both the public and private sectors working together to develop meaningful systemic solutions to the chronic lack of access for disadvantaged members of society. In states where no formal "access to justice commission" was established, there has often been a significant level of increased coordination among stakeholders to improve the civil justice system.

There was such a void to fill. In 2016, the Legal Services Corporation estimated that 86% of the civil legal problems reported by low-income Americans during the prior year received inadequate or no legal help.² A significant lack of funding for legal aid was documented by numerous state and national surveys.³ This lack of funding was exacerbated by a tremendous disparity in funding available for civil legal aid among the states and uneven funding levels for different communities within individual states. The impact of this lack of legal aid and the increasing cost of legal assistance quickly became evident in courthouses in every corner of the country. The National Center for State Courts in a 2015 survey found that "... [a]t least one party was self-represented (usually the defendant) in more than three-quarters of the cases."⁴

The role of the Conference of Chief Justices and other key supporters: Because of the impact on the judicial branch and the successful examples of the first few access to

In 2016, the Legal Services Corporation estimated that 86% of the civil legal problems reported by low-income Americans during the prior year received inadequate or no legal help.



justice commissions, chief justices began to support the establishment of state-based commissions to provide the leadership needed to address the crisis. The Conference of Chief Justices and Conference of State Court Administrators adopted a number of resolutions over the years, beginning in 2004, supporting the establishment of state access to justice commissions. Resolution 8, adopted by the Conference of Chief Justices and State Court Administrators in 2010, brought significant impetus to the expansion of commissions by encouraging the establishment of a commission in every state and U.S. territory:

In Support of Access to Justice Commissions

WHEREAS, many states have established an access to justice commission to ensure the effective delivery of justice to all; and

WHEREAS, access to justice commissions have achieved remarkable results and have been recognized as one of the most important justice-related developments in the past decade as championed by Professor Laurence H. Tribe, Senior Counselor for Access to Justice, United States Department of Justice, in his remarks to the Conference of Chief Justices and the Conference of State Court Administrators during their 2010 annual meeting;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators support the aspirational goal that every state and United States territory have an active access to justice commission or comparable body.

[Resolution 8 was adopted as proposed by the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2010 Annual Meeting on July 28, 2010.]

The support of chief justices in their own states was also a major factor in the rapid expansion of access to justice commissions. In many states, commissions would not have been established without supreme court leadership.

The American Bar Association adopted a formal policy resolution in 2013 supporting the establishment of state access to justice commissions, and its Standing Committee on Legal Aid and Indigent Defendants (SCLAID) has worked hard to support the expansion of commissions. The ABA established the first national support center for state access to justice commissions in 2002, the ABA Resource Center for Access to Justice Initiatives, with support from private philanthropy. It built an extensive web library of materials, authored articles in various publications promoting access to justice commissions, host an annual meeting of commissions, and provide support for commission leadership and staff members on an ongoing basis.

The National Center for State Courts set up a Center on Court Access to Justice for All



to help implement the development and expansion of access to justice commissions. One key resource is the Justice for All (JFA) Project that was recently established within the National Center for State Courts, with funding from the Public Welfare Foundation, the Kresge Foundation, and Open Society Institute. The goal of the JFA project is:

...to help states design a system that enables everyone to get access to the information and effective assistance they need, when they need it, and in a format they can use. The intent was to maintain existing capabilities and resources that support access to justice, and to supplement them to fill gaps in service to reach those who are unable now to obtain the legal help they need.⁵

"Voices for Civil Justice," a non-profit, national communications initiative, conducted research about support for equal justice and helped expand awareness of the crisis and of the solutions being implemented.

These and other efforts would not have been possible without the leadership and support of private philanthropy, particularly the Public Welfare Foundation. It provided significant support to the National Center for State Court's Center on Court Access to Justice for All and to the ABA Resource Center for Access to Justice Initiatives largely to expand and help build the capacity of the commissions, including mini-grants that enabled 12 new commissions to come into existence. Support was also provided by the Kresge and Bauman Foundations and the ABA Litigation Section. This public/private partnership has proven to be an extremely successful model for building a national network of entities dedicated to improving civil justice.

Taking advantage of the moment: This Report is intended to help access to justice commissions take advantage of the high visibility of the commission movement and the many successful commission initiatives across the country. By leveraging this general level of support into ongoing stability for an individual commission, commission members can develop a strong, stable infrastructure, with professional staff, allowing them to focus all their energy on pursuit of their civil justice mission.

This report can help support the development and expansion of access to justice commissions by centralizing information about how they are staffed and funded, providing examples and links, and encouraging the strategic use of resource development ideas. This information can be invaluable to anyone wishing to move their commission to the next level of accomplishment.

While several commissions have achieved impressive results without hiring paid staff, it is clear from the experience of commissions around the country that professional staff plays a key role in ensuring that commissions fulfill their true potential. And it takes strong leadership within each commission to develop stable, ongoing funding sources to put in place an effective staffing structure.

PART I: FINDINGS AND RECOMMENDATIONS

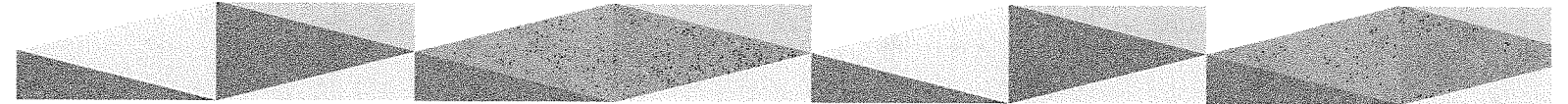
A. FINDINGS:

- **Broad, active stakeholder involvement increases the impact of access to justice commissions.** The most effective commissions reach beyond the usual players within the judicial branch to involve participants from business, civic, social services, and community groups. Coordinating the efforts of a broad range of stakeholders can lead to a heightened level of public awareness of the crisis, a greater number of recommended contributions to solving that crisis, and a broader reach to potential allies and supporters who can help make the solutions a reality. The expanded group of supporters also leads to increased options for obtaining funding and possible in-kind staffing and administrative support, especially for special projects.
- **Professional staff plays a key role with effective commissions.** Experience shows that access to justice commissions with at least one full time coordinator can more readily fulfill their mission.

Adequate and effective staffing is necessary to provide Access to Justice Commissions with support, continuity, communications, and continued momentum. The skill, ability, and energy level of a Commission's staff are essential to the success of the Commission's effort.⁶

While some commissions have robust staff support, many commissions have little or no staffing assistance.

- One-quarter of commissions have an average of approximately two full time staff persons;
- Another quarter of all commissions have an average of one full time staff person;
- Approximately half of all commissions have, at most, a half-time coordinator, or have no staffing at all. These commissions rely on the energy of their volunteers, particularly the chair. (Some of these commissions receive very limited in-kind administrative support from a stakeholder institution or firm.)
- **The leadership of the Conference of Chief Justices, as well as individual chief justices, in expanding access to justice commissions around the country cannot be overstated.** Both the very public resolutions and the more subtle acts of support and encouragement have been instrumental in nurturing establishment of access to justice commissions in 40 states and territories, as of this writing.
- **The support of the legal aid community is extremely valuable for successful commissions.** Many in the legal services community have championed the



leadership role of the access to justice commissions and have supported stable operating funds for the commissions. This support helps avoid the perception that there is competition for scarce resources. In fact, this support can help bring stability to a commission which, in turn, puts the commission in a position to help raise significant funding for the entire statewide legal services delivery system.

- **Private philanthropy has strategically nurtured the expansion of commissions.**

The access to justice commission expansion would not have occurred without the key role played by private philanthropy, led by the Public Welfare Foundation, which was joined by the Kresge Foundation and the Bauman Foundation. This successful support from private foundations should be publicized to encourage support from others within the private philanthropic community.

This successful support from private foundations should be publicized to encourage support from others within the private philanthropic community.

- **Small grants have had a huge impact.**

Commissions can accomplish a great deal with a relatively small financial investment, given their high level of volunteer involvement. The mini-grants established by the Public Welfare Foundation, for example, offered grants of between \$5,000 and \$20,000, helping a dozen commissions come into existence. Another example is the strategic use of small travel grants that enabled state supreme court justices to participate in the ABA's annual National Meeting of State Access to Justice Commission Chairs meetings, where they've learned more about how these commissions function and have come to appreciate the key role they can play in their own state. This should help encourage potential donors who may believe that only a large infusion of funding can make a difference.

- **Approximately one-third of commissions are involved with fundraising for their operational expenses or special projects.**

Many commissions have basic expenses provided through a host institution, and some of them may pursue fundraising only for special projects. For example, most of the sixteen court-based access to justice commissions do not need to fundraise to support their own general operating needs, and some periodically pursue limited fundraising efforts for special projects.

- **Coalitions working with commissions help ensure the success of special projects.**

Fundraising for commission special projects is often done as part of coalitions with other stakeholders; where necessary, a nonprofit that is part of the coalition may take the lead on direct fundraising, so there are no conflicts for commissioners who need to avoid direct involvement, such as judicial officers who can only support legislative funding proposals.

- **Very creative approaches to developing ongoing resources to support commissions are emerging across the country.** These creative ideas include a membership system for stakeholders; CLE fees or fines; royalties for jury instructions; etc. These creative solutions need to be shared nationally, and new ideas developed, to maintain the stability of the access to justice commission movement.

B. RECOMMENDATIONS:

Recommendations for individual commissions:

- **Be creative about potential funding sources:** Remember that private philanthropy and the business community are major untapped sources in most states. Commissions need to plan for diversification for long-term stability, so even those commissions with current support may want to think ahead to how they would replace some or all of their existing funding, if the need arose.
- **Have a minimum staffing level as your goal:** The “Findings” section above, and the details available elsewhere in this report, describe the key role that a full-time

staff director can play. Commissions should seek to have one full time director be their minimum staffing level. Remember

Commissions should seek to have one full time director be their minimum staffing level.

the key role that commission leaders need to play in this effort to establish an effective, stable infrastructure for their commission.

- **Share the information in this report:** It would be helpful for commissions to share the information in this report with commissioners, with potential funders, and with other existing justice system stakeholders. The report will be available online at www.atjsupport.org, and copies can be distributed to appropriate individuals and organizations that can help you achieve long-term financial stability.
- **Potential New Supporters:** More importantly, it is vital that commissions reach out to potential new supporters. Involving current justice system stakeholders can be the key step to getting broader societal support, which can lead to financial and in-kind resources. Note the range of key stakeholders involved with commissions around the country, and consider expanding the range of stakeholders involved with your own Commission.



Recommendations for National Organizations Supporting Access to Justice Commissions:

- **Continue building a national network of commissions:** Nationally, it is important to continue to build a strong national infrastructure to support the access to justice commission movement. The national network needs to take advantage of the opportunity available right now, when so much focus is on achieving full access and the Conference of Chief Justices has offered a fresh mandate. Commissions need sufficient capacity to be full partners in this effort, which requires stable, adequate levels of financial support and effective professional staffing.

Key players need to be involved, including the American Bar Association (ABA), the National Legal Aid and Defender Association (NLADA), National Center for State Courts (NCSC), SRLN (Self-Represented Litigation Network), Voices for Civil Justice, and the Conference of Chief Justices and State Court Administrators. The organized private philanthropic community should also be pulled into this effort, and the Legal Services Corporation and the National Association of IOLTA Programs (NAIP) can also be important supporters.

Commissions need sufficient capacity to be full partners in this effort, which requires stable, adequate levels of financial support and effective professional staffing.

- **Ongoing collaboration on staffing and funding:** The national network should establish an ongoing collaboration to maintain and disseminate updated information on staffing and funding opportunities. This should include the active involvement of commission leadership and staff, through the existing structure of the ABA and with the support of the National Center for State Courts.

- **Establish role for non-commission states:** Finally, the national network of access to justice commissions would benefit from the involvement of all states that are interested in pursuing true access to justice for all. This can be achieved by

The national network of access to justice commissions would benefit from the involvement of all states that are interested in pursuing true access to justice for all.

reaching out to stakeholders in non-Commission states, offering an avenue for them to participate in national events, share ideas and resources, and expand the access to justice tent.

PART II: PROFILE OF COMMISSIONS: STRUCTURE AND ACTIVITIES

Every state or territory is different—geographic size, population, economy, politics, and culture. Each access to justice commission has melded the needs of its local stakeholders with the basic format that commissions have adopted across the country. It is quite remarkable how similar they are, given the diversity of the country. Nearly all of these commissions were established by their Supreme Courts, while a few were set up by other entities but have significant court involvement and/or appointment power. The ABA defines an access to justice commission as:

A high-level commission or similar formal entity composed of leaders representing, at minimum, the state (or equivalent jurisdiction) courts, the organized bar, and legal aid providers. Its membership may also include representatives of law schools, legal aid funders, the legislature, the executive branch, and federal and tribal courts, as well as stakeholders from outside the legal and government communities.

Its core charge is to expand access to civil justice at all levels for low-income and disadvantaged people in the state by assessing their civil legal needs, developing strategies to meet them, and evaluating progress. Its charge may also include expanding access for moderate-income people.⁷

Access to justice commissions coordinate with many partner entities to be sure that they are able to address all normal key functions of a commission. This is especially important where a commission, for a variety of reasons, is unable to take responsibility for a key statewide function, such as certain justice system reforms or increasing

funding for the legal services delivery system. The commission needs to be part of a larger conversation about how those functions will be addressed, even if the commission is not directly involved with the effort.

Access to justice commissions often serve a “catalyst” function, working with others to address problems that had been ignored too long.

Access to justice commissions often serve a “catalyst” function, working with others to address problems that had been ignored too long. They also play an “incubator” role by developing a range of possible approaches to the challenges they identify. But in order to successfully

fulfill these roles, they need to make sure that the solutions they identify are implemented by the appropriate institution. Language access approaches, for example, need to become part of the judicial system, freeing up the commissions to focus on the next challenge on the horizon. Commission subcommittees take the lead to develop these various initiatives, often involving non-commissioner volunteers.

Some commissions have a solid level of ongoing staffing and funding, while others depend on the assistance of a professional staffer whose main obligations lay elsewhere. Still other commissions work solely through volunteers. The details of staffing and funding infrastructures are set out below.

CHART 1: HOST ENTITIES WHERE ACCESS TO JUSTICE COMMISSIONS ARE LOCATED:

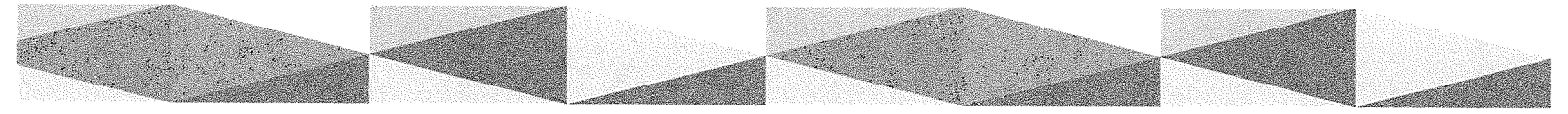
State Bar	Court/AOC	IOLTA/ Bar Foundation	Hybrid/Other
California # **	Alaska	Alabama	Colorado
Louisiana #	Arizona	Arkansas	District of Columbia
Maryland*	Connecticut	Indiana	Florida
Mississippi #	Delaware	Kentucky	Hawaii
Nevada#	Illinois	Montana	Maine
S. Carolina#	Iowa		Massachusetts
Texas#	Kansas		New Hampshire
Wash. State#	Nebraska		Vermont
Wisconsin#	New Mexico		Virgin Islands
	New York		West Virginia
	North Carolina		
	Oklahoma		
	Puerto Rico		
	Tennessee		
	Virginia		
	Wyoming		
9	16	5	10
TOTAL: 40			

#Mandatory Bar

*Effective 7-1-18

**The State Bar of California is in the process of evaluating all of its subentities to determine whether to modify how the subentities operate or to terminate them altogether; the California Commission on Access to Justice is in the process of exploring staying at the bar, as well as other options for host entities at the time of publication.

Note: This chart indicates where key staff is housed or where the bulk of the commission’s work is undertaken.

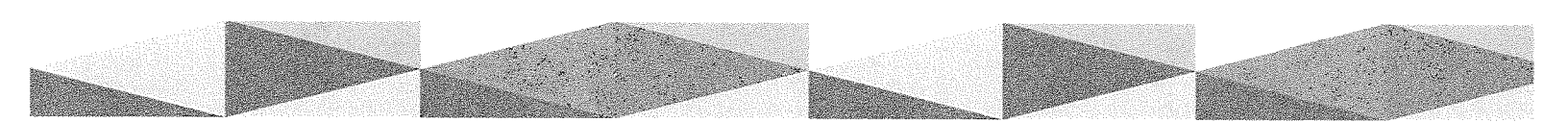


Host Entity: Literally all access to justice commissions were established by supreme court order, or the state supreme court was involved with the establishment of the commission. Their members are often appointed in whole or in part by the supreme court. However, not all commissions are located within the judicial branch. Some are housed directly within the judicial branch while others have been set up within state bar associations or state bar foundations, often at the request of the state supreme court. Others are hybrids, having evolved somewhat independently but working closely with all key judicial branch stakeholders.

There are benefits and challenges that naturally come with each of these structures; however, the surprise is how similar the commissions are, despite the range of host entities.

Court-Based Commissions. There are sixteen access to justice commissions housed within the judicial branch - some within the state supreme court and others under the umbrella of an administrative office of the courts.⁸ These court-based commissions have the benefit of a strong sense of legitimacy and clear support from the judiciary. Other commissions may also share that level of legitimacy because of the strong support of the supreme court, even if the commission is housed within the state bar or other entity. The court-based commissions also benefit from direct access to local courts and court staff, and their ability to work more readily with other statewide entities looking at ways to strengthen the judicial branch. These commissions may face the most limits on their activities, however, because of the sensitivity of the judicial branch and the ethical obligations of members of the judiciary, who may perceive potential conflicts and wish to avoid certain activities as a result.

State Bar-Based Commissions. There are nine access to justice commissions situated within state bar associations. These commissions tend to be among the highest funded and have the highest level of staffing, and they pursue a broad range of activities including increasing resources for legal services and improvements in the judicial branch. There are both benefits and challenges for commissions housed within the state bar, partly depending on whether it is a voluntary or a mandatory state bar. The unified state bars may have more secure funding but may be more wary of conflicts with the judicial branch or the legislature. Voluntary state bar associations may be worried about concerns from their membership about activities that solo practitioners perceive as being a threat. For example, some attorneys may fear the expansion of new limited scope representation rules, despite the fact that such rules can actually expand the number of low-income clients who can now hire an attorney for part of their case - individuals who could never afford an attorney before.



Foundation-Based Commissions. There are five access to justice commissions housed in the state bar foundation and/or the foundation responsible for overseeing IOLTA funding in that state. [IOLTA programs—or “interest on lawyer trust accounts”—exist in every state to provide funding for civil legal services to the indigent and disadvantaged. Sometimes the IOLTA entity is the state bar or the state bar foundation; elsewhere, it is a free-standing foundation dedicated to legal aid funding.] These foundations are a natural place to support access to justice commissions; however, they are usually much smaller entities, and sometimes lack the economies of scale or the connections provided by a larger institution such as the judicial branch or a state bar association.

Hybrid/Other Commissions. There are ten access to justice commissions that are either hybrids or more freestanding entities. Like other commissions, they were set up with supreme court involvement and the supreme court often appoints some or all commissioners. The hybrid commissions work closely with key judicial branch stakeholders, yet have great flexibility in the priority-setting process. [At least one, in the District of Columbia, has tremendous support from local bar leaders partly because of its independence and its resulting need for financial contributions, but it was set up by its highest court, the Court of Appeals in the District, and works closely with that court.] Like the foundation-based commissions, however, these hybrid entities may lack the financial support of a major institution that can help in lean times. Some commissions in this category have no staff support and operate mostly from the offices of the commission chair.

Commission membership reflects involvement of key stakeholders: All access to justice commissions involve representatives of the judiciary and the organized bar, and most have direct

involvement from the legal services community, either as commissioners or as subcommittee members. [Subcommittees can broaden the range of involved stakeholders and serve as a training ground for

future commissioners.] Many commissions have also reached out more broadly, to the business community, law schools, civic organizations, social services, legislative and administrative branches, the faith community and client representatives. Some commissions have all members appointed by the supreme court or other entity, while some give direct appointment power to other groups. Outside groups with appointment power may or may not have direct involvement with commission activities.

Many commissions have also reached out more broadly, to the business community, law schools, civic organizations, social services, legislative and administrative branches, the faith community and client representatives.

CHART 2: GROUPS REPRESENTED ON ACCESS TO JUSTICE COMMISSIONS

Supreme Courts
Other Judicial Officers
State Court Administrators
Court Clerks
State Bar Representatives
Private Bar Leaders
Legislative Representatives
Executive Branch Representatives
Business Leaders
Law Schools
Legal Aid Community
Social and Human Service Organizations
Librarians, including County Librarians and Law Librarians
Client Community
Civic Organizations, including League of Women Voters
Community Groups
Religious Groups

Range of commission priorities and activities: Each state presents a mix of challenges that affect access to justice commission priorities. Some states have strong court support with many access to justice initiatives in the branch, but inadequate funding for

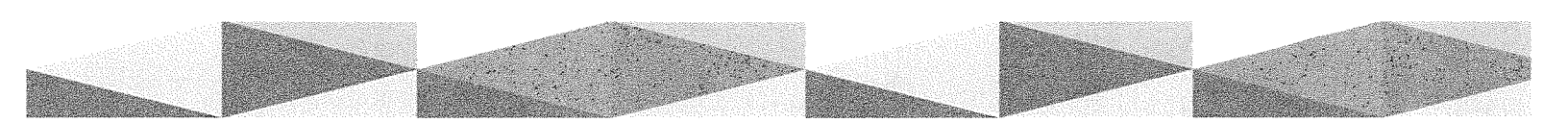
civil legal aid providers; other states have somewhat more robust civil legal aid funding, but lack self-help centers in their courts or adequate language access within the judicial branch. It is the charge of each commission to determine their civil justice system's strengths and challenges and to develop a strategic plan for addressing the challenges and building on the strengths.

The details about how commissions conduct planning and implement priority projects are well covered in other publications. This brief overview

of commission work is included in order to put the need for an adequate funding and staffing infrastructure in context.

The core function of access to justice commissions is "to expand access to civil justice" through three primary functions: (1) assessing civil legal needs, (2) developing strategies

It is the charge of each commission to determine their civil justice system's strengths and challenges and to develop a strategic plan for addressing the challenges and building on the strengths.



to meet those needs, and (3) evaluating progress.⁹ Each commission undertakes its own strategic planning to determine that state's most important priorities. Leadership is critical to how well this planning is undertaken, and whether the all-important evaluation step is taken seriously.

The types of strategies typically employed by access to justice commissions range from analytical and educational endeavors to initiatives that directly promote change on a statewide basis. They can be initiatives and strategies that address the public, the courts, the legal aid delivery system, or the need for increased resources, including funding and pro bono.

Case Study: Establishing Access to Justice Liaison in Each Local Trial Court Department

The Massachusetts Trial Court initiated a pilot project testing the goal of having one person designated the Access to Justice Liaison ("A2J Liaison") in each trial court department. Nineteen court employees from 5 courthouses across the state volunteered their time to participate in the 6-month pilot. The A2J Liaisons in the pilot included front-line clerk and register staff, probation officers, a security officer, a Court Service Center staff attorney, a family law specialist, and a law librarian. They worked in large and small urban courthouses as well as small-town courthouses. The successful pilot culminated with each volunteer completing an A2J inventory of their courts and making recommendations about how to move forward throughout the Commonwealth. The broad areas covered in the inventory were:

- Helping Court Users Get Ready for Court
- Helping Court Users When They Arrive at the Courthouse
- Helping Court Users at the Counters
- Helping Unrepresented Litigants Navigate Court Proceedings
- Identifying Internal and External Resources to Help Court Users

This review of resources and obstacles in individual courthouses dovetails with the Massachusetts Access to Justice Commission's Justice For All (JFA) Strategic Action Plan, which identified issues of inconsistent access from courthouse to courthouse. The information gained from the pilot will be extremely valuable to the Commission as it continues efforts to implement the JFA Strategic Action Plan.

These liaisons will continue to facilitate access to justice in their courts and coordinate with colleagues across the state to share resources and program ideas, including collaboration with community organizations.



Examples of access to justice commission activities and successes:

- **Increasing resources for the legal services delivery system.** Some of the most highly publicized commission successes involve increased state funding for the legal services delivery system. For example, the support of the New York Chief Justice was instrumental in obtaining \$100 million for civil legal services from the legislature in 2016. The Texas Access to Justice Commission, working with the state bar, the legal services community, and the IOLTA Foundation, raised legal aid funding to \$25 million in that state. The Wyoming Access to Justice Commission was able to shepherd through a filing fee increase that represented the first state funding of legal services in Wyoming and provides \$1.4 million annually for civil legal aid.
- **Publishing legal aid economic impact reports.** Commissions in Louisiana, Mississippi, and North Carolina have produced studies quantifying the direct and indirect economic impact of free civil legal services.
- **Coordination with administrative agencies.** Relying on the work done by the LAIR Project (Legal Aid Interagency Roundtable) at the U.S. Department of Justice, Office for Access to Justice, Commissions in Arizona and California and elsewhere have pursued legal aid funding through administrative agencies that fund the types of services legal aid programs offer.
- **Assisted self-help, court forms and services, and projects assisting people of modest means.** Most commissions have successfully pursued judicial system improvements. Details of many of these efforts are available at SRLN (Self-Represented Litigation Network) at www.srln.org. Montana established a court mediation program. Texas was able to change the rules for passing possessions outside of probate, to help self-represented litigants who were otherwise unable to appear without an attorney in probate court. Uniform rules and forms are much easier to develop and implement in states with unified court systems, but other states have also made progress in this area.
- **Unified intake and referral to an appropriate level of service ("triage").** One of the most effective efforts commissions can support is the development of effective, coordinated delivery models so that those in need obtain the level of assistance they require. This needs to be a multi-faceted approach, involving all key stakeholders.
- **Language access and implicit cultural bias.** Commissions have been major players in the national effort to expand access to those with limited English proficiency, working with the judicial branch and local legal aid programs. For example, the California Commission on Access to Justice published a report in 2005 on the lack of language access with recommended solutions,¹⁰ many of which have been implemented by the state court system.

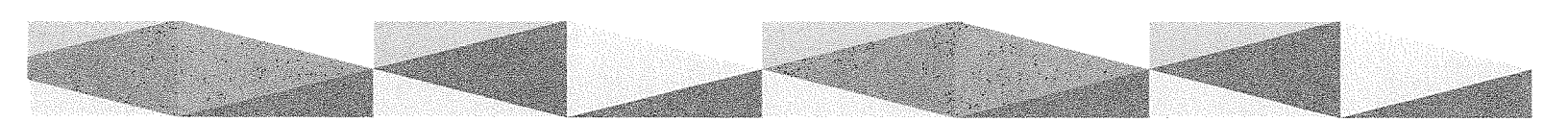
Case Study: Pursuing Full Access to Justice in One Pilot County

The New York State Permanent Commission on Access to Justice has developed a statewide action plan that includes a focused local effort to achieve full access to justice in one county, Suffolk County, which will serve as a pilot for other localities across the state. Suffolk County was selected, among other reasons, due to its mix of suburban and rural areas, high rate of foreclosures, large veterans and unaccompanied minor populations, and supportive legal community, including the judiciary, county bar association, law school and legal services providers. This effort, which was developed as part of the Justice For All (JFA) Strategic Planning process, will pursue the provision of effective assistance for the complete range of civil legal issues confronting Suffolk County's vulnerable communities.

The Commission, working closely with the local Administrative Judge, has created a robust committee structure at the local level to address the complete range of topics confronting communities throughout the state. Membership on these committees includes the full range of local stakeholders: legal services, courts, the private bar, law schools, local government, healthcare providers, social services, librarians, educators, foundations, advocacy organizations, etc. They are creating a roadmap addressing the many real challenges that have been, or will be, identified and then developing solutions. Recently underway is a collaboration among the county bar association, law school and providers, in partnership with a local public library, to create a legal resource center; implementation funds for this project were awarded by the JFA Committee in March 2018.

Building on the lessons learned to date from the establishment of the Suffolk County pilot, the Commission has embarked on another pilot in Monroe County, a large county in western New York that includes urban (city of Rochester), suburban and largely rural areas. It is anticipated that these two ambitious and creative pilots will spur similar local efforts around the state to expand access to effective assistance and are well worth watching.

- **Use of technology.** Commissions have helped expand user-centered websites, develop document-assembly systems for self-help centers, and expand electronic filing for court papers. The use of remote technology is particularly important in rural areas, and Alaska and Hawaii have been very creative in the use of remote access. Virginia, California, and many other states have established model self-help web portals. New York holds an annual technology conference.

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- **Limited scope representation (“unbundling”)** . Many commissions have been involved with establishing limited scope rules for their civil courts, allowing those with limited means to receive the assistance of a lawyer for at least part of their case even if they cannot pay for an attorney to take on the entire litigation. In Arkansas, for example, the development of limited scope rules was seen as a win-win, since it helped improve access for those of modest means and it also brought positive attention to the supreme court. Similar experiences have occurred across the country.
 - **Enhancing pro bono services.** Many commissions pursue pro bono projects. For example, the Massachusetts Access to Justice Commission has partnered with the “Massachusetts Access to Justice Fellows Program,” where retired partners or retiring judges have volunteered over 80,000 hours, assisting legal services organizations, nonprofits, and courts for a one-year, part-time pro bono commitment. Louisiana and Washington, D.C. have launched similar programs. North Carolina has regional pro bono councils to support pro bono attorneys.
 - **Coordinating with law libraries and community libraries.** This has been a productive strategy in California, Illinois, and Maine, in particular. So many unrepresented litigants appear at libraries, rather than at courthouses, and librarians have developed a variety of resources to help these vulnerable individuals who lack the resources to hire an attorney.
 - **Developing initiatives with other stakeholders.** Several commissions have developed strong networks with other stakeholders and have pursued initiatives to expand access to justice. For example, Tennessee established the Faith and Justice Alliance, and Washington State is a key player in the Race and Equity Justice Initiative. Some Commissions work with the tribal communities, including Wyoming’s Tribal Working Group.

Case Study: Local Access to Justice Committees Promote Access to Justice at the Local Level

The Colorado Access to Justice Commission established a statewide network of local access to justice committees in twenty-one of the state’s twenty-two judicial districts. While each judicial district determines its own membership, the Access to Justice Commission has emphasized the importance of having at least one judge as a member. Other members of local committees include private attorneys, pro bono coordinators, self-represented litigant coordinators (sherlocks), and representatives of nonprofit organizations, such as domestic violence shelters.

Local Access to Justice Committees Promote Access to Justice at the Local Level CONTINUED

Each local committee establishes its own priorities to enhance access to justice in its judicial district. During the last two years, many local committees have hosted legal resource days, rural resource days, or family law resource days. Additionally, local access to justice committees organized statewide hearings in 2007 and 2013 to publicize access to justice activities in local communities.

Representatives of local access to justice committees participate in bimonthly one-hour statewide telephone meetings, which provide an opportunity for representatives of local committees to share information and learn about successful projects undertaken throughout the state. Most local committees operate without a budget, but some receive modest funding from local bar associations or in-kind donations.

When Colorado was chosen as one of seven states to receive a strategic planning grant through the Justice for All Project, its consultant visited many of the local committees and found that they were founts of information concerning local access to justice activities. More recently, the Colorado Access to Justice Commission received a follow-up JFA implementation grant, the focus of which is to undertake efforts in two judicial districts – one urban and one rural – through local access to justice committees, to enhance access to justice efforts.

The role of access to justice commissions with regard to increasing legal aid funding. It is not necessary for access to justice commissions to take primary responsibility for all key "access to justice" functions, such as increasing legal aid funding, as long as there is some institution taking responsibility for each key function. It is clearly important to evaluate the success of that activity, and ensure that the institution responsible has the capacity to do so in an effective way, with both accountability and transparency.

Most states have a clearly designated entity responsible for increasing resources for the legal services delivery system, with the access to justice commission playing an active role, or at least monitoring the progress of this effort. A few court-based commissions are very involved with increasing resources for the delivery system, through support for legislation or targeted funding through the state budgetary process. However, other court-based commissions are not directly involved with such efforts, although commissioners may do so in their individual capacity. State bar-based commissions are the most active with regard to legal aid funding.

Resources: For more details on access to justice commissions, the ABA Resource Center for Access to Justice Initiatives maintains an extensive online library including materials relating to the creation and composition of commissions, as well as a directory of all commissions; these materials are available at www.atjsupport.org.¹¹

CHART 3: YEARS THAT COMMISSIONS WERE ESTABLISHED¹²

(Some have been superseded by a second commission or otherwise changed structure.)

<p>1994 to 1996:</p> <ul style="list-style-type: none"> • Washington State • Maine • California <p>2001 to 2004:</p> <ul style="list-style-type: none"> • Texas • Arkansas • Colorado • New Mexico • Vermont 	<p>2005 to 2007:</p> <ul style="list-style-type: none"> • District of Columbia • Massachusetts • North Carolina • Mississippi • Nevada • Alabama • New Hampshire • South Carolina 	<p>2008 to 2011:</p> <ul style="list-style-type: none"> • Hawaii • Maryland • Wyoming • Tennessee • West Virginia • Wisconsin • Kansas • Kentucky • New York • Connecticut 	<p>2012 to 2014:</p> <ul style="list-style-type: none"> • Florida • Illinois • Montana • Delaware • Indiana • Virginia • Puerto Rico • Oklahoma • Arizona • Virgin Islands • Alaska <p>2015 to 2017:</p> <ul style="list-style-type: none"> • Louisiana • Iowa • Nebraska
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PART III: STAFFING OF COMMISSIONS

Adequate staffing is essential for vital, effective access to justice commissions:

Adequate and effective staffing is necessary to provide Access to Justice Commissions with support, continuity, communications, and continued momentum. The skill, ability, and energy level of a Commission's staff are essential to the success of the Commission's effort. Effective staffing requires significant interpersonal, communications, and political skills, the capacity to work effectively with a diverse group of volunteers, knowledge of the legal system and an understanding of the legal needs of low-income people.¹³

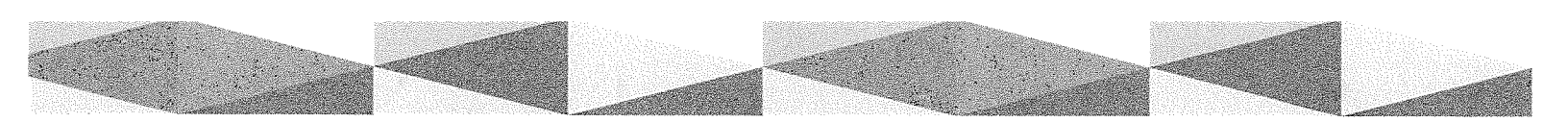
Responsibilities of commission staff directors/coordinators. Commission staff need to be effective at multi-tasking. They are responsible for a broad range of activities, including the following:

- Executive staff work for the access to justice commission and supervision of other staff;
- Planning, implementing and evaluating programs, ensuring policy issues are approached thoughtfully and analytically;
- Internal management, reporting, and budgeting;
- Planning and evaluation of all uses of technology for administration and projects;
- Fundraising and grant administration;
- Liaison to host organization, as well as to judicial branch, bar associations, legal services community, and all key stakeholders; and
- Outreach to promote the visibility of the commission and its key messages, including websites and social media.

Obtaining the ongoing funding necessary for adequate staffing is a high priority for access to justice commissions. The work of a staff director can have a multiplier effect, since they can reach out to other staff at the host institution as well as to staff at partner agencies. It is ideal if supporting the work of the commission is the staff person's primary or sole obligation, and if they report directly to commission leadership.

Four major staffing models. The most common commission staffing model has staff located at (and funded by) a partner institution—usually the courts, the state bar, or the bar foundation. This model provides staff

The work of a staff director can have a multiplier effect, since they can reach out to other staff at the host institution as well as to staff at partner agencies.



involvement with leadership for the commission, as well as a level of continuity and institutional memory that can multiply the impact of the commission. This staffing model occasionally creates complications where staff report to the commission but are employed by the other entity. In addition, such an arrangement may sometimes hamper the independence of the commission on specific topics. Commissions may be required to seek additional approvals from another entity, such as the supreme court or a state bar board of directors, before taking a certain position or pursuing a new project. The approval process can result in delay or in a rejection of the proposed commission action. Nevertheless, these issues can generally be worked through, and this staffing arrangement has proven effective in most states.

While it is a comfortable position to have the staffing and operational needs addressed, these commissions need to be sure to plan for lean times when the host entity may not be as able to provide the same level of staffing. [Note that there is a small number of freestanding "hybrid" commissions with dedicated staff who are not housed within a host institution.]

The various staffing models around the country can be summarized as follows:

- **Multiple staff, supervised by commission director/coordinator.** In this model, with more than one staff person, the main commission director provides the leadership and primary support and guidance for the commission that can only come from professional staff. Other staff can include additional staff counsel or professional coordinators working on specific commission activities, as well as administrative support. The ten commissions with this staffing model include Arkansas, California, Florida, Illinois, Louisiana, New York, North Carolina, Tennessee, Texas and Washington state.
- **Approximately one full-time staff (sometimes filled by more than one individual).** The Commissions using this model have one full-time employee (FTE), sometimes a full-time director who provides leadership and support for the commission and for commission projects, and sometimes by a combination of staff totaling approximately one FTE. Where the director is one full-time person, they have the opportunity to provide good oversight of the activities of the commission, and can offer their full attention to supporting the commission. Where there is more than one staffer, they are able to take advantage of the skills of the various staff members. The twelve commissions with this staffing model include Alabama, Arizona, the District of Columbia, Hawaii, Indiana, Kentucky, Maryland, Mississippi, Nevada, New Mexico, South Carolina, and Virginia.
- **Part-time commission director/coordinator.** In this model, the staff director or coordinator can provide leadership and support for the commission, particularly in smaller states, but also has other obligations. It is often necessary to supplement

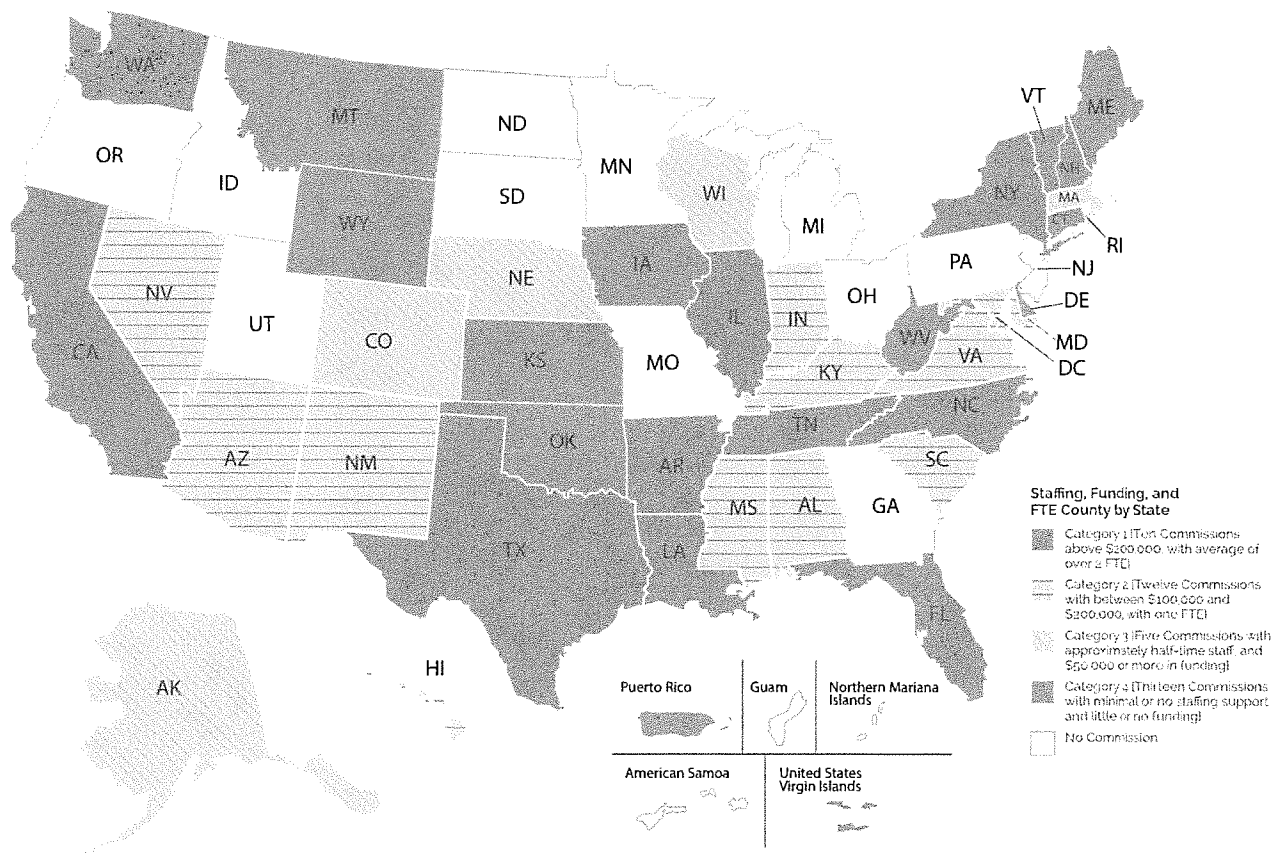
the work of the part-time commission coordinator with some in-kind and/or volunteer staffing, which is invaluable, as it allows the commission to get most of its operational needs filled. However, commissioners need to be aware of the many other pressures on the staff director/coordinator, and the difficulty staff members face when trying to ensure quality control. There is also a tremendous increase in the time and energy it takes to coordinate with volunteers or in-kind staff provided by another institution. This model also raises many challenges, such as whether commission leadership has any role in the hiring and ongoing evaluation of the work of the staff person, and what priority the commission's work has vis-à-vis the staff director's other responsibilities. There may also be a lack of continuity, when the director role is reassigned, with or without input from the commission. The five commissions with this staffing model include Alaska, Colorado, Massachusetts, Nebraska and Wisconsin.

CHART 4: COMMISSIONS BY LEVEL OF STAFFING AND FUNDING

CATEGORY ONE: COMMISSIONS ABOVE \$200,000 with Average Staffing over 2.0 FTE's (10 Commissions)	CATEGORY TWO: COMMISSIONS WITH APPROXIMATELY \$100,000 OR NEARLY FULL-TIME STAFFER (12 Commissions)	CATEGORY THREE: COMMISSIONS WITH APPROXIMATELY HALF-TIME STAFF AND \$50,000 TO \$100,000 (5 Commissions)	CATEGORY FOUR: COMMISSIONS WITH MINIMAL OR NO STAFFING SUPPORT AND LESS THAN \$50,000 (13 Commissions)
Arkansas	Alabama	Alaska	Connecticut
California	Arizona	Colorado	Delaware
Florida	District of Columbia	Massachusetts	Iowa
Illinois	Hawaii	Nebraska	Kansas
Louisiana	Indiana	Wisconsin	Maine
New York	Kentucky		Montana
North Carolina	Maryland		New Hampshire
Tennessee	Mississippi		Oklahoma
Texas	Nevada		Puerto Rico
Washington State	New Mexico		Vermont
	South Carolina		Virgin Islands
	Virginia		West Virginia
			Wyoming

- Limited or no staff support.** In this model, a host entity may provide a few hours a week from a staff person who is able to set up meetings, keep commission records, and/or serve as liaison between the commission and the institution. However, the commission is not the staff person's primary obligation, and they cannot put more time into commission activities even if they want to. Commissioners need to be cognizant of the limits on the staff person's time, and must take responsibility for fulfilling all the functions of a successful commission, since the staff person usually cannot do so. It is necessary to have other in-kind and/or volunteer staffing to supplement or replace regular staff, and the chair often takes on a huge level of responsibility for the administrative functioning of the commission. The thirteen commissions with this model include Connecticut, Delaware, Iowa, Kansas, Maine, Montana, New Hampshire, Oklahoma, Puerto Rico, Vermont, Virgin Islands, West Virginia, and Wyoming.

MAP: STAFFING, FUNDING, AND FTE COUNT BY STATE





Two valuable clarifying documents.

- **MOU between commission and host entity:** Many commissions have found it helpful to have the parameters of the arrangement between the commission and host entity clearly spelled out, whether in an MOU (Memorandum of Understanding), by-laws, or otherwise. Such an agreement should cover the administrative, operational, financial and communication expectations for the functioning of the commission vis-à-vis the host entity. A key component of such an understanding would address the role of the commission staffers. Does the commission have input on the annual evaluation of the staff person? On the hiring of new staff members? How do difficulties get addressed if and when they arise? [Sample agreements are available through the ABA Resource Center for Access to Justice Initiatives.]
- **Document clarifying roles of staff and commissioners.** This second document should clarify staff roles and responsibilities with regard to commission activities, and specify when the commissioner leadership takes responsibility. How do issues get addressed? Some commissions have job descriptions for commissioners, and this document could be expanded to include both staff and commissioners. [Again, sample agreements are available through the ABA Resource Center for Access to Justice Initiatives.]

Peer support. Experience has shown that the commission staff function is tremendously rewarding but can also be a somewhat isolated role, and it is valuable to develop strong ties to commission staff in other states. Only through a network of peer support can commission staff obtain the guidance they often need to address the many unusual challenges of being a commission staffer. It can be difficult to have two masters, particularly in states where there are few resources and the staff person has many other obligations. Other staff at the host entity may not understand the unusual level of commitment the commission staffer has to the commission's mission and volunteers. With a strong connection to commission staff in other states, a commission coordinator can obtain support and technical assistance relating to their unusual position, support that can improve their job performance and improve the work of the commission itself.

A great resource to obtain peer support is through the ABA Resource Center for Access to Justice Initiatives, which offers a monthly roundup of news, technical assistance in forming a commission, assistance in strategic planning, quarterly national calls to permit staff to share knowledge and experience, an annual national meeting of commissions, a large web-based library of materials, and other ongoing support for staff and chairs of access to justice commissions.

PART IV: SIX LESSONS FOR SUCCESSFUL FUNDING OF COMMISSIONS

Most people can think of many other things they would prefer to do than fundraising. However, because of the importance of developing adequate ongoing resources to support the work of the access to justice commission, this task should be of the highest priority and be undertaken by commission leadership.

Ideally, commission operating funding is ongoing and a source of stability. Diverse sources of funding are also ideal, since they are more likely to be available to help a commission ride out lean periods. The funding source should provide a level of independence for the commission, without the sort of control or restrictions that can keep a commission from fulfilling its mission.

The level of funding needs to be adequate to cover staffing and basic operating expenses of the commission. In-kind services, such as part of the time of a court or bar employee, should be explored as a way to at least cover basic commission needs, particularly at the outset.

While is not always possible to meet all these goals, commission leadership needs to weigh the pros and cons of various sources of funding before determining the right course of action. [Note that while most of these key lessons are also applicable to fundraising for the legal aid delivery system, legal aid funding is not the focus of this report.]

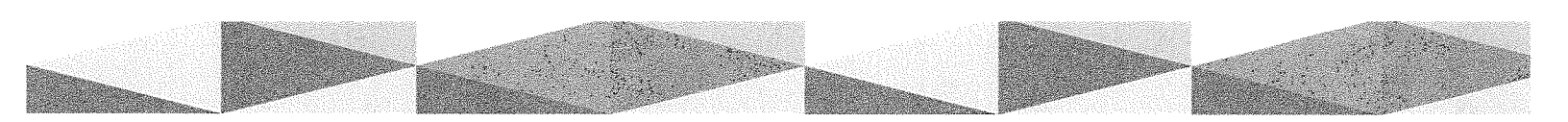
1. Organizational long-term planning is key first step

Planning is just as important for establishing operational funding as it is for all other access to justice commission activities. And being responsible for the fiscal stability of the commission is one of the key roles of commissioners. Commission leadership

needs to develop a strategy to ensure that the operational resources are there for the long-term stability of the commission, possibly setting up a three- to five-year fiscal plan. Resource development planning starts with a clarification of the commission's mission and goals, followed by the identification of the resources needed to achieve those goals.

Commission leadership needs to develop a strategy to ensure that the operational resources are there for the long-term stability of the commission, possibly setting up a three- to five-year fiscal plan.

Sometimes, a short-term funding source will allow the commission to get established and begin functioning before it needs to identify the source(s) of ongoing commission



support. As the new commission launches its activity and is able to achieve a few initial goals, that track record can help attract ongoing funding.

Commission leadership should bring on a broad range of supporters as part of its resource development team. Who on your commission has fundraising experience and is willing to help? In addition to commissioners and advisory committee members, other key stakeholders should be involved in the planning effort: liaisons to the judicial branch, the private bar, law schools, the legal aid community, business and civic leaders, and librarians and social services.

It needs to be understood that developing stable financial resources for an access to justice commission is a way to allow others to share in the success of your commission. Rather than seeing it as a typical fundraising task, it is more appropriate to think of it as establishing partnerships with others sharing your goal of achieving true access to justice. And while there are untold numbers of guides, manuals, workshops, and YouTube videos on fundraising, they should supplement a long-term development strategy grounded in the mission of an access to justice commission and informed by the experiences of commission leadership across the country.

2. Solutions to potential barriers

Planning should include a discussion of how to overcome anticipated barriers. Is it difficult to obtain ongoing funding for operational needs because foundations prefer to fund short term special projects? Is there a fear of competition with groups they want to help? The dynamics in each state are different, so a local analysis is necessary to determine where the commission might encounter resistance. How can these concerns be addressed, and who should approach these various institutions on behalf of the commission? Note that where there is initial resistance to a proposed funding mechanism, that resistance usually fades once the funding system is in place.

The Judicial Branch. For court-based commissions, branch leadership may be reluctant to have the commission pursue funding for its own staff or special projects. Commissions should understand the reasons for this reluctance, such as where there may be ethical constraints on fundraising. If there is a sense that it is inappropriate for commissions within the branch to do any fundraising, even legislative fundraising that does not involve ethical restrictions, then perhaps another institution within the broader access to justice community can take the lead to do fundraising for an activity with which the commission is involved as one of many partners.

If the judicial branch has other priorities, which is often true given the underfunding of courts across the country, then an honest discussion with

Case Study: Separate Foundation Established To Expand Resources and Legislative Support

The Oklahoma Access to Justice Commission established a separate foundation to help it achieve its goals. The Oklahoma Access to Justice Foundation has been launched and, at press time, was awaiting confirmation of its 501(c)(3) status.

The goal of the Foundation is to be the resource engine for the Commission and to be the active partner with the Commission in facilitating access to justice, using both fundraising and legislative advocacy.

The Commission approved the creation of the Foundation, and leadership of the Foundation includes strong Commission representation.

The Foundation submitted a grant to the Oklahoma Bar Foundation and plans to also seek financial support from the Chickasaw Nation. A statewide campaign is in the works, as well as plans to be a grant-making entity. The Oklahoma legal services community has been supportive of this development.

branch leadership may be appropriate. The small amount of operational funding devoted to the commission can result in increased resources for the judicial branch, such as increased support for self-help centers, language access activities, or improved e-filing capabilities.

Some states have avoided potential conflicts by using a structure whereby the court provides in-kind support for all commission activities, removing the necessity of the commission doing any fundraising for itself. However, for commissions lacking adequate staff support where in-kind support is not possible, and there is no way for the commission to obtain the funding it needs as a result of being part of the judicial branch, then perhaps the commission can be set up as a quasi-independent body, which has been done in some states.

Legal Aid Community. Support for access to justice commission funding from the leadership of the legal aid community is extremely important, particularly for foundations that may have longstanding relationships with legal aid. Some commissions have encountered subtle or not-so-subtle reluctance from the legal aid community, which fears competition for scarce resources if the commission seeks independent funding. By getting the legal services community actively involved with the commission and its resource development planning, they may come to understand that the commission is pursuing strategies to "raise all boats"



and that the legal aid community and its clients will benefit in the long run. The operating needs of commissions are relatively small, and honest discussions can clarify which funding sources might be good targets for the commission and which areas need to remain as only funding for the legal aid delivery system. Perhaps there are sources of funding that they have never been able to obtain that are ideal for the commission, such as a foundation that does not support any nonprofits involved with litigation. Or perhaps, working together, the commission and the legal aid community can develop sources of funds for the legal services delivery system, such as filing fees, *pro hac vice* fees, or voluntary bar membership fee add-on, and a small part of this new funding can be dedicated to the ongoing work of the commission.

By getting the legal services community actively involved with the commission and its resource development planning, they may come to understand that the commission is pursuing strategies to “raise all boats” and that the legal aid community and its clients will benefit in the long run.

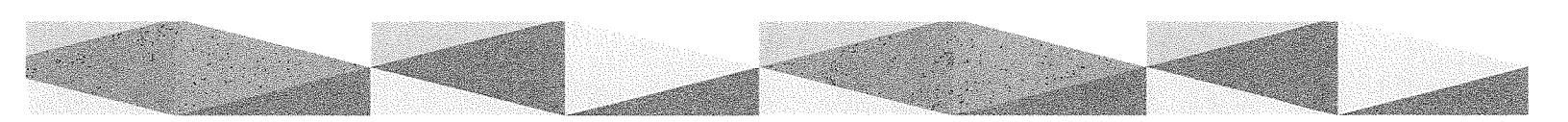
This kind of problem-solving before the commission gets very far along in its fundraising planning can help prevent unexpected roadblocks at unfortunate points in the campaign.

3. Identify all potential sources of support

The next step in the resource development campaign is to identify all possible sources of support for the commission's operational needs. It is tempting to jump at the first source identified, but thoughtful planning will pay off. This list should include both direct funding sources and in-kind support from a key institution, such as the judicial branch, law firms, law schools, the state bar and state bar foundation, and others. [Please refer to the section below that includes information on how commissions are funded.]

Private philanthropy and the business community, where relationship development is key, should both receive serious attention. Access to justice commissions pursue solutions to issues that are foundation priorities. Although they may not see the connection immediately, there are great opportunities for collaborative efforts to address shared concerns. Likewise, members of the business community often share concerns about the civil justice system and they can be great partners in civil justice reform efforts.

Private philanthropy and the business community, where relationship development is key, should both receive serious attention.



As part of this process, analyze how related groups are funded in your state, including other state committees such as a committee on professionalism. Can their funding source be increased and then extended to support your commission? Or are there similar types of funding mechanisms that could be tapped for your operational needs? This is obviously delicate and needs to be approached in a collaborative way to avoid opposition.

In determining the potential success of each source identified, and the amount of funding that could be raised, you must also balance the pros and cons of each potential revenue source, and determine whether they could have an impact on the independence of the commission. What is your strategy for addressing requests for matching funds? Is there a source of funding that might be willing to put up matching funds in order to help the commission obtain financial stability?

As noted elsewhere, it is important to consider the option of working with other stakeholders to develop new funding sources for legal aid, having agreed ahead of time to set aside a small part of that new funding to support the ongoing work of the commission. In that way, the commission has the stability to be able to continue to support legal aid and the entire access to justice delivery system.

4. Communications, clear messaging and outreach

Careful thought needs to be given to the ways your commission's mission and goals are publicized as part of the resource development campaign. Your commission's

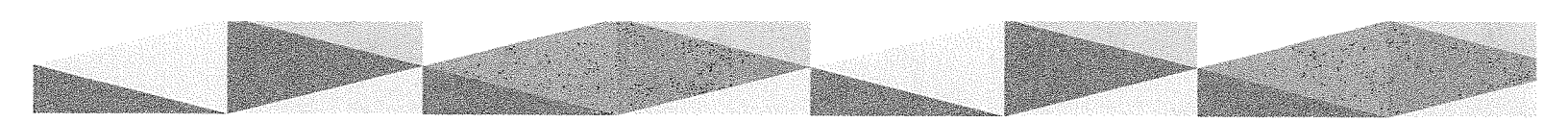
"branding" needs to be done in a strategic, effective way. This includes both the message that you convey as well as the ways you conduct your outreach. It can be very challenging for a commission to distinguish between building support for its own funding and existence, and promoting funding and resources for the civil legal aid system as a whole.

Good model materials are available through the ABA Resource Center for Access to Justice Initiatives (www.atjsupport.org) as well as Voices

for Civil Justice (<https://voicesforciviljustice.org>)

One of the great strengths of access to justice commissions is that they involve a broad range of groups concerned about access to justice. Those groups, in turn, have access to a greater range of potential supporters.

It is important to reach out to all key supporters, beyond the usual suspects. One of the great strengths of access to justice commissions is that they involve a broad range of groups concerned about access to justice. Those groups, in turn, have access to a greater range of potential supporters. Commissions should take advantage of this great network to reach funders who might not be obvious at first.



A special focus on websites and public media is appropriate here, and an online presence has come to be expected. The websites of all access to justice commissions can be found at www.atjssupport.org. While many commissions have effective websites, the websites set up in North Carolina, Texas, Washington D.C. and Washington state are particularly informative and compelling, and are good models to consider.

5. Leadership role to implement fundraising strategy

After making sure that you have the assistance of experienced fundraisers, you are ready to implement your strategic fundraising plan. Be sure that commission leadership meets with potential funders, where possible, and bring in support from leadership of the legal aid community as well. This is especially important for private philanthropy and the business community.

Approach potential funders as partners in the effort to achieve access. This can be a very effective approach and you may discover that they want to be involved in your activities on an ongoing basis. Be sure to coordinate with all your key stakeholders in the implementation of your fundraising strategy. If all the groups involved with your fundraising do not worry about who gets credit, then together you can focus on the true goal: long-term stability for the access to justice commission.

6. Evaluation and follow up

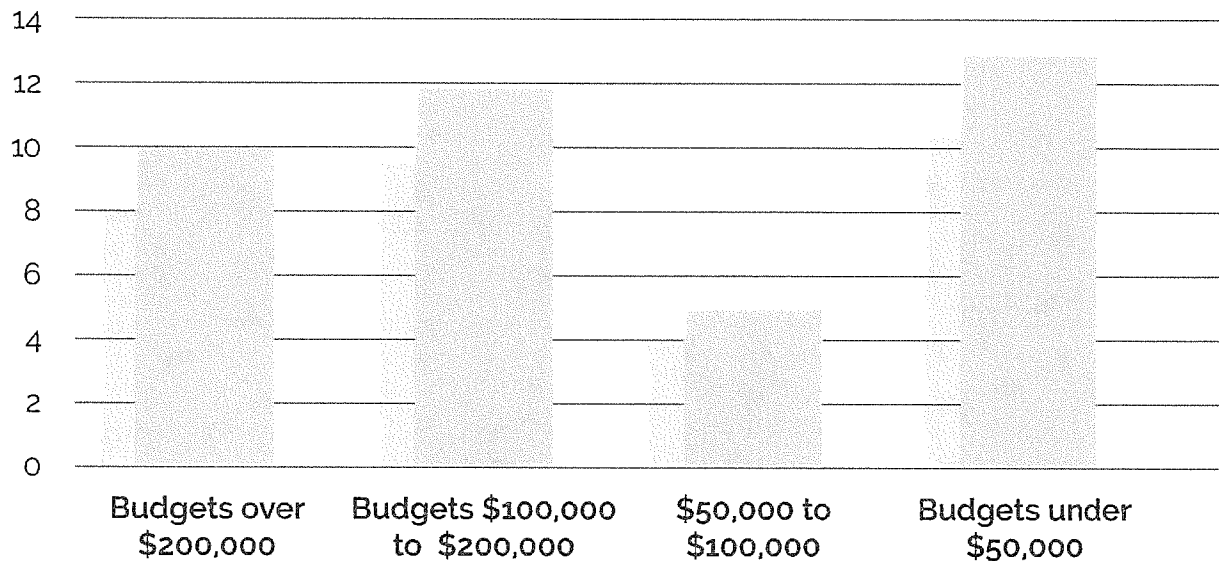
Periodic review of fundraising efforts is essential. What is working and what isn't? Review the planning steps and the list of possible sources identified earlier, to be sure that nothing was left off, and to add new sources that have emerged, or new supporters who could take the lead to make a crucial contact.

On an ongoing basis, commissions should keep funders and other supporters informed of and involved with commission activities; in that way, they can feel some ownership in the commission goals and successes, to everyone's benefit.

PART V: OVERVIEW OF FUNDING SOURCES AND IN-KIND SUPPORT USED BY COMMISSIONS

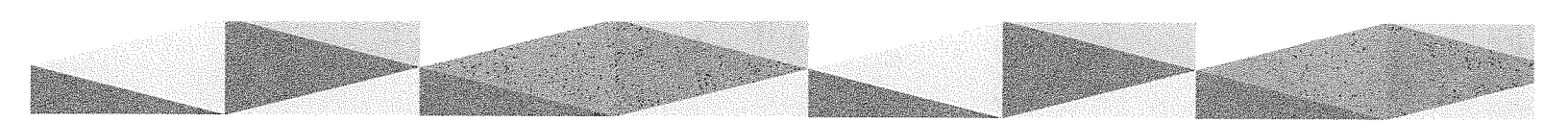
The following sources of funding are listed by the type of host entity. The list includes both direct funding and in-kind support available to access to justice commissions. Please note that the source of funding is not necessarily dictated by where the commission is housed, but the more common patterns are included here.

CHART 5: COMMISSIONS BY BUDGET LEVEL



- **Supreme Courts or Administrative Office of the Courts (AOC):** Most of the sixteen access to justice commissions housed within a state supreme court or an AOC do not need to conduct fundraising for their own operating budget, since their basic operating costs are covered in the same way that other judicial committees are covered. A few of these court-based commissions do undertake limited fundraising for special projects, such as public hearings or an outreach campaign. This fundraising is often done in conjunction with other stakeholders involved with the commission, and one of those other stakeholders may take the lead to serve as financial sponsor for purposes of any grant proposals or other fundraising. Commission members may be involved with fundraising in their individual capacity.

While some commissions have a separate budget item, most court-based commissions are supported by court staff, and there is no separate line item for the commission and no separate source of funding for the commission's activities other than general operating funding.



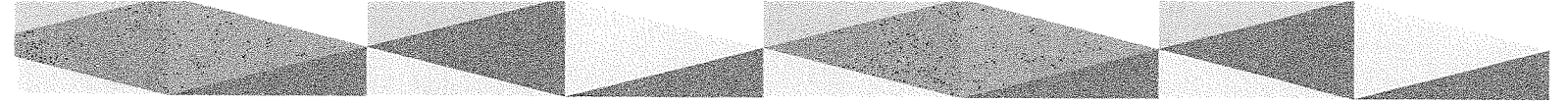
Some court-based commissions do have a separate source of funding for part or all of their activities. These include Tennessee, which receives funding from CLE fees for lack of compliance, and Illinois, which receives funding from Westlaw and Lexis for both online and print pattern jury instruction royalties, among other sources.

- **State Bar Associations:** Nine commissions are housed within state bar associations, and most of these have their expenses covered by the general funds of the bar association. Unlike the court-based commissions, the commissions within bar associations often have a separate identified budget.

The bar association-based commissions often supplement state bar support with funding from other sources, including short-term and targeted sources such as private foundation grants. Others, such as Florida, receive in-kind support from the AOC while the commission is housed at the state bar. Other bar-based commissions have established targeted funding sources to support the commission's expenses. For example, in North Carolina, the work of the commission is covered by a small CLE fee, and in Wisconsin, the commission receives some pro hac vice fees. State bar sections have even provided limited support for a commission activity, such as in Wisconsin, where the Family Law Section provided a small grant for a few years. In other states, state bar sections may co-sponsor special projects and contribute to those expenses.

- **IOLTA Foundation and/or State Bar Foundation:** Five commissions are housed within state bar foundations or another foundation that is responsible for IOLTA in that state. For some, their operational funding comes directly from general foundation resources. However, these foundations often have restrictions imposed by their funding source. Thus, they may be prohibited from using some or all of their grant funds for an access to justice commission.

Ideally, the commission will be able to identify a new source of targeted funding for commission staffing so it will not be perceived as competing for funding that would otherwise go to direct services. Some commissions have worked to identify new funding for the legal aid delivery system and a small part of that new funding source is devoted to ongoing operational support for the commission. These sources can include pro hac vice fees, filing fees, or attorney-check off contributions. In Arkansas, attorney license fees support the commission, as directed by the supreme court. While the Arkansas Supreme Court pays for the salary and benefits, as well as meeting expenses for the foundation-based commission, the foundation pays for all other operational expenses including space and equipment.

- 
- **Hybrid Commissions:** Ten commissions are identified as “Hybrid/Other.” Like other commissions, they are established or supported by the highest court in the jurisdiction, but are housed elsewhere. These commissions rely on a range of funding sources. For example, in Washington, D.C., the commission receives significant private bar support, both funding and in-kind support, and the commission staff is housed within a private law firm. These commissions also pursue private foundation grants, and some have received law school support. One creative approach used in Maryland, when it was a hybrid commission based at a law school, was to establish a membership system, with key stakeholders providing financial support for the operational needs of the commission.

Types of In-Kind Support: In addition to funding, there are many ways that the work of an access to justice commission can be advanced through in-kind support. This often involves a staff person at a host entity or other stakeholder taking responsibility for a specific commission task on an ongoing basis or for a special project. It can also take the shape of offering space, equipment, printing, publicity, legislative representation, or technical support. Providing short-term assistance through fellowships is also extremely valuable. Commissions have received in-kind support from the judicial branch, bar associations, legal aid programs, law schools, libraries, private firms, and churches.

Special project funding: Pursuing funding for special projects can fit within any institutional framework. There are a variety of possible sources for special project funding, including all the normal funding options described in this report as well as special grants, such as those available through the State Justice Institute (www.sji.gov) and mini-grants periodically available through the American Bar Association. Wherever an entity is unable to serve as the fiscal sponsor and/or needs to avoid direct involvement in fundraising, other stakeholders can take the lead to obtain the funding and help implement the project.

- In South Carolina, the Commission obtained special grants to conduct public hearings on the need for increased access to the civil justice system.
- Numerous states have obtained specific technology grants to establish user-centered websites, develop document-assembly systems for self-help centers, or expand electronic filing for court papers, and the commission has supported and helped develop these efforts. The Legal Services Corporation (LSC) is a primary source of this technology funding through their Technology Improvement Grant Program (“TIG”) (see <https://www.lsc.gov/grants-grantee-resources/our-grant-programs/tig>).
- In California, the commission raised foundation funding to be able to offer small grants for local bar associations and law schools setting up incubator projects; these incubators supported recent graduates as they learned how to establish a law practice focused on serving a modest means clientele.

CHART 6: SOURCES OF FUNDING AND IN-KIND SUPPORT FOR COMMISSIONS

Sources of Funding and/or In-Kind Support:	Examples of States Using Each Source: (Please note that these Commissions may not currently have all of these funding sources.)
Supreme Courts or Administrative Office of the Courts	Alaska, Arizona, Connecticut, Delaware, Illinois, Iowa, Kansas, Nebraska, New Mexico, New York, North Carolina, Oklahoma, Puerto Rico, Tennessee, Virginia, Wyoming
State Bar Associations (or state bar sections)	California, Louisiana, Maryland, Mississippi, Nevada, South Carolina, Texas, Washington State, Wisconsin
IOLTA Foundation and/or State Bar Foundation	Alabama, Arkansas, Indiana, Kentucky, Montana
Attorney License Fees	Arkansas
Private Bar support	North Carolina; Washington D.C.; Washington State (for biannual conference)
Private foundations	California; Maryland; North Carolina; South Carolina; Virginia; Washington D.C.
Corporations	South Carolina; Washington D.C.
Law Schools	Maryland, West Virginia
Libraries	Virginia
Events	Tennessee; Washington State
CLE fines or fees*	North Carolina; Tennessee
Filing Fees*	Hawaii
<i>Pro hac vice</i> Fees*	Hawaii; Illinois; Mississippi; Wisconsin
Model Rule 6.1 (lawyers encouraged to do pro bono work and contribute to legal aid)*	Mississippi
Memberships*	Maryland
Pattern Jury Instructions*	Illinois
Veterans Grant through the ABA*	North Carolina
State Justice Institute Grant*	Nebraska
<i>* Note further details below</i>	
Other Potential Sources/Fundraising approaches: <ul style="list-style-type: none"> • Attorney General funding through litigation settlements, such as foreclosure funds • Unclaimed property within judicial systems (litigant funds) • Endowments • Developing source to use when Matching Funding required 	



Additional Details on Potential Funding Sources for Access Commissions:

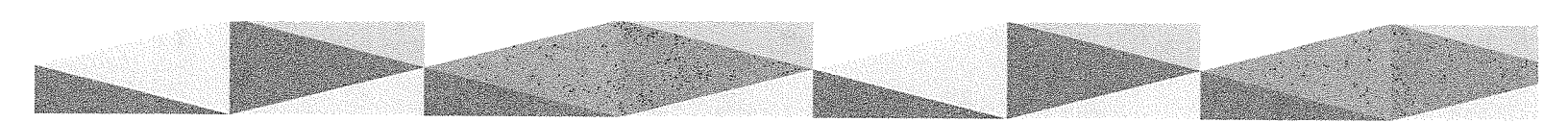
CLE Fines or Fees: Commissions in two states—North Carolina and Tennessee—were able to obtain funding for the work of the commission from a small fee added to CLE events or from the fines paid by attorneys failing to comply with CLE requirements. In both cases, the CLE funds were already being used to support other statewide committees or commissions, and modifying the allocation system and slightly increasing the amount has led to an important stable source of funding for those commissions.

Filing Fees: How filing fee revenues are allocated is a very complex and sensitive topic around the country, given the lack of adequate funding for the judicial branch. However, some filing fees are used to support access to justice. Hawaii's IOLTA Foundation, which provides some administrative support for the access to justice commission, receives an allocation of the state court's filing fees to support the work of the Foundation. There are several states that provide some of their filing fee monies to support the provision of free legal services to the poor, and thus these fees fall into the category of funding that may cause a conflict with the legal aid community.

Pro Hac Vice Fees: Some commissions, including Hawaii, Illinois, Mississippi, and Wisconsin, receive a portion of the *pro hac vice* fees paid in that state. These fees are paid by attorneys who don't conduct regular business in a state but want to represent a client on a specific case. They petition a court for permission to appear for that limited purpose. The licensing entity uses some of the fees to pay for oversight of the process, but normally there are still funds available to support various activities, including access to justice efforts.

ABA Model Rule 6.1: Many states have adopted the ABA's Model Rule 6.1, encouraging attorneys to do pro bono work as well as to contribute to legal aid. While the contributions received in each state are often modest, and they tend to decline with time, they are used primarily to support free civil legal aid. In Mississippi, some of those funds are used to provide a portion of the operating costs of the access to justice commission. The system was put in place at a time when the commission helped establish a variety of funding sources for the civil legal aid community, and a small part of those funds raised were dedicated to supporting the commission so that it could continue to do its work on behalf of the legal aid delivery system.

Memberships: Maryland developed a membership system whereby institutions represented on the Commission paid annual dues to be "members" of the Commission. This model fostered cost-sharing and allowed for some financial stability for the Commission. A range of organizations—legal aid programs, law firms, law schools, the Attorney General's office, and the IOLTA program—paid dues to the Commission at their own level of comfort, although requests were pegged to an organization's annual



budget. The Commission received \$49,500 in dues that ranged from \$500 to \$10,000 from twelve out of the sixteen organizations represented on the Commission. The Commission raised the remainder of its budget through law firm and corporate counsel campaigns and through gifts from individual donors and grants from foundations. The Commission may explore expanding membership to other individuals and institutions that support the vision of civil justice for all.

Pattern Jury Instructions: The Illinois Supreme Court Access to Justice Commission receives some funding as a result of royalties paid by Lexis and Westlaw for pattern jury instructions, both print and online.

Veterans Grant: The North Carolina Equal Access to Justice Commission worked with their state bar, the ABA, and Stateside Legal to set up NCVetslegal.org, and received an ABA grant for that project.

State Justice Institute Grant: "The State Justice Institute (SJI) was established by federal law in 1984 to award grants to improve the quality of justice in state courts, and foster innovative, efficient solutions to common issues faced by all courts." SJI offers 5 types of grants: Project Grants; Technical Assistance Grants; Curriculum Adaptation & Training Grants; Strategic Initiatives Grants; and Education Support Program. Language Access projects have received SJI grants, including in Nebraska. See: <http://www.sji.gov/grants/>.



PART VI: KEY RESOURCES

American Bar Association Resource Center for Access to Justice Initiatives

www.atjsupport.org

- ABA Manual of Fundraising Ideas for Civil Legal Aid
- Hallmarks of Effective Commissions
- Current Commission Directory

National Center for State Courts <http://www.ncsc.org/atj>

- Justice For All (JFA) <http://www.ncsc.org/microsites/access-to-justice/home/justice-for-all-project.aspx>

Natural Allies: Philanthropy And Civil Legal Aid (Public Welfare Foundation)

Voices for Civil Justice <https://voicesforciviljustice.org/>

Legal Services Corporation <https://www.lsc.gov/>

- 2017 Justice Gap Report <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>

SRLN (Self-Represented Litigation Network) <https://www.srln.org/>

ENDNOTES

- ¹ Robert Echols, Deborah Saunders & Pamela Casey, Center on Court Access to Justice for All, National Center for State Courts, Access Brief: Access to Justice Commissions 1 (2014), <http://www.ncsc.org/~media/Microsites/Files/access/NSCS%20brief%20ATJ%20Commissions%20updated%207-3-14.ashx>.
- ² NORC at the University of Chicago (On Behalf of Legal Services Corporation), The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans 6 (2017), <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>.
- ³ See ABA Resource Center for Access to Justice Initiatives, Research and Evaluation, Needs Assessments and Impact Studies, www.atjsupport.org.
- ⁴ Paula Hannaford-Agor, Scott Graves & Shelly Spacek Miller, National Center for State Courts, Civil Justice Initiative: The Landscape of Civil Litigation in State Courts iv (2015), <https://www.ncsc.org/~media/Files/PDF/Research/CivilJusticeReport-2015.ashx>.
- ⁵ Lessons from the Field; Justice For All State Planning Documents; 2018; <http://www.ncsc.org/atj>; <http://www.ncsc.org/~media/Microsites/Files/access/JFALessonsLearnedFinal2018.pdf>.
- ⁶ ABA Resource Center for Access to Justice Initiatives, Staffing an Access to Justice Commission (2015), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_staffing_an_atj_commission_april_2015.authcheckdam.pdf.
- ⁷ ABA Resource Center for Access to Justice Initiatives, Definition of an Access to Justice Commission (2014), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_atj_definition_commission.authcheckdam.pdf.
- ⁸ Note that a small number of these commissions may have minimal support from a court staffer, or perhaps only support from a judge who is its chair, but the commission itself is actually independent of the branch.
- ⁹ See ABA Resource Center for Access to Justice Initiatives, Definition of an Access to Justice Commission, *supra* note 7.
- ¹⁰ See California Commission on Access to Justice, Language Barriers to Justice in California: A Report of the California Commission on Access to Justice 35-41 (2005), http://www.calbar.ca.gov/Portals/0/documents/reports/2005_Language-Barriers_Report.pdf?ver=2017-05-19-134110-167.
- ¹¹ See, e.g., ABA Resource Center for Access to Justice Initiatives, State Access to Justice Commissions: Creation, Composition, and Further Details (2017), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ATJReports/atjcommissions_structure2017.authcheckdam.pdf; ABA Resource Center for Access to Justice Initiatives, Directory and Structure, https://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/atj-commissions/commission-directory.html.
- ¹² See ABA Resource Center for Access to Justice Initiatives, Directory and Structure, *supra* note 11.
- ¹³ ABA Resource Center for Access to Justice Initiatives, Staffing an Access to Justice Commission, *supra* note 6.



OKLAHOMA ACCESS TO
JUSTICE COMMISSION

About the Commission

The Oklahoma Access to Justice Commission was established in 2014 by order of the Oklahoma Supreme Court and charged with developing and implementing policies that expand access to and enhance the quality of justice in civil legal matters for low-income Oklahomans.

“**Access to justice**” describes the ability of any person, regardless of income, to use the justice system to **solve common legal problems and advocate for themselves and their interests.**

Oklahomans turn to the civil justice system when they face life-changing challenges such as domestic violence, child custody disputes, eviction, discrimination, consumer debt, or the loss of support from programs such as health care, disability, or veterans’ benefits. Unlike the criminal justice system, **there is no right to an attorney in civil justice matters.**

The **civil legal system is complex and difficult to navigate** without the help of an attorney. When people represent themselves in court, filing fees, procedural rules, and confusion about the law are barriers to fair and just outcomes.

About one in five Oklahomans qualify for free civil legal assistance. **Unfortunately, more than half of those seeking help must be turned away due to a lack of funding.**

Every Oklahoman should have equal access to the justice system, regardless of where they live, who they are, or how much money they make. Ensuring equal access to the legal system protects the most vulnerable members of our community, while promoting a strong economy, public safety, and fairness for all.

The Oklahoma Access to Justice Commission includes members from the judiciary, the state bar, tribal governments, and law schools.



OKLAHOMA ACCESS TO
JUSTICE COMMISSION

What is Access to Justice?

“Access to justice” describes the ability of any person, regardless of income, to use the justice system to **solve common legal problems and advocate for themselves and their interests.**

Oklahomans turn to the civil justice system when they are facing life-changing challenges such as domestic violence, child custody disputes, eviction, foreclosure, discrimination, consumer debt, or the loss of veterans’, health, or disability benefits. Unlike the criminal justice system, there is no right to an attorney in civil justice matters.

The **civil legal system is complex and difficult to navigate** without the help of an attorney. When people represent themselves in court, filing fees, procedural rules, and confusion about the law are barriers to fair and just outcomes.

Unfortunately, many people, particularly those who are low-income, cannot afford an attorney. Free legal services are available through Legal Aid Services of Oklahoma and other providers, but these providers must turn away more than half of those who qualify for services due to a lack of funding.

As a result, **many Oklahomans must face the complexity of the civil justice system on their own.** For example, a victim of domestic violence may have to represent herself in court to obtain protection from an abusive partner. A veteran may have to fight for his benefits without the assistance of a lawyer. A low-income worker may be wrongfully evicted.

Every Oklahoman should have equal access to the justice system, regardless of where they live, who they are, or how much money they make. Ensuring equal access protects the most vulnerable members of our community, while promoting a strong economy, public safety, and fairness for all.

The Oklahoma Access to Justice Commission aims to expand access to and enhance the quality of justice in civil legal matters for low-income Oklahomans.



What is Civil Legal Aid?

“Civil legal aid” is free or low-cost legal assistance for low-income people facing civil legal problems. Civil legal problems affect access to basic necessities such as personal safety, healthcare, housing, government benefits, employment, and educational services. Civil legal problems do not include criminal matters.

Civil legal aid includes assistance from an attorney, self-help programs, access to legal information and resources, and forms.

Oklahoma’s largest provider of free civil legal aid is Legal Aid Services of Oklahoma.

Civil legal aid supports individual and community safety and stability by:

- Ensuring access to basic necessities such as housing, government benefits, and healthcare.
- Helping to resolve individual safety issues such as domestic violence and elder abuse, among others.
- Helping to navigate complicated family issues like adoption, guardianship, and divorce.
- Fostering individual economic security by providing advice regarding employment, taxes, and consumer protection issues.

About one in five Oklahomans qualify for free civil legal assistance. **Unfortunately, more than half of those seeking help must be turned away due to a lack of funding.**

Access to civil legal aid improves outcomes for individuals and saves public dollars in the long term by preventing problems such as homelessness or health issues that can be costly and harmful to individuals and the public.

Increased funding and support for civil legal aid programs would ensure greater access to justice in Oklahoma.



OKLAHOMA ACCESS TO
JUSTICE COMMISSION

Commission Membership

On Thursday, March 13, 2014, the Oklahoma Supreme Court ordered the establishment of an Oklahoma Access to Justice Commission.

The Oklahoma Access to Justice Commission was created to develop and implement policies that expand access to and enhance the quality of justice in civil legal matters for low-income Oklahoma residents.

There are currently 13 Commissioners. Two positions are vacant, pending appointment by the Speaker of the House and Senate President Pro Tempore.

The voting members include:

1. Honorable Douglas Combs, Chief Justice, Oklahoma Supreme Court
2. Honorable Aletia Haynes Timmons, District Judge, Oklahoma County
3. Honorable Mike Hogan, Special Judge, Pittsburg County
4. M. David Riggs, Partner, Riggs, Abney, Neal, Turpen, Orbison & Lewis
5. Michael Figgins, Executive Director: Legal Aid Services of Oklahoma
6. Kris Steele, Executive Director: The Education and Employment Ministry
7. Neal A. McCaleb, Ambassador At-Large, The Chickasaw Nation
8. Howard G. Barnett, Jr., President, OSU-Tulsa
9. Tricia Everest, Community Volunteer and President, Palomar Board of Directors
10. Anna E. Carpenter, Associate Clinical Professor of Law and Director, Lobeck Taylor Community Advocacy Clinic, The University of Tulsa College of Law
11. Rebecca K. Hamrin, Associate Director of Pro Bono & Public Interest Programs, University of Oklahoma College of Law
12. Ethan Shaner, Assistant Attorney General, Office of the Oklahoma Attorney General (ex-officio)
13. Lewis Berkowitz, Attorney, Governor Appointee (non-voting)

OKLAHOMA SUMMIT ON ACCESS TO JUSTICE

October 11, 2018

Michael C. Turpen presentation

In Search of a Civil Gideon

Our constitutional system guarantees every person equal protection of the law. From the very beginning our federal and state constitutions have emphasized safeguards designed to assure fair trials before courts in which every party stands equal before the law. These noble ideals cannot be realized if a poor person is required to appear at trial without a lawyer. ¹

- ◆ *Gideon v. Wainwright*, a 1963 case, guaranteed a right to appointed counsel to indigent defendants in state criminal felony cases. ² Since that ruling civil libertarians and organized bar associations (including the ABA) have supported and hoped for a case from the court guaranteeing a right to appointed counsel to indigents in civil proceedings, in other words a Civil Gideon. ³
- ◆ In the 1981 case of *Lassiter v. Department of Social Services*, the court held that in a civil case an indigent party has a constitutional “right to appointment counsel only when, if he loses, he may be deprived of his physical liberty.” ⁴
- ◆ Since *Lassiter* efforts to secure a federal constitutional right to appointed counsel in civil cases have been stymied and probably will be for the foreseeable future. ⁵ Civil cases involve a range of critical issues including eviction, foreclosure, mental health, child custody, parental rights and domestic violence. As many as 80 to 90 percent of litigants in civil cases are unrepresented in some jurisdictions. ⁶ “Across the country, roughly 90% of landlords are represented by counsel, while 90% of tenants are not... When tenants represent themselves in New York City, they are evicted in nearly 50% of cases. With a lawyer, they win 90% of the time.” ⁷
- ◆ Some progress has been made in securing appointed counsel for indigents in civil proceedings in federal courts and through legislation and on a case by case approach in state courts. ⁸ The ABA Directory of Law Governing Appointment of Counsel in State Civil Proceedings is a thorough compilation of federal and state statutory and court decisions providing for the appointment of counsel for indigents in civil cases. Most significantly the Oklahoma Supreme Court has specifically rejected the U.S. Supreme Court’s decision in *Lassiter*, stating “[a]lthough the federal constitution does not require that counsel be appointed in all termination [of parental rights] proceedings, we believe that the rights at issue are those which are fundamental to the family unit and are protected by the due process clause of the Oklahoma Constitution, Art. 2, § 7.” ⁹
- ◆ The U.S. Supreme Court has shown no interest in a civil Gideon. However, the Oklahoma Supreme Court has indicated that the Oklahoma Constitution due process clause does in fact provide greater rights to counsel in civil trials than does the U.S. Constitution. Therefore, it would seem that efforts to expand the right to counsel in civil cases should be directed to the Oklahoma Supreme Court.

¹ *Gideon v. Wainright*, 372 U.S. 335, 344 (1963)

² *Gideon*, *supra* note 1. *Johnson v. Zerbst*, 304 U.S. 458 (1938) guaranteed 6th Amended right to counsel in federal felony cases. *Argersinger V. Hamlin*, 407 U.S. 25 (1972) extended the right to counsel in all misdemeanor cases if the defendant is subjected to incarceration.

³ See Robert W. Sweet, Civil Gideon and Confidence in a Just Society, 17 Yale Law and Policy Rev. 503 (1998).

⁴ 452 U.S. 18 (1980)

⁵ *Lassiter*, 452 U.S. at 26-27

⁶ The Conversation, a publication of the Center for Access to Justice, Georgia State University, September 21, 2017 at www.theconversation.com.

⁷ *Id.* At page 2

⁸ The American Bar Association recently published a national Directory of Law Governing the Appointment of Counsel in Civil Proceedings. The Oklahoma Directory is attached hereto. The complete Directory is available on the ABA website.

⁹ In re: D.D.F., 801 P.2d 703, 706 (Okla. 1990).



Bringing the access to justice pieces together

The [Self-Represented Litigation Network](#) (SRLN)¹ serves as the backbone organization for justice system professionals seeking to close the civil justice gap by reforming America's civil justice system. SRLN doesn't represent a single voice, but rather is a diverse network of more than 2,200 individuals from the judicial, government, academic, research, philanthropic, non-profit and for-profit sectors who provide services to self-represented litigants or influence civil justice policy.

The impact of civil legal entanglement on individuals and communities in matters involving essential basic needs such as housing, safety, food security, health, education, wages, and family matters is profound. Unlike criminal proceedings, there is no right to counsel in civil cases. In every county in America, nearly all people facing civil legal issues are without a lawyer or any legal help and must represent themselves to secure or protect their legal rights²

SRLN's leadership gives all states access to proven resources, strategies and opportunities to reform their civil justice systems to meet the challenges created by the rise of the self-represented litigant.

SRLN estimates 30 million people per year appear without legal representation in America's state and county courts, while millions more appear in the tens of thousands of unregulated municipal courts. And even millions more are left on their own to navigate state and federal administrative proceedings, which disproportionately involve the most vulnerable among veterans, the elderly, the disabled, children, the homeless and the hungry who are seeking to obtain or maintain benefits earned or established to support them.

Over the last decade, the SRLN has addressed the challenge of self-representation by producing leading scholarship and successfully incubating, evaluating and championing user centered design to bring innovative services and regulatory and policy reform throughout the country. SRLN's leadership gives all states access to proven resources, strategies and opportunities to reform their civil justice systems to meet the challenges created by the rise of the self-represented litigant. Successful innovations include self-help centers, standardized forms, comprehensive procedural information, transparent procedures, case management reform, procedural simplification, triage, plain language and multi-lingual resources and services, strategic and empowering uses of technology (including, diagnostic apps, e-filing, online dispute resolution (ODR) and on-line portals), integrated delivery systems among providers, utilization of allied professionals such as navigators both inside the courtroom and throughout the community, and judicial education to improve the adjudicatory process in the self-represented litigant (SRL) courtroom environment.

¹ SRLN is a managed project of [The New Venture Fund](#), a 501 (c)(3).

² Few jurisdictions formally report representation status, however based on snapshot and sample studies, it is accepted that in the aggregate, depending on case type and location, 75% - 100% of civil cases involve at least one self-represented litigant. In cases such as uncontested divorces and domestic violence proceedings nearly 100% of the parties are self-represented. However, in housing and consumer debt, the landlord and creditor are usually represented while the tenant or debtor represents themselves. In contested family matters, approximately 70% of cases involve at least one self-represented litigant. In matters involving government interests, such as child support, administrative proceedings or traffic cases, the government is represented (most often by a lawyer, but sometimes not) and the individual parties are self-represented. According to the [2017 Justice Gap Report](#) published by The Legal Services Corporation, 86% of the civil legal problems reported by low-income Americans in the past year received inadequate or no legal help.



Bringing the access to justice pieces together

What members are saying

“While there are several other “access to justice” national consortiums, SRLN is uniquely positioned to bring together court partners together with researchers, designers, technologists and practitioners to reform court systems to expand access to justice. I have found SRLN to be invaluable to me, by introducing me to relevant and provocative research, fresh ideas and wonderful national partners and colleagues.”

- Court Administrator from Illinois

“SRLN's conferences have provided us with information, strategies, and contacts. SRLN is providing an important function by helping us avoid isolation, stay current and build on each other's energy and experiences.”

- Law Professor from Pennsylvania

“As the chief technology officer of a consulting firm involved in developing legal technology solutions for the legal aid sector for nearly a decade, I have depended on the SRLN to keep current with developments in the field and connect with peers working to improve access to justice.”

- Technologist from California

“The SRLN is one of the lifelines of the legal services technology community and a shining example of collaboration between diverse communities to create real solutions to a problem as big as the one faced by people attempting to represent themselves in the legal system.”

- Legal Aid Director from Michigan

Our vision is that every person gets the legal help they need, when they need it, in a format they can use.

Our mission is to foster access to justice leadership and facilitate the adoption of consumer oriented best practices among court, advocacy and service partners to create a fair civil justice system to ensure all Americans can protect their rights and, through reform, close the justice gap.

Connect the Dots

Build Networks

Innovate

Advance Quality

Advocate for Reform

The primary populations affected by SRLN are the thousands of justice system professionals in our network focused on the question of how best to reform and re-align the civil justice system to serve the primary user, the self-represented litigant.

The secondary population impacted by our work are the millions of self-represented litigants who, because of the accomplishments of our members, are increasingly able to access the legal help they need, when they need it, in a format they can use.

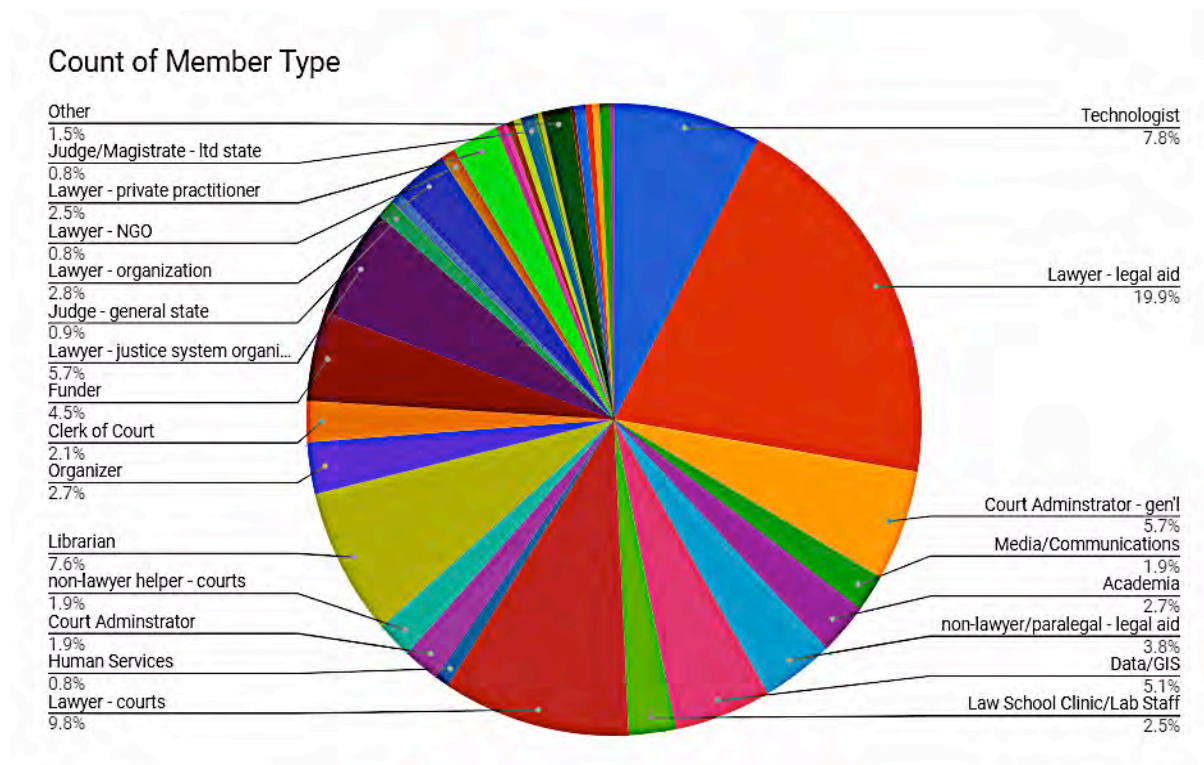
SRLN's success is measured by the success of our members in closing the justice gap.



Bringing the access to justice pieces together

At its inception in 2005, the Network was hosted by the [National Center for State Courts \(NCSC\)](#) and subsisted on volunteer hours and targeted grants that produced a [foundational body of scholarship and resource guides for courts and legal aid programs embarking on the delivery of services to self-represented litigants](#). In 2014, the [Public Welfare Foundation](#) and the [Kresge Foundation](#) awarded SRLN significant general support grants as part of their [Civil Legal Aid initiatives](#), thereby enabling SRLN to separate from NCSC and become a hosted project of The New Venture Fund. This move allowed SRLN to attract a broader range of constituencies within the civil justice space, and to begin to grow and scale the organization to become a sustainable national resource.

Today, our membership grows at an ever-increasing pace as a broader coalition of professionals become aware of the impact of access to civil justice has on the social and economic wellbeing of communities. This chart shows the constituencies in our network:



Our network is comprised of more than 2,200 access to civil justice leaders who together represent each state and eight nations. More than 400 of our members actively participate in monthly Working Groups. These members are committed to breaking down silos across sectors and jurisdictions to improve access to justice for all Americans. And with our international colleagues, we are working to establish an international collaborative affiliation of networks calling for user centered design in civil justice reform.



Bringing the access to justice pieces together

Our activities fall into four broad categories:

Networking and Leadership Development

We believe that a collaborative network is the key to developing effective leadership across sectors to expand access to justice. We support approximately one dozen [Working Groups](#), each of which meets via teleconference on a monthly basis and is led by volunteer Co-Chairs, who serve as national leaders among members and provide more than 1,000 hours of learning and networking annually. These groups develop content and programming for conferences throughout the year, and through their leadership, and also set the national agenda. SRLN staff provides more than 150 hours of education per year at conferences, and serve as a speaker's bureau on access to justice issues domestically and internationally.

Education and Resource Development

We believe in learning, discovery and sharing. Our on-line library, Twitter feed, YouTube Channel and member listservs create a comprehensive knowledge hub for the community, whether as a clearinghouse of the resources from our members and others or through the original research, reports or analysis produced by staff. Our [annual three-day national conference](#) brings together more than 250 professionals who seek an advanced curriculum that integrates technology, operations, policy and judicial education.

Advising

We believe SRLN is successful when our members are successful. Staff advise across constituencies to develop research, resources and strategies for success. We focus on identifying and promoting sustainable reforms that impact operational re-alignment and simplification. In 2015, when the [Conference of Chief Justices called upon states](#) to create strategic action plans to support the aspirational goal of 100 percent access to effective assistance for essential civil legal needs, SRLN became the primary partner and essential knowledge hub with the National Center for State Courts on the [Justice for All national reform project](#) (JFA).

Geospatial Data and Analysis

We believe all justice is local and data analytics and geospatial analysis are central to closing the justice gap. We have professional cartographers and data analysts on staff to support reform, research and advocacy for access to justice, see for example [America's Civil Courts app](#) and [map gallery and GIS resources](#).

As illustrated by the bi-partisan efforts of [Congressman Joe Kennedy III \(MA-04\)](#) and [Congressman Susan W. Brooks \(IN-05\)](#) in their work as Co-Chairs of the [Congressional Access to Civil Legal Services Caucus](#), access to civil justice is an issue of critical and universal importance for the rule of law and public trust and confidence in the justice system. Our geospatial work illustrates that access to justice is ultimately a local issue with significant impact on community stability and wellbeing. The SRLN offers a neutral and effective forum to bring together leaders from throughout the justice system to find solutions that work for all Americans. We thank our current supporters and seek new partners to help us build a sustainable and effective network.





**OPEN
JUSTICE
OKLAHOMA**

A data-based view of our justice system

RYAN GENTZLER

Director

rgentzler@okpolicy.org

THE PROBLEM: A LACK OF JUSTICE DATA

- Oklahoma, like most states, has little ability to evaluate its justice system using data
- The little data we have is basic and comes on a long lag
- We know there are deep problems, but can't respond with data-informed solutions or measure progress



THE OPPORTUNITY: ONLINE RECORDS

- The Oklahoma State Court Network is uniquely open and accessible
- OSCN holds a wealth of data about all kinds of cases throughout the state
- Using cutting-edge methods and informed analysis, we can turn public records into actionable insight

The screenshot displays the Oklahoma State Courts Network (OSCN) website interface. The top navigation bar includes links for HOME, COURTS, DECISIONS, PROGRAMS, NEWS, LEGAL RESEARCH, COURT RECORDS, and QUICK LINKS. The main content area shows a case record for 'Quick Loans Inc. v. Gary M House' in the District Court in and for Oklahoma County, Oklahoma. The case number is No. SC-2017-2633 (Small Claims: INDEBTEDNESS <\$1500.). The case was filed on 02/07/2017 and closed on 03/02/2017. The judge is Chief Special Judge. The record is organized into sections: PARTIES (listing House, Gary M, Defendant and Quick Loans Inc, Plaintiff), ATTORNEYS (None), EVENTS (a hearing on Thursday, March 2, 2017 at 9:00 AM), and ISSUES (INDEBTEDNESS <\$1500. (INDEBT1)).

THE ROLE OF OPEN JUSTICE OKLAHOMA

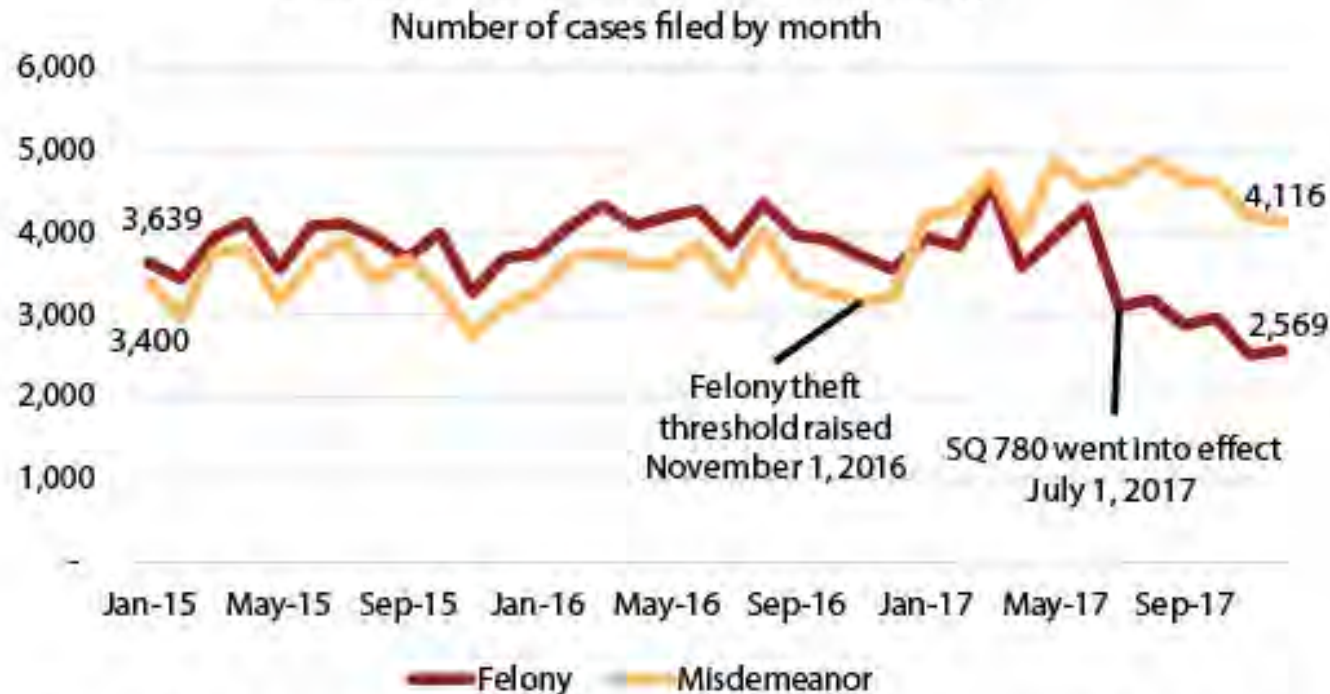
Working closely with justice system stakeholders,
we will:

- **Identify** and **quantify** justice system problems;
- **Develop** and **refine** reforms and interventions to address them;
- **Evaluate** and **measure** the impact of reforms and interventions.

**What happened to criminal
filings after SQ 780 went
into effect?**

WHAT HAPPENED AFTER SQ 780?

After justice reforms went into effect, felony filings dropped sharply across Oklahoma while misdemeanors rose significantly



Source: OK Policy analysis of OSCN.net docket records

Oklahoma Policy Institute | okpolicy.org



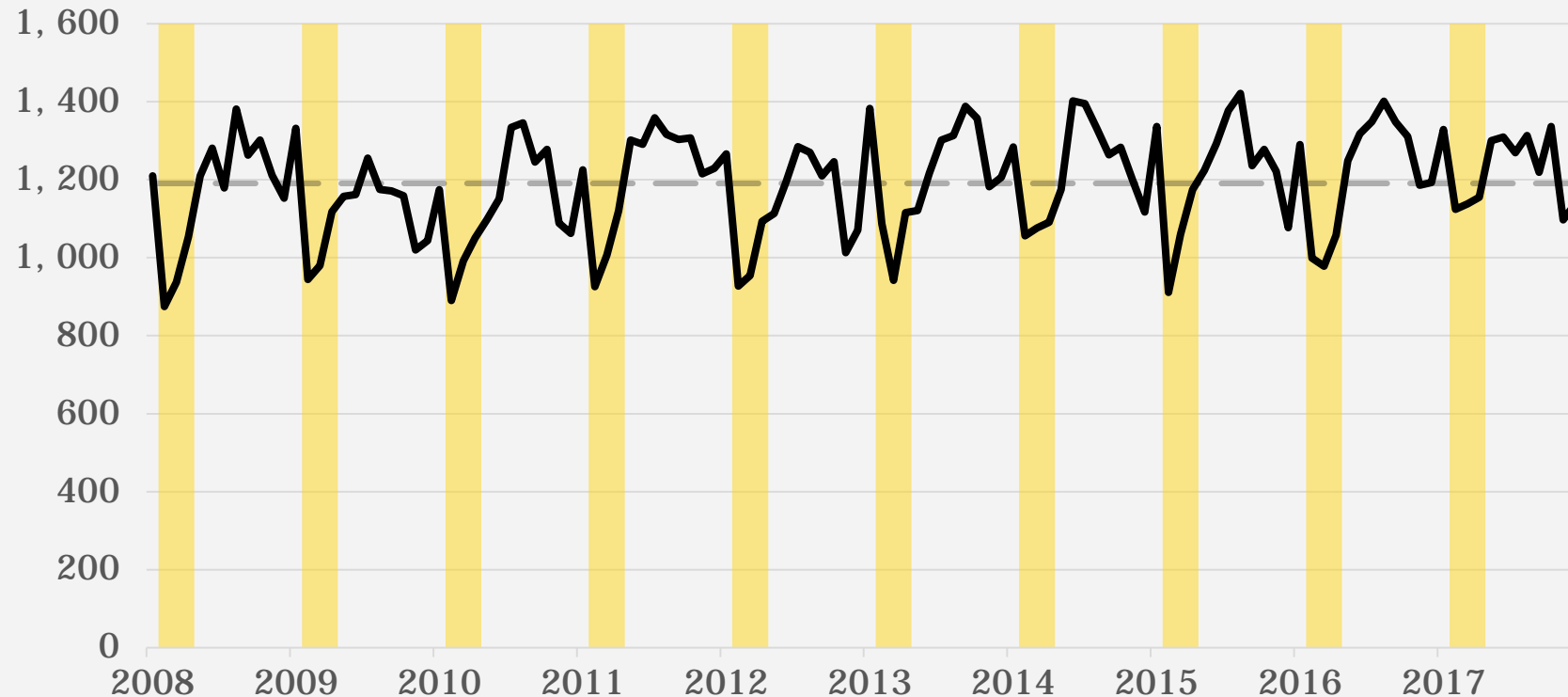
“Today, if evictions are lowest each February, it is because many members of the city’s working poor dedicate some or all of their Earned Income Tax Credit to pay back rent.”

-Matthew Desmond, *Evicted*

ARE FEWER EVICTIONS FILED IN FEBRUARY?

EVICTIION FILINGS PLUMMET DURING TAX REFUND SEASON

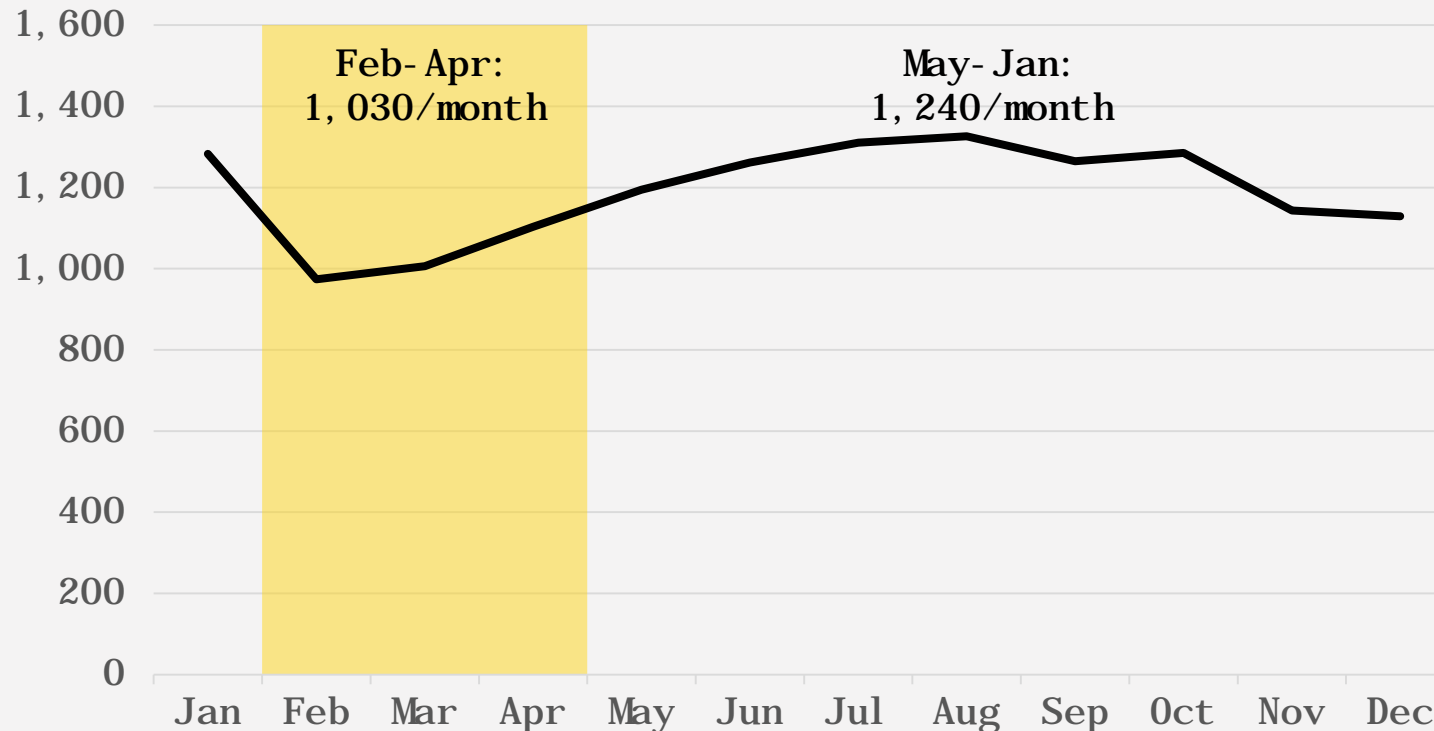
Monthly small claims eviction filings in Tulsa County, 2008-2017 (n = 142,825)



ARE FEWER EVICTIONS FILED IN FEBRUARY?

20 PERCENT FEWER EVICTIONS ARE FILED FEBRUARY – APRIL COMPARED TO THE REST OF THE YEAR

Average monthly small claims evictions filings in Tulsa
County, 2008-2017

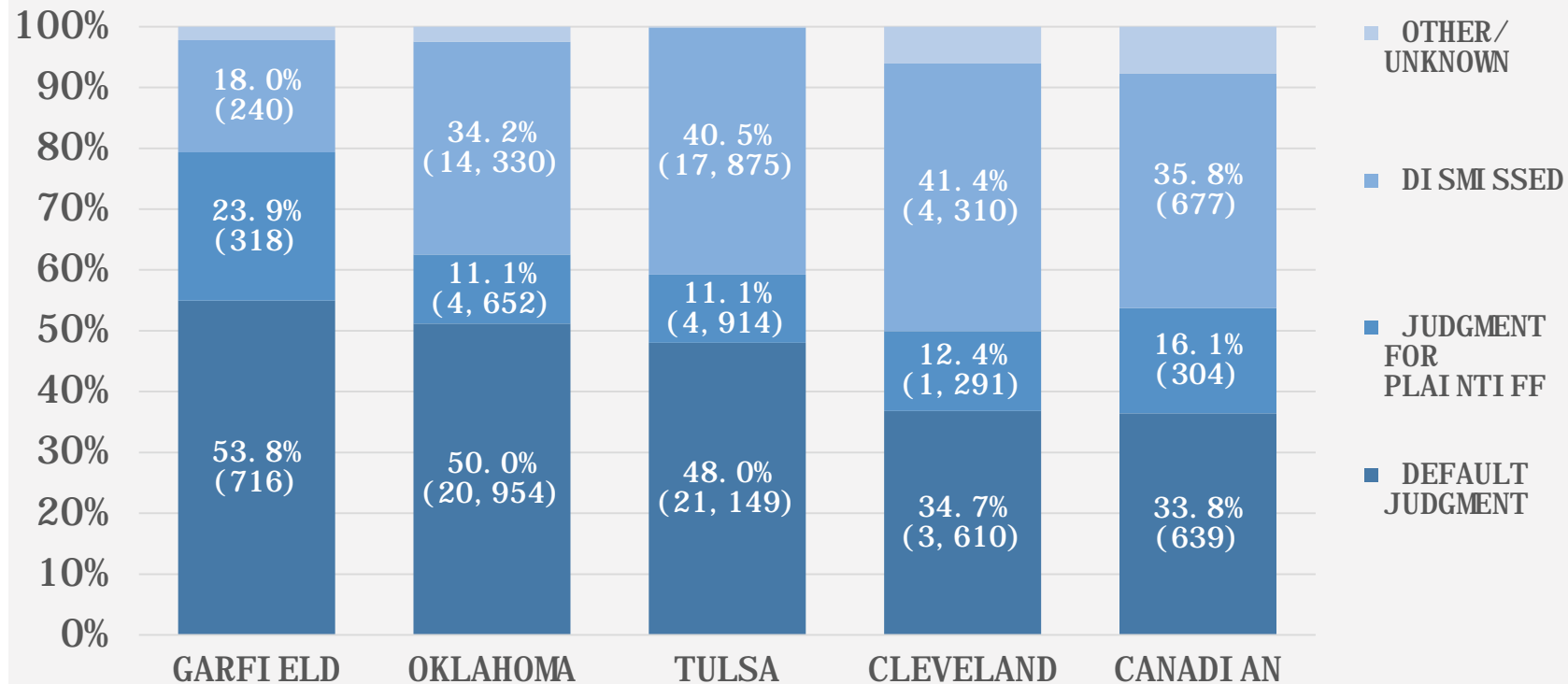


How common are default judgments in eviction cases?

HOW COMMON ARE DEFAULT JUDGMENTS IN EVICTION CASES?

HALF OF EVICTION FILINGS RESULT IN DEFAULT JUDGMENTS IN SEVERAL COUNTIES

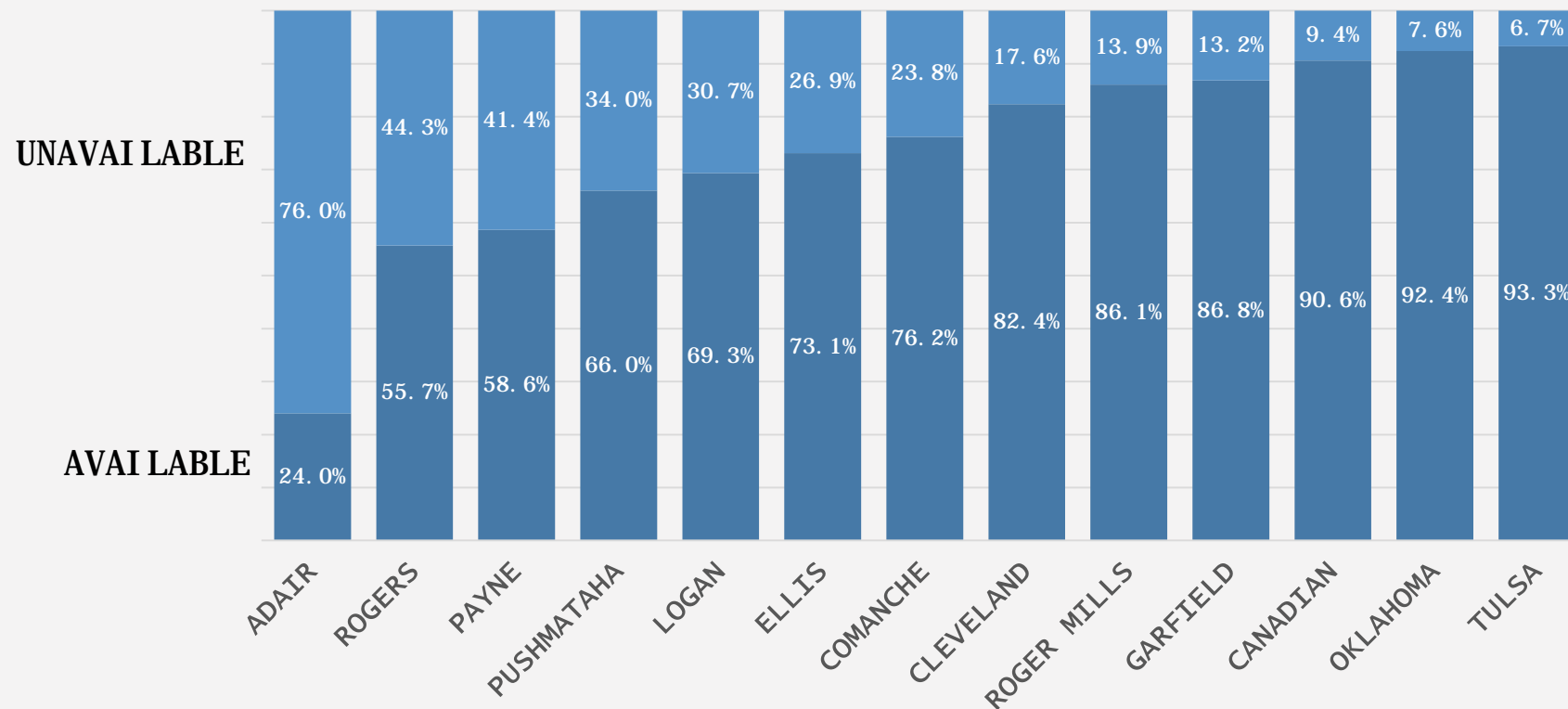
Dispositions of small claims eviction filings, 2015-2017
(n = 105,725)



WHY ONLY FIVE COUNTIES?

INCONSISTENT DATA ENTRY MAKES ANALYSIS DIFFICULT IN MANY (ESPECIALLY RURAL) COUNTIES

Percent of small claims cases with disposition details available on OSCN docket records, 2015-2017

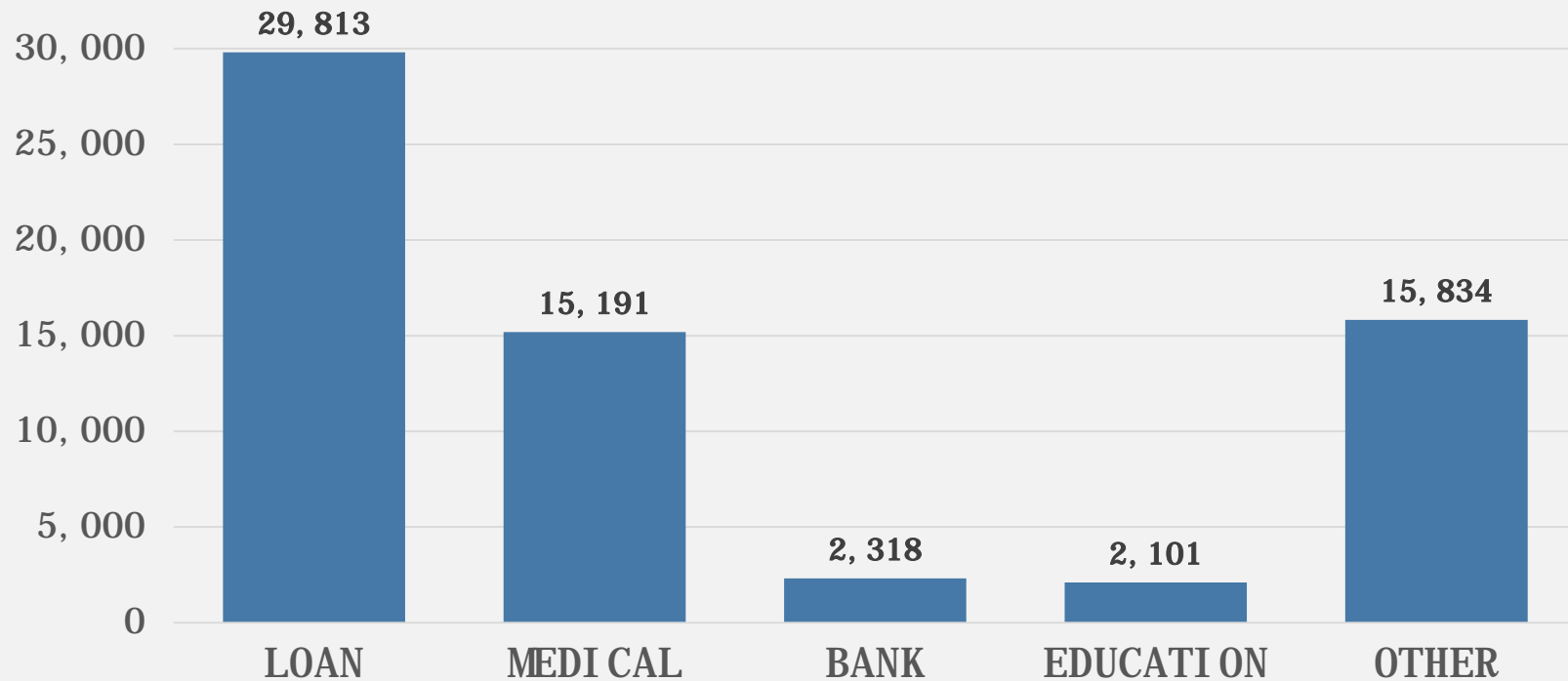


**Who are the plaintiffs in
small claims indebtedness
cases?**

WHO ARE SMALL CLAIMS DEBT PLAINTIFFS?

PREDATORY LOAN AND MEDICAL COLLECTIONS DOMINATE SMALL CLAIMS COURTS

Number of small claims indebtedness case filings by plaintiff type, 13 OSCN counties, 2015-2017 (n = 65,257)



HOW CAN OJO SUPPORT ACCESS TO JUSTICE?

- We know data; you know the justice system
- We can provide insight on broad trends; we need you to guide and interpret data collection and analysis
- How can data support your work?



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RYAN GENTZLER

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CIVIL LEGAL NEEDS AND PUBLIC LEGAL UNDERSTANDING

Prepared by Rebecca L. Sandefur

American Bar Foundation and University of Illinois at Urbana-Champaign

1. Civil justice problems are widespread and frequently experienced by the public.¹

By conservative estimate, each year as many as half of American households confront a special group of commonly experienced problems with potentially wide-ranging and powerful impacts on core areas of life such as livelihood, shelter, the care and custody of minor children and dependent adults, neighborhood safety, and environmental conditions.² These are civil justice problems: they raise civil legal issues, are potentially actionable under civil law, and have consequences shaped by civil law. These incidence rates imply that well over 100 million people are living with civil justice problems, many involving basic human needs. As a result of these problems, people can lose their homes, their jobs, custody of their children, or access to insurance, benefits or pensions.

2. Most civil justice problems are never taken to lawyers or to courts.

Americans usually do not take their civil justice problems to attorneys nor pursue them in any court. According to the most recent national survey of the American public, “only 14% of civil justice problems were taken to a court or hearing body.”³ Despite the fact that most of these problems never reach the formal justice system, courts are often overwhelmed by the numbers of civil litigants appearing without attorneys or other representatives.⁴ Indeed, in the most recent national survey, less than a quarter (24%) of civil justice problems were taken to a lawyer for advice or representation.⁵ In this survey, people were least likely to consult attorneys about problems with personal finances, with housing, with health care, with employment, and with community needs.

Among poor Americans, one of the most common responses to civil justice problems is to do nothing at all to try to resolve them.⁶ In a study of poor and moderate-income Americans’ experiences with civil justice problems involving money and housing, poor households were twice as likely to do nothing about such problems as were moderate-income households.⁷ Research from Britain suggests that civil justice problems that go unresolved can create additional social, economic and health problems that become costly burdens both for those who experience them and for society at large.⁸

¹ This is true not only in the United States, but in market democracies generally. See, for example: Albert W. Currie, 2009, “The Legal Problems of Everyday Life,” in *Access to Justice*, edited by Rebecca L. Sandefur, Bingley, UK, Emerald, Table 1; Gillian K. Hadfield, 2009, “Higher Demand, Lower Supply? A Comparative Assessment of the Legal Landscape for Ordinary Americans,” *Fordham Urban Law Journal* 37(1):134-138.

² Rebecca L. Sandefur, 2010, “The Impact of Counsel: An Analysis of Empirical Evidence.” *Seattle Journal for Social Justice* 9(1):56-59.

³ Sandefur, “Impact of Counsel,” p. 60.

⁴ John M. Greacen, n.d., “Self Represented Litigants and Court and Legal Services Responses to Their Needs: What We Know,” Prepared for the Center for Families, Children and the Courts, California Administrative Office of the Courts, <http://www.courts.ca.gov/partners/documents/SRLwhatwewknow.pdf>

⁵ Sandefur, “Impact of Counsel,” p. 60.

⁶ Rebecca L. Sandefur, 2007, “The Importance of Doing Nothing: Everyday Problems and Responses of Inaction,” pp. 112-132 in *Transforming Lives: Law and Social Process*, edited by Pascoe Pleasence, Alexy Buck and Nigel Balmer, London, TSO.

⁷ Rebecca L. Sandefur, 2009, “The Fulcrum Point of Equal Access to Justice: Legal and Non-Legal Institutions of Remedy,” *Loyola of Los Angeles Law Review* 42(4):973; See also Rebecca L. Sandefur, 2008, “Access to Civil Justice and Race, Class and Gender Inequality,” *Annual Review of Sociology* 34:346-349.

⁸ Pascoe Pleasence, Nigel J. Balmer, Alexy Buck, Marisol Smith, and Ash Patel, 2007, “Mounting Problems: Further Evidence of the Social, Economic and Health Consequences of Civil Justice Problems,” pp. 67-92 in *Transforming Lives: Law and Social Process*, edited by Pascoe Pleasence, Alexy Buck and Nigel Balmer, London, TSO.

CIVIL LEGAL NEEDS AND PUBLIC LEGAL UNDERSTANDING

Prepared by Rebecca L. Sandefur

American Bar Foundation and University of Illinois at Urbana-Champaign

3. Among the most important reasons that people do not take their civil justice problems to lawyers or pursue them in courts is that people do not understand these problems to be legal problems.

Research reveals that when Americans are asked about their experiences with problems or situations that happen to be justiciable, “they often do not think of their justice problems in legal terms.”⁹ Studies demonstrate this failure to connect civil justice problems with law or rights in people’s experiences with a wide variety of justice problems, including those involving family relationships, property damage, personal injury, insurance, and employment and working conditions.¹⁰ Americans express a wish for assistance with these problems, but it is not usually legal assistance that they wish for.¹¹

When Americans do not take their justice problems to lawyers or courts, the most common reason is that the use of lawyers or the justice system is simply not considered at all.¹² How people understand their problems plays a large role in how they respond to them. A recent study in Britain found that a significant predictor of whether people would take a problem to a legal advisor was whether or not they understood the problem as a legal problem, rather than, for example, a social problem, a moral problem, a private problem, or bad luck.¹³

4. When Americans do decide to seek legal assistance with their civil justice problems, where they happen to live rather than the kind of help they need is what determines the legal assistance available to them.¹⁴

In the United States, the existing infrastructure of civil legal assistance is the output of many public-private partnerships, most of them on a small scale. Around the country, different states and communities differ substantially in the resources available to support civil legal assistance for eligible populations, in the kinds of services that are available, and in the groups served by existing programs. Little coordination of services exists among service providers, meaning that people in need are less likely to make contact with providers who can help them.

The context is one of both diversity and fragmentation, with large inequalities both between states and within them in what services are available to which populations. In this context, geography is destiny: the services available to people from eligible populations are determined not by what their civil justice problems are or the kinds of services they may need, but rather by where they happen to live.

⁹ Rebecca L. Sandefur, 2012, “Money Isn’t Everything: Understanding Moderate Income Households’ Use of Lawyers’ Services, in *Middle-Income Access to Justice*, edited by Michael Trebilcock, Anthony Duggan, and Lorne Sossin, Toronto, Univeristy of Toronto Press, p. 233.

¹⁰ See, for example: Robert C. Ellickson, 1991, *Order without Law: How Neighbors Settle Disputes*. Cambridge, MA, Harvard University Press; David M. Engel, 1988, “The Oven Bird’s Song: Insiders, Outsiders and Personal Injuries in an American Community,” *Law and Society Review* 18:551-82; John Gilliom, 2001, *Overseers of the Poor: Surveillance, Resistance and the Limits of Privacy*, Chicago, IL, University of Chicago Press; Carol J. Greenhouse, 1986, *Praying for Justice: Faith, Order and Community in an American Town*, Ithaca, NY, Cornell University Press.

¹¹ Sandefur, “Money Isn’t Everything,” p. 235.

¹² Sandefur, “Money Isn’t Everything,” pp. 232-239; see also Sandefur, “The Importance of Doing Nothing.”

¹³ Pascoe Pleasence, Nigel J. Balmer, and Stian Reimers, 2011, “What Really Drives Advice Seeking Behavior? Looking Beyond the Subject of Legal Disputes,” *Oñati Socio-Legal Series* 1(6):1-21.

¹⁴ Rebecca L. Sandefur and Aaron C. Smyth, 2011, *Access Across America: First Report of the Civil Justice Infrastructure Mapping Project*, Chicago, IL: American Bar Foundation.

The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans

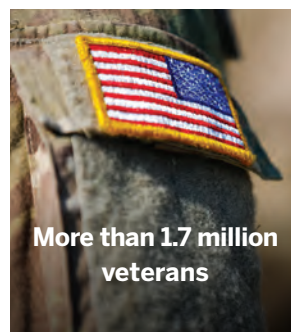
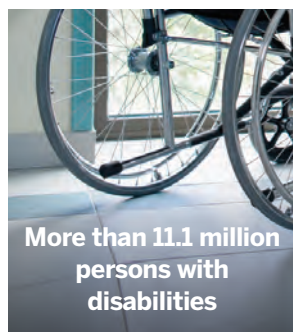
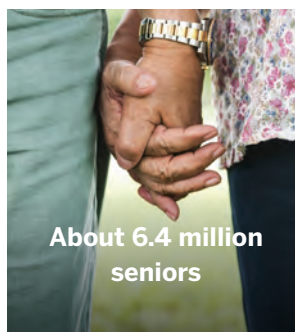
The Legal Services Corporation (LSC) contracted with NORC at the University of Chicago to help measure the justice gap among low-income Americans in 2017. LSC defines the justice gap as the difference between the civil legal needs of low-income Americans and the resources available to meet those needs. NORC conducted a survey of approximately 2,000 adults living in households at or below 125% of the Federal Poverty Level (FPL) using its nationally representative, probability-based AmeriSpeak® Panel. This report presents findings based on this survey and additional data LSC collected from the legal aid organizations it funds.

86% of the civil legal problems reported by low-income Americans in the past year **received inadequate or no legal help.**

In the past year, **71%** of low-income households **experienced at least one civil legal problem**, including problems with domestic violence, veterans' benefits, disability access, housing conditions, and health care.

In 2017, low-income Americans will approach LSC-funded legal aid organizations for support with an estimated **1.7 million** problems. They will **receive only limited or no legal help for more than half of these problems** because of a lack of resources.

More than **60 million** Americans have family incomes at or below 125% of FPL, including:



Data Source: U.S. Bureau of the Census, American Community Survey, 2015 1-year estimates

Key Findings: Experience with Civil Legal Problems

Data Source: 2017 Justice Gap Measurement Survey



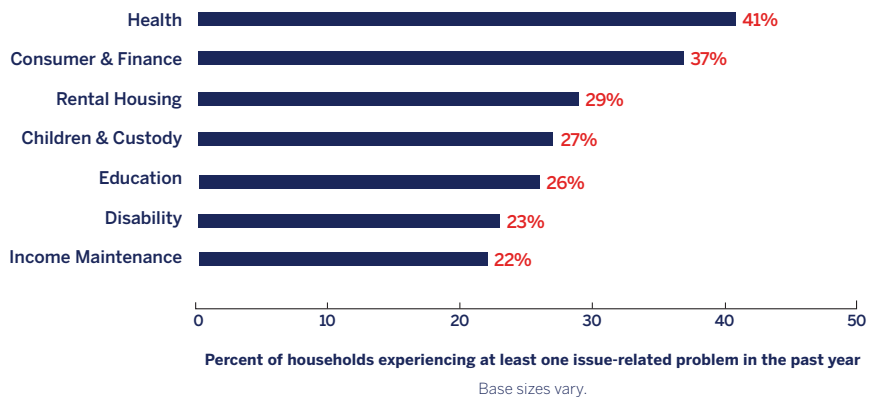
71% of low-income households have experienced a civil legal problem in the past year. **The rate is even higher for some:** households with survivors of domestic violence or sexual assault (**97%**), with parents/guardians of kids under 18 (**80%**), and with disabled persons (**80%**).

1 in 4 low-income households has experienced 6+ civil legal problems in the past year, including **67% of households with survivors of domestic violence or sexual assault.**

7 in 10 low-income Americans with recent personal experience of a civil legal problem **say a problem has significantly affected their lives.**

71% of households with **veterans or other military personnel** have experienced a civil legal problem in the past year. They face the same types of problems as others, but **13%** also report problems specific to veterans.

Common Civil Legal Problem Areas



Key Findings: Seeking Legal Help

Data Source: 2017 Justice Gap Measurement Survey



Low-income Americans seek professional legal help for only **20%** of the **civil legal problems they face.**

Top reasons for not seeking professional legal help are:

- **Deciding to deal with a problem on one's own**
- **Not knowing where to look for help or what resources might exist**
- **Not being sure whether their problem is "legal"**

Low-income Americans are most likely to seek professional legal help on problems that are more **obviously "legal,"** like **custody issues** and **wills/estates.**

Key Findings: Reports from the Field

Data Source: LSC 2017 Intake Census and LSC 2016 Grantee Activity Reports



The 133 LSC-funded legal aid organizations across the United States, Puerto Rico, and territories will serve an estimated **1 million** low-income Americans in 2017, but **will be able to fully address the civil legal needs of only about half of them.**

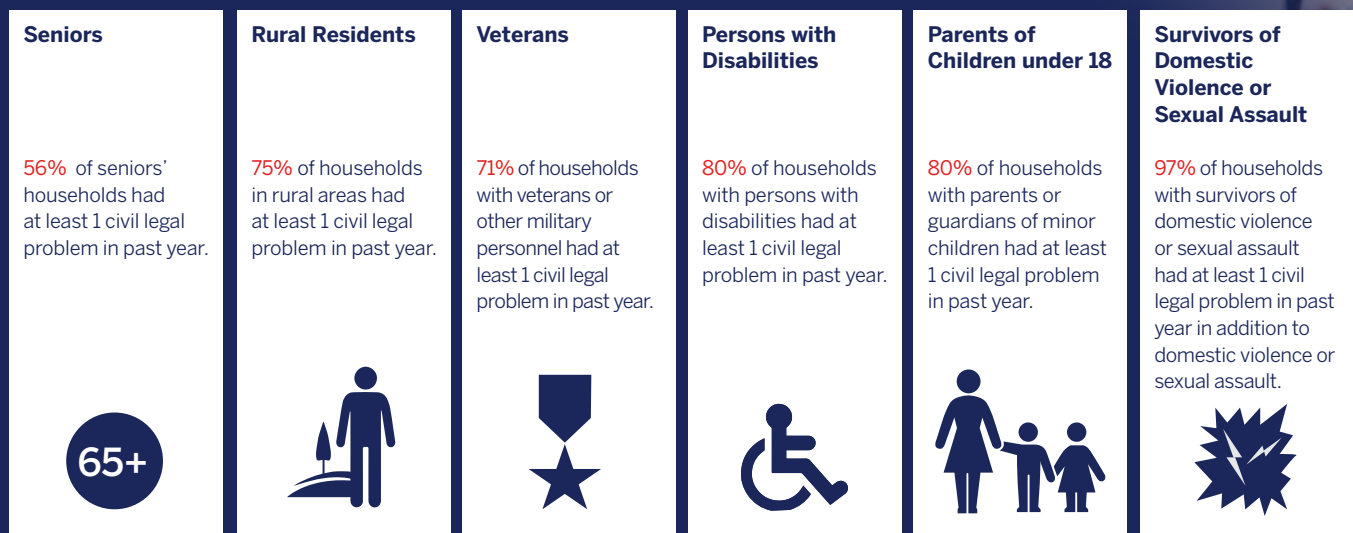
Among the low-income Americans receiving help from LSC-funded legal aid organizations, the top three types of civil legal problems relate to **family, housing, and income maintenance.**

In 2017, low-income Americans will **receive limited or no legal help** for an estimated **1.1 million** eligible problems after seeking help from LSC-funded legal aid organizations.

A lack of available resources accounts for the vast majority **(85% - 97%)** of civil legal problems that LSC-funded organizations **do not fully address.**

Special Focus

The Special Focus section of this report presents key findings for several groups of interest.



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Civil Justice Initiative

The Landscape of Civil Litigation in State Courts



Williamsburg, Virginia





Note: The Allegheny County Court of Common Pleas in Pittsburgh, Pennsylvania, was one of 152 courts in 10 counties that participated in the NCSC *Landscape of Civil Litigation in State Courts*. The study examined all civil cases disposed in those counties from July 1, 2012 through June 30, 2013. The resulting dataset included over 900,000 cases, approximately five percent of the total civil caseload in state courts nationally.

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Acknowledgements

This study was undertaken to inform the deliberations of the Conference of Chief Justices (CCJ) Civil Justice Improvements Committee as it developed recommendations based on evidence-based practices to improve civil case processing in state courts. We are grateful to the committee members and staff who asked probing questions that spurred us to mine the *Landscape* dataset for as much information as could possibly be gleaned. We are especially indebted to the Committee Chair, Chief Justice Thomas Balmer (Supreme Court of Oregon); the chairs of the Rules/Procedures and Court Operations subcommittees, Judge Jerome Abrams (First Judicial District Court, Minnesota), and Judge Jennifer D. Bailey (Eleventh Judicial Circuit, Florida); the Committee Reporter, Judge Gregory E. Mize (D.C. Superior Court); and Brittany Kauffman and Corina Gerety of the Institute for the Advancement of the American Legal System (IAALS), who shouldered far more than their fair share of research and administrative support for the Committee's work.

We are also immensely grateful to the state courts that participated in the study. It is a gross understatement to say that state courts today are operating under enormous pressure to manage voluminous caseloads with significantly reduced resources. We recognize that it is no small task for those courts to allocate scarce resources to extract case-level data from their case management systems and, as important, to answer detailed questions about computer codes

and formatting that is necessary to make sense of the data. Their willingness to do so is a testament to their commitment to maintaining the American civil justice system as a forum for the speedy, inexpensive, and just resolution of civil claims.

No research project undertaken by the National Center for State Courts is ever solely the product of the professional staff assigned to that project. We relied heavily on guidance and support from colleagues who contributed many hours to this project brainstorming ideas, answering questions about related projects, reviewing report drafts, and generally offering encouragement throughout the process. We especially acknowledge the following individuals who were particularly helpful: Tom Clarke, Vice President, Research & Technology; Richard Schauffler, Director, Research Services; Neil LaFountain, Senior Court Research Analyst; Pamela Petrakis, Senior Administrative Manager; Brenda Otto, Program Specialist, and Bethany Bostron, Research Intern.

Finally, both the CCJ Civil Justice Improvements Committee and the *Landscape* study were generously supported by a grant from the State Justice Institute (SJI-13-P-201). The views expressed in this report are those of the authors and do not necessarily represent those of the State Justice Institute, the National Center for State Courts, or the participating courts.

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Executive Summary

Much of the debate concerning the American justice system focuses on procedural issues that add complexity to civil litigation, resulting in additional cost and delay and undermining access to justice. Many commentators are alarmed by the increasing privatization of the civil justice system and particularly by the dramatic decline in the rates of civil bench and jury trials. In addition, substantially reduced budgetary resources since the economic recession of 2008-2009 have exacerbated problems in civil case processing in many state courts.

In response to these concerns, state and federal courts have implemented a variety of civil justice reform projects over the past decade. Some have focused on particular types or characteristics of civil cases such as business and complex litigation programs. Others have aimed at problematic stages of civil litigation, especially discovery. In 2013, the Conference of Chief Justices (CCJ) convened a Civil Justice Improvements Committee to assess the effectiveness of these efforts and to make recommendations concerning best practices for state courts. To inform the Committee's deliberations, the National Center for State Courts (NCSC) undertook a study entitled *The Landscape of Civil Litigation in State Courts* to document case characteristics and outcomes in civil cases disposed in state courts.

Differences among states concerning data definitions, data collection priorities, and organizational structures make it extremely difficult to provide national estimates of civil caseloads with sufficient granularity to answer the most pressing questions of state court

Many commentators are alarmed by the increasing privatization of the civil justice system and particularly by the dramatic decline in the rates of civil bench and jury trials.

policymakers. The sample of courts in the *Landscape* study was intentionally selected to mirror the variety of organizational structures in state courts. The resulting *Landscape* dataset consisted of all non-domestic civil cases disposed between July 1, 2012 and June 30, 2013 in 152 courts with civil jurisdiction in 10 urban counties. The 925,344 cases comprise approximately five percent (5%) of state civil caseloads nationally.

FINDINGS

The picture of civil caseloads that emerges from the *Landscape* study is very different than one might imagine from listening to current criticism about the American civil justice system. High-value tort and commercial contract disputes are the predominant focus of contemporary debates, but collectively they comprised only a small proportion of the *Landscape* caseload. In contrast, nearly two-thirds (64%) were contract cases, and more than half of those were debt collection (37%) and landlord/tenant cases (29%). An additional sixteen percent (16%) were small claims cases involving disputes valued at \$12,000 or less,

and nine percent (9%) were characterized as “other civil” cases involving agency appeals and domestic or criminal-related cases. Only seven percent (7%) were tort cases and one percent (1%) were real property cases.

To the extent that damage awards recorded in the final judgment are a reliable measure of the monetary value of civil cases, the cases in the dataset involved relatively modest sums. Despite widespread perceptions that civil litigation involves high-value commercial and tort cases, only 357 cases (0.2%) had judgments that exceeded \$500,000 and only 165 cases (less than 0.1%) had judgments that exceeded \$1 million. Instead, three-quarters (75%) of all judgments were less than \$5,200. These values varied somewhat based on case type; three-quarters of real property judgments, for example, were less than \$106,000 and three-quarters of torts were less than \$12,200. For most represented litigants, the costs of litigating a case through trial would greatly exceed the monetary value of the case. In some instances, the costs of even initiating the lawsuit or making an appearance as a defendant would exceed the value of the case.

Litigation costs that routinely exceed the case value explain the low rate of dispositions involving any form of formal adjudication. Only four percent (4%) of cases were disposed by bench or jury trial, summary judgment, or binding arbitration. The overwhelming majority (97%) of these were bench trials, almost half

of which (46%) took place in small claims or other civil cases. Three-quarters of judgments entered in contract cases following a bench trial were less than half of those in small claims cases (\$1,785 versus \$3,900). This contradicts assertions that most bench trials involve adjudication over complex, high-stakes cases.

Most cases were disposed through an administrative process. A judgment was entered in nearly half (46%) of the cases, most of which were likely default judgments. One-third of cases were dismissed, possibly following a settlement; ten percent (10%) were explicitly recorded as settlements.

Summary judgment is a much less favored disposition in state courts compared to federal courts. Only one percent (1%) were disposed by summary judgment, and most of these would have been default judgments in debt collection cases except the plaintiff pursued summary judgment to minimize the risk of post-disposition challenges.

A traditional hallmark of civil litigation is the presence of competent attorneys zealously representing both parties. One of the most striking findings in the dataset was the relatively large proportion of cases (76%) in which at least one party was self-represented, usually the defendant. Tort cases were the only ones in which a majority (64%) of cases had both parties represented by attorneys. Small claims dockets had an

At least one party was self-represented (usually the defendant)
in more than three-quarters of the cases.

The picture of civil litigation that emerges from the *Landscape* dataset confirms the longstanding criticism that the civil justice system takes too long and costs too much.

unexpectedly high proportion (76%) of plaintiffs who were represented by attorneys, which suggests that small claims courts, which were originally developed as a forum for self-represented litigants to obtain access to courts through simplified procedures, have become the forum of choice for attorney-represented plaintiffs in lower-value debt collection cases.

Approximately three-quarters of cases were disposed in just over one year (372 days), and half were disposed in just under four months (113 days). Nevertheless, small claims were the only case type that came close to complying with the *Model Time Standards for State Trial Courts (Standards)*. Tort cases were the worst case category in terms of compliance with the *Standards*. On average, tort cases took 16 months (486 days) to resolve and only 69 percent were disposed within 540 days of filing compared to 98 percent recommended by the *Standards*.

IMPLICATIONS FOR STATE COURTS

The picture of civil litigation that emerges from the *Landscape* dataset confirms the longstanding criticism that the civil justice system takes too long and costs too much. As a result, many litigants with meritorious claims and defenses are effectively denied access to justice in state courts because it is not economically feasible to litigate those cases. Most of the litigants who have the resources and legal sophistication to do so have already abandoned the civil justice system either preemptively through contract provisions (e.g., for consumer products and services, employment, and health care) or after filing a case in court through private ADR services. Ironically, private ADR is often provided by experienced trial lawyers and retired judges.

The vast majority of civil cases that remain in state courts are debt collection, landlord/tenant, foreclosure, and small claims cases. State courts are the preferred forum for plaintiffs in these cases for the simple reason that in most jurisdictions state courts hold a monopoly on procedures to enforce judgments. Securing a judgment from a court of competent jurisdiction is the mandatory first step to being able to initiate garnishment or asset seizure proceedings. The majority of defendants in these cases, however, are self-represented. Even if defendants might have the financial resources to hire a lawyer to defend them in

court, most would not because the cost of the lawyer exceeds the potential judgment. The idealized picture of an adversarial system in which both parties are represented by competent attorneys who can assert all legitimate claims and defenses is an illusion.

State court budgets experienced dramatic cuts during the economic recessions both in 2001–2003 and in 2008–2009, and there is no expectation among state court policymakers that state court budgets will return to pre-2008 recession levels. These budget cuts combined with constitutional and statutory provisions that prioritize criminal and domestic caseloads over civil caseloads have undermined courts' discretion to allocate resources to improved civil case management. As both the quantity and quality of adjudicatory services provided by state courts decline, it becomes questionable whether state legislators will be persuaded to augment budgets to support civil caseloads.

These trends have severe implications for the future of the civil justice system and for public trust and confidence in state courts. The cost and delays of civil litigation greatly outpace the monetary value of most cases filed in state courts, effectively denying access to justice for most litigants and undermining the legitimacy of the courts as a fair and effective forum to resolve disputes. Reductions in the proportion of civil

cases resolved through formal adjudication threaten to erode a publicly accessible body of law governing civil cases. Fewer common law precedents will leave future litigants with lessened standards for negotiating civil transactions or conforming their conduct in a responsible manner. The privatization of civil litigation likewise undermines the ability of the legislative and executive branches of government to respond effectively to developing societal circumstances that become apparent through claims filed in state courts. Because the civil justice system directly touches everyone in contemporary American society — through housing, food, education, employment, household services and products, personal finance, and commercial transactions — ineffective civil case management by state courts has an outsized effect on public trust and confidence compared to the criminal justice system. If state court policymakers are to return to the traditional role of state courts as the primary forum for dispute resolution, civil justice reform can no longer be delayed or even implemented incrementally through mere changes in rules of procedure. It is imperative that court leaders move with dispatch to improve civil case management with tools and methods that align with the realities of modern civil dockets to control costs, reduce delays, and ensure fairness for litigants.

Ineffective civil case management by state courts has an outsized effect on public trust and confidence.



UNDERSTANDING EVICTION IN

OKLAHOMA

TULSA COUNTY, OKLAHOMA

OKLAHOMA COUNTY,

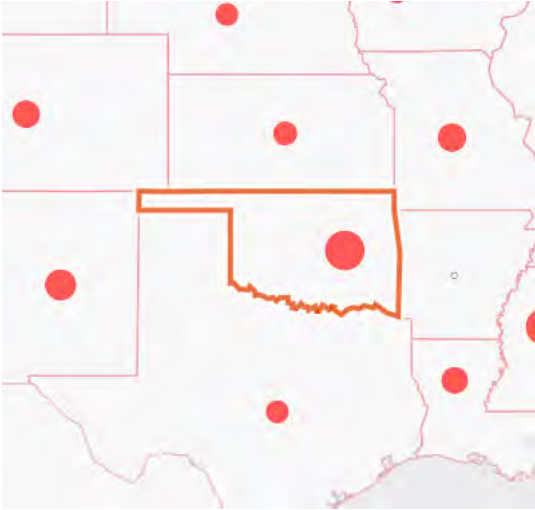
OKLAHOMA

A presentation generated by The Eviction Lab at Princeton University

Data extracted on 2018-04-09

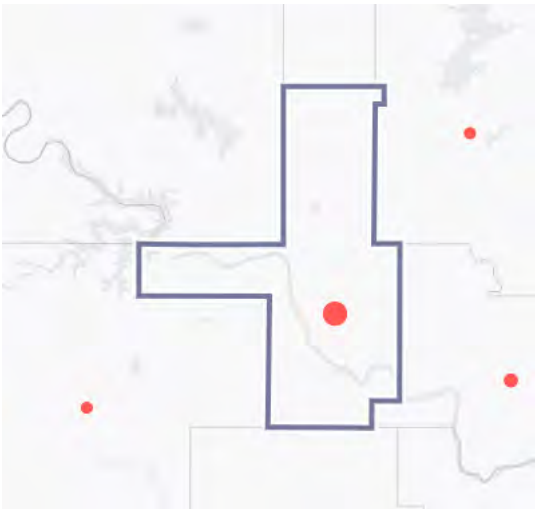
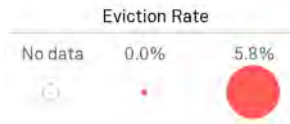
For further information, visit evictionlab.org





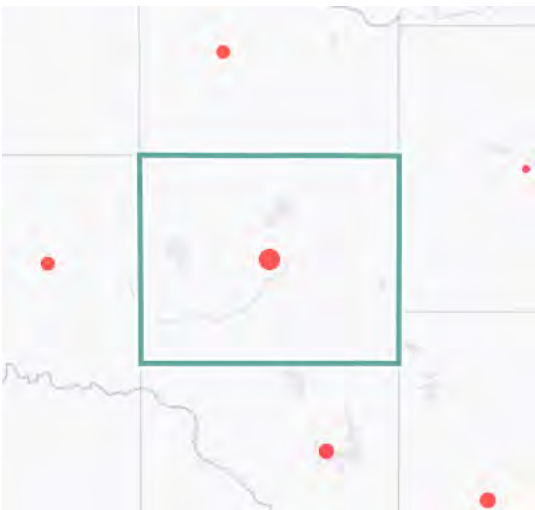
OKLAHOMA EXPERIENCED 21,814 EVICTIONS IN 2016

- Number of evictions per day: **59.6**
- Eviction Rate: **4.24%**



TULSA COUNTY EXPERIENCED 7,089 EVICTIONS IN 2016

- Number of evictions per day: **19.37**
- Eviction Rate: **6.95%**



OKLAHOMA COUNTY EXPERIENCED 7,547 EVICTIONS IN 2016

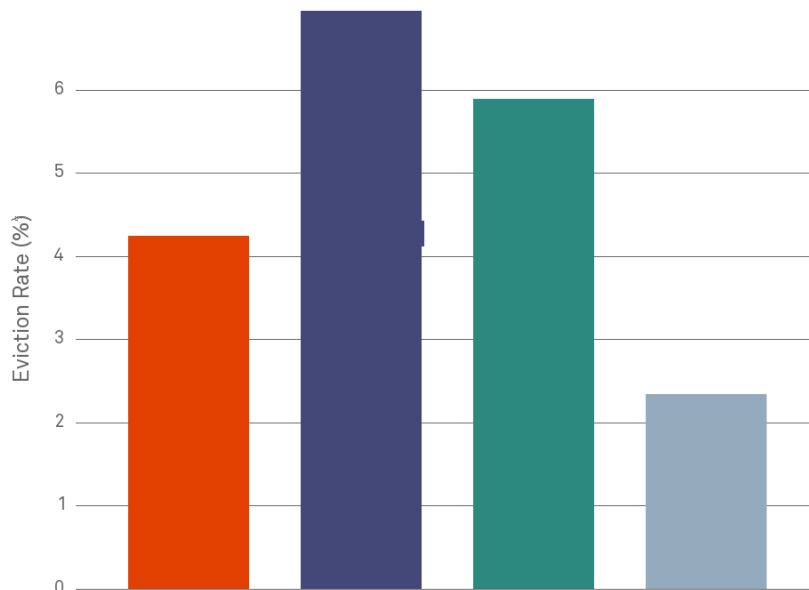
- Number of evictions per day: **20.62**
- Eviction Rate: **5.89%**



COMPARISON OF EVICTION RATES OVER TIME



- Oklahoma**
- Tulsa County**
- Oklahoma County**
- United States**



- 1 Oklahoma**
- 2 Tulsa County**
- 3 Oklahoma County**
- 4 United States**

Oklahoma

2016

59.6

Evictions per Day

4.24%

Eviction Rate

Evictions

21,814

Eviction Filing Rate

8.2%

Eviction Filings

42,251

Population

3,849,733

% Renter-Occupied House...

33.94%

Poverty Rate

12.43%

Median Gross Rent

\$727

Median Household Income

\$46,879

Median Property Value

\$117,900

Rent Burden

28.3%

Demographic Breakdown

Black

7.12%

White

67.31%

Hispanic/Latinx

9.65%

Asian

1.91%

American Indian/Alaska N...

6.95%

Native Hawaiian/Pacific Is...

0.12%

Multiple Races

6.87%

Other Races

0.08%

Tulsa County

2016

19.37

Evictions per Day

6.95%

Eviction Rate

Evictions

7,089

Eviction Filing Rate

13.33%

Eviction Filings

13,596

Population

623,335

% Renter-Occupied House...

40.35%

Poverty Rate

12.26%

Median Gross Rent

\$774

Median Household Income

\$49,759

Median Property Value

\$138,500

Rent Burden

28.5%

Demographic Breakdown

Black

9.95%

White

63.99%

Hispanic/Latinx

11.66%

Asian

2.63%

American Indian/Alaska N...

4.42%

Native Hawaiian/Pacific Is...

0.08%

Multiple Races

7.12%

Other Races

0.15%

Oklahoma County

2016

20.62

Evictions per Day

5.89%

Eviction Rate

Evictions

7,547

Eviction Filing Rate

11.18%

Eviction Filings

14,316

Population

754,480

% Renter-Occupied House...

41.31%

Poverty Rate

13.78%

Median Gross Rent

\$780

Median Household Income

\$47,437

Median Property Value

\$133,400

Rent Burden

29.8%

Demographic Breakdown

Black

14.6%

White

57.95%

Hispanic/Latinx

16.07%

Asian

3.22%

American Indian/Alaska N...

2.64%

Native Hawaiian/Pacific Is...

0.07%

Multiple Races

5.4%

Other Races

0.07%

Facts About Eviction



What is an eviction?

An eviction happens when a landlord expels people from property they own. Evictions are landlord-initiated involuntary moves that happen to renters, whereas foreclosures are involuntary moves that happen to homeowners when a bank or other lending agency repossesses a home.

Why do people get evicted?

Most evictions happen because renters cannot or do not pay their rent. Landlords can evict renters for a number of other reasons, too, including taking on boarders, damaging property, causing a disturbance, or breaking the law. In most American cities and towns, landlords can evict renters even if they have not missed a rent payment or otherwise violated their lease agreement; these are called “no fault” evictions.

What is the relationship between the affordable housing crisis and the eviction epidemic?

Today, most poor renting families spend at least half of their income on housing costs, with one in four of those families spending over 70 percent of their income just on rent and utilities. Incomes for Americans of modest means have flatlined while housing costs have soared. Only one in four families who qualifies for affordable housing programs gets any kind of help. Under those conditions, 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.

What is the eviction process like?

Landlords initiate the process, and renters are served notice to appear in court. Almost everywhere in the United States, evictions take place in civil court, where renters have no right to an attorney. For this reason and others, most renters do not appear in eviction court. When this happens, they receive a default eviction judgement, provided that the landlord or a representative is present. Renters who do appear in court may also receive an eviction judgement ordering them to vacate their home by a specific date. Eviction cases can be resolved in other ways as well. For one, the case may be dismissed or ruled in favor of defendants, allowing renter to remain in their home. In addition, a mediated agreement can be established between a landlord and a renter, often called a “settlement” or “stipulation,” which comes with certain terms. If renters meet the terms, the eviction is dismissed; if they do not, an eviction judgment can be rendered. In the event that evicted renters do not leave their home by the specified date, their landlord may file a “writ of restitution,” which permits law enforcement officers to forcibly remove a family and often their belongings.

Who is at most risk of eviction?

Low-income women, especially poor women of color, have a high risk of eviction. Research has shown domestic violence victims and families with children are also at particularly high risk for eviction.

How does an eviction affect someone's life?

Eviction causes a family to lose their home. They often are also expelled from their community and their children have to switch schools. Families regularly lose their possessions, too, which are piled on the sidewalk or placed in storage, only to be reclaimed after paying a fee. A legal eviction comes with a court record, which can prevent families from relocating to decent housing in a safe neighborhood, because many landlords screen for recent evictions. Studies also show that eviction causes job loss, as the stressful and drawn-out process of being forcibly expelled from a home causes people to make mistakes at work and lose their job. Eviction also has been shown to affect people's mental health: one study found that mothers who experienced eviction reported higher rates of depression two years after their move. The evidence strongly indicates that eviction is not just a condition of poverty, it is a cause of it.

For further information, visit evictionlab.org

https://www.tulsaworld.com/homepagelatest/with-one-of-the-worst-eviction-rates-in-the-country/article_b8d8af14-a15f-53d9-b6dd-d8e936784ee2.html

Tulsa has nation's 11th-highest eviction rate

With one of the worst eviction rates in the country, Tulsa has a major problem. Tenants and landlords are frustrated by what's going on

By Michael Overall Tulsa World Jul 28, 2018



Buy

Charles Ireland lives at the Desert Hills Motel after being evicted from his apartment. More than 1,200 people a month in Tulsa County face eviction notices. MIKE SIMONS/Tulsa World

Editor's Note

The data used in this story is a result of a collaboration between the Tulsa World and Open Justice Oklahoma, a project of the Oklahoma Policy Institute that gathers and analyzes justice data.

She's crying in the hallway. Sobbing, in fact. A few people glance her direction but most pretend not to notice as they walk past. At the Tulsa County Courthouse, everybody has their own problems.

"Just give me one more chance," the woman pleads, looking up from her seat on a hard wooden bench.

"I've already given you chance after chance after chance," a man says. He's wearing khakis and a golf shirt with a clipboard in his hand.

There's a list of names filling half a page, with hers near the top. And he's in a hurry to move on to the next tenant.

"I've been in the hospital," she says. "I haven't been able to work. I can pay you next month."

"It's not up to me," the man says, shrugging his shoulders and looking down at her. He's the property manager, not the owner. The owner wants her out.

"I'll lose my job if I let you stay," he tells the woman. "I can't lose my job."

She sobs even louder and buries her face in her hands.

"I don't have anywhere to go," she says. She has three children at home, one still in diapers. "We'll all be on the street."

The man sighs.

"One more month," he says. "But this is your last chance."

Her case was dropped, at least for now. But on this particular Thursday afternoon in mid-July, more than 200 other people are facing eviction notices in Tulsa County.

Local landlords file more than 1,200 evictions a month, averaging 14,315 cases a year over the past decade. And Tulsa's eviction rate now ranks No. 11 in the country with Oklahoma ranking sixth, according to data from Eviction Lab, a nationwide research project based at Princeton University.

The mayor's office has declared that Tulsa has "an eviction problem," and officials are promising to fix it. But first they need to understand what's causing it.

'Plan A, not Plan B'

For Jessica Plati, it started with the lease itself.

She was living on a tight budget and found an apartment in south Tulsa that seemed to fit it. But the small print added several unexpected fees: \$2 a month for pest control, \$3 a month for trash pick-up, \$4 a month to process her rent payment, and a bunch more, until her total monthly bill went from \$525 to \$561.

Still, it was manageable until earlier this year, when Plati had to take a few sick days and her paycheck for that week was cut in half. Unable to pay April's full rent on time, she offered what she had left in her checking account, but the apartment complex refused to take a partial payment.

The landlord instead added a late fee to her bill and, within a few days, posted an eviction notice on her door, she says.

"They're not willing to work with you at all," Plati says. "They're not willing to compromise. It's pay now or get out."

Instead of a last resort, landlords often use the eviction process as a routine collection method, filing dozens of notices at a time while making no effort to reach out to the tenants, says Eric Hallett, an attorney for Legal Aid Services who specializes in tenant-landlord disputes.

"It's actually pretty cheap to file these evictions," Hallett says, explaining that courts fees are low and some eviction attorneys work on monthly contracts that will charge landlords the same no matter how many evictions get processed. "A lot of landlords use it like a stick. 'Your rent is late? Bam! Here's an eviction.' It's Plan A not Plan B for a lot of them."

'It's not free'

On a recent afternoon in small-claims court, people are already sitting shoulder-to-shoulder when a bailiff comes down the aisles to make everyone scoot closer together.

"Move down, please. Move down," she commands. "We have a lot of people standing in the back."

The crowd is spilling into the hallway when Special Judge Millie Otey begins the 2 o'clock docket. With eviction cases, 97 percent of defendants don't show up for their court dates and the landlords win by default, according to Legal Aid estimates. But the fraction who do show up is enough to pack a courtroom.

Judge Otey skips formalities, sitting behind the bench wearing a white sweater instead of a black robe.

"Does everybody have their paperwork?" she asks, scanning the crowd. "Get your papers out and find your case number. If everybody has their case number, we can get through this and you can all get out of here, right? Nobody wants to be here."

She's holding an enormous pile of manila envelopes in her lap and begins flipping through them, one-by-one, calling out case numbers.

If somebody speaks up or raises a hand, Otey points out the attorney who's representing the landlord in the case. They're sitting at the front of the courtroom near the windows and wave to the tenants.

"That's Mr. Frierson," the judge says. Or "that's Mr. Decarlo. You'll talk to him, OK?"

When Otey has gone through the entire stack of manila envelopes, she sends the whole crowd into the courthouse's ground-floor hallway, where everyone lines up in front of the appropriate attorney. In a sort of informal mediation, they'll take turns pleading their cases for a minute or two, hoping to work out a deal that will let them stay in their homes.

The longest line forms in front of Blaine Frierson, who files more than 400 eviction cases a month, more than any other attorney in Tulsa County. He wants to compromise with the tenants, Frierson says. But it's not always up to him.

"I have to do what my clients want," he says. "And by the time a case gets to me, they're usually frustrated and just want it to be over."

He rejects the suggestion that landlords are quick to file evictions.

"Nobody wants to do it," he insists. "If a case comes to me, it's usually because my client has tried everything else and is fed up."

He blames the local economy, or more specifically the lack of high-paying blue-collar jobs, for Tulsa's growing number of evictions.

"Nobody making \$11 an hour can afford an apartment in Tulsa," he says. "Not on their own, anyway. They just can't afford it."

That's not the landlord's fault, he says.

"At the end of the day, you have to pay the rent. It's not free."

'A long-term ordeal'

David, who asked the World not to use his real name, has a college degree. In fact, after serving in the military for 21 years, he went back to school to earn a master's degree from Oklahoma State University. But he also came down with a rare and highly contagious skin condition that required hospital treatment earlier this year.

When he was healthy enough to go back to work, he had been replaced.

He quickly found work through a temp agency, but missing even one paycheck left him unable to pay February's rent. Four days after the due date, he got an eviction notice.

"It doesn't just happen to poor people. It can happen to anybody," David says. "And it happens fast. They don't care how long you've been a tenant, they go straight to eviction. It's just 'get out.' "

Facing eviction on top of his medical condition, David says he considered suicide. But a few days before the eviction would have been final, he managed to keep his apartment when Restore Hope Ministries paid his rent and the accumulated late fees.

The only ministry of its kind in Tulsa, Restore Hope helped 852 families avoid eviction last year, paying overdue rents and more than \$20,000 in late fees.

"In every case without exception, the families had some kind of unexpected loss of income," says Jeff Jaynes, the ministry's executive director. "It's not that people are living above their means or making poor decisions. They're living paycheck to paycheck, and then all of a sudden there's no paycheck."

Once the rent is late, of course, a tenant will face mounting late fees, making it harder and harder to catch up. Then paying off the overdue rent can put them behind on other bills, which only makes it more difficult to pay rent next time, starting the cycle over again.

Tenants often face several eviction notices before finally losing an apartment, Jaynes says. And once they have an eviction on their records, it ruins their credit and makes it harder to find a new place to live, with tenants often having to settle for substandard housing where landlords don't care as much about background checks.

"You can have a short-term crises that affects your income," Jaynes says, "but it turns into a long-term ordeal. And that's why we try so hard to keep an eviction from happening in the first place."

'Think twice'

Sharing a federally subsidized apartment with his brother, Charles Ireland paid his share of the rent on time. But the landlord accused him of letting other people move in.

Ireland insisted his friends were only visiting, not living there. But the property manager sent an eviction notice.

"He didn't believe us," Ireland says, "and there was nobody else to talk to. He wanted to kick us out, so he did."

The brothers didn't even get a day in court. After blaming them for a shot-out window, the landlord forced them to leave before the hearing date, Ireland says.

Homeless shelters wouldn't let him bring his dog, a 17-year-old half-blind Pomeranian named Pee Wee. So he spent several weeks living in the alley behind a midtown Lowe's before a stranger paid for a room at the Desert Hills Motel on historic Route 66.

"The room's paid through Friday," Ireland says, gently petting Pee Wee in the motel's parking lot. "After that, I don't know where I'll be. Maybe back in the alley."

He resents not having a chance to plead his case in front of a judge, but it probably wouldn't have changed the outcome.

Out of 14,835 eviction cases filed last year in Tulsa County District Court, a judge ruled in favor of a tenant exactly one time, according to a Tulsa World analysis of court records. Over the last 10 years, tenants have won 0.07 percent of eviction cases, the World found.

“The system is set up for efficiency, to process as many cases as quickly as possible,” says Hallett, the Legal Aid attorney who specializes in housing issues. “The landlords have all the advantages. They have an attorney, but the tenants don’t. And the tenants aren’t entitled to an attorney. It’s not a fair fight in court, so landlords just keep winning, and that’s how we end up in this situation.”

He recommends several reforms, starting with higher court fees to discourage “frivolous filings” and requiring landlords to produce evidence that a tenant really has fallen behind on rent or violated the terms of a lease.

“In any other type of case,” Hallett says, “the plaintiff has to provide evidence that a wrong has been committed. The court doesn’t just take their word for it.”

He also suggests implementing “eviction diversion programs,” where tenants and landlords would take cases to mediation, and not just in the courthouse hallway. Such efforts have significantly reduced evictions in other states, such as North Carolina and Michigan, Hallett says.

Most importantly, tenants need a right to legal representation, he says.

“If there’s an attorney in the room speaking for the tenants, landlords are going to start losing cases,” Hallett says. “Not every case. But they’re going to lose often enough to make them think twice about filing an eviction in the first place.”

‘Not keeping pace’

Facing eviction for the first time earlier this year, Plati took a friend’s advice to go to Legal Aid for help, coincidentally meeting Hallett in the elevator lobby.

He found flaws in the landlord’s paperwork and had the first eviction dismissed, only to have a second eviction filed a month later, which was also dismissed.

Plati is now facing a third eviction notice, with late fees racking up since April and putting the cost of staying in her apartment hopelessly out of reach. She’ll move before the end of July and can only hope to somehow avoid having to pay the entire debt she owes, a sum that she says would leave her

penniless for the foreseeable future.

“It’s how people go from being self-sufficient to being on the public dole,” her attorney says. “And all because maybe they got sick for a few days and couldn’t go to work.”

People think poverty is what causes an eviction, but it’s actually the other way around, says DeVon Douglass, the chief resilience officer for the City of Tulsa.

“Eviction causes poverty,” she says.

Having already fallen behind on the rent, people facing eviction suddenly find themselves dealing with several more expenses. Moving vans. Storage rentals. Utility hook-ups.

“You have to take time off to move, and a lot of people don’t get paid time off,” Douglass says. “Some people lose their jobs because they have to take time off to move. If you’re already struggling, it’s a disaster.”

Of course, that leads to the risk of falling behind on the rent again at the new place and facing another eviction.

To help break the cycle, the Anne and Henry Zarrow Foundation is funding a two-year grant to create a housing policy director at City Hall, where the position has already been nicknamed the “housing czar.”

Nobody knows what policies the policy director will adopt. The position isn’t even filled. But the goals seem likely to include creating more housing to increase competition and drive down rents, Douglass says.

“There’s not enough affordable housing for average people as our city continues to grow,” Douglass says. “A bigger housing supply will lead to more stability.”

Researchers at Eviction Lab phrase it a little differently: “Quantity supplied,” they say, “is not aligning with quantity demand.”

But it means the same thing: Rents are too high and there’s not enough affordable housing to go around.

“Nationally, we’ve seen rents increasing and wages not keeping pace,” says Lavar Edmonds, an Eviction Lab researcher at Princeton University. “What often gets lost in debates about eviction is that, for many of the millions facing eviction each year, it’s not so much that people are actively choosing to not pay rent, but rather they are unable to.”

In Tulsa and across the country, eviction doesn’t seem to discriminate, affecting all groups of people regardless of sex, race, ethnicity or geography, Edmonds says.

“For the sakes of our families, friends and people all around the country struggling to find a stable place to sleep at night,” he says, “we can’t afford to not care.”


Tulsa County eviction court filings reach 10-year peak in 2017


Staff Writer Michael Overall

Born and raised in Oklahoma, Michael writes news features and personal columns on a variety of topics. Phone: 918-581-8383

Tulsa World editorial: Tulsa must find solutions to its ranking of 11th nationally in evictions

It's not a problem exclusive to Tulsa. Oklahoma has the sixth-highest eviction rate in the nation

 By World's Editorial Writers

 08.03.18

Tulsa has the 11th-highest eviction rate among U.S. cities, a situation that must be examined and addressed.

While people need to pay rent, supports and safety nets are needed in the system to help when tenants are faced with hard times.

A story published Sunday by reporter Michael Overall, photojournalist Mike Simons and data expert Curtis Killman found desperation on both sides of the problem; people who have no options and owners upset by nonpayment.

In some cases, residents expressed frustration by a lack of mediation or second chances before ending up in court.

With an average of 1,200 evictions filed each month at the county courthouse, the small claims dockets are clogged.

Evictions worsen poverty by creating debt, wrecking credit and, at worst, contributing to homelessness.

Among the story's most startling moments came from a landlord's attorney, who said a person making \$11 a hour cannot afford housing in Tulsa without help.

That's not surprising for working people struggling in or at the edge of poverty. It should wake up those who aren't aware of this housing distress.

This lack of affordable housing for lower- to middle-income households must change.

In the revitalization of city neighborhoods, Tulsa needs to find incentives to create more housing options.

It's not a problem exclusive to Tulsa. Oklahoma has the sixth-highest eviction rate in the nation.

Among the considerations are creating diversion programs to encourage mediation, requiring proof of nonpayment or rental violations prior to eviction, raising filing fees and offering attorneys for defendants.

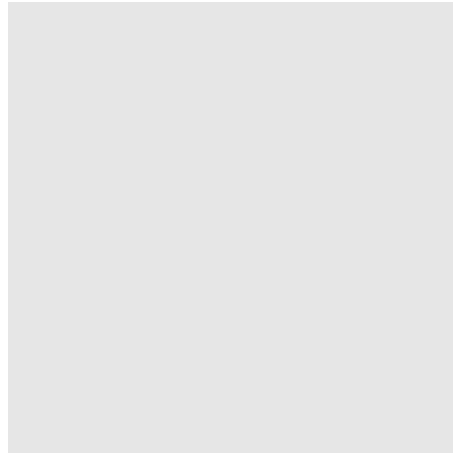
The Anne and Henry Zarrow Foundation has provided Tulsa a two-year grant to establish a housing policy director at City Hall.

That's a good start, but the community needs to encourage more solutions in this systemic problem.

https://www.tulsaworld.com/news/government/new-law-bans-mandatory-city-property-registries/article_545bccee-cca5-521f-84fd-579cbc266c87.html

New law bans mandatory city property registries

By Curtis Killman World Staff Writer Jun 9, 2014



Setback

Dwain Midget: He says the law hurts efforts to clean up neighborhoods.

By MICHAEL DEKKER World Assistant Editor



House Bill 2620, known as the Protect Property Rights Act, will prohibit municipalities from implementing mandatory property registration programs. Tulsa had been considering a rental unit registration program in the wake of a January 2013 quadruple homicide at Fairmont Terrace apartments. CORY YOUNG/Tulsa World file

Tulsa, Oklahoma City and a handful of other Oklahoma cities will be forced to dismantle their property registration programs under a new state law approved during the last session.

House Bill 2620, known as the Protect Property Rights Act, will prohibit municipalities from implementing mandatory property registration programs.

Tulsa already requires nuisance property owners to register with the city and had been considering a rental unit registration program in the wake of a January 2013 quadruple homicide at a south Tulsa apartment complex.

“That law took Tulsa a step backwards,” said Dwain Midget, Director of Community Development.

Unlike other city programs, the city of Tulsa’s registration program targeted only neglected properties that had been subject to code enforcement action.

Nuisance property owners were required to register with the city and develop a plan to either rehab or remove the structure, Midget said.

“That bill is a setback for what we have already accomplished in Tulsa in terms of addressing vacant, abandoned and neglected buildings that had become a nuisance and burden to taxpayers,” Midget said.

City officials had been considering a rental registration program to encourage greater safety for residents, but that effort was put on hold earlier this year when HB 2620 was introduced.

Bill author Rep. Steve Martin, R-Bartlesville, said he drafted the bill in part after noticing others were looking to copy his hometown’s program.

“That program was an inspiration to other programs around the state,” Martin said. “The problem is cities were registering programs for different reasons, using them, I felt, as a profit center.”

Martin said the Bartlesville program provided a way for residents to complain to city officials about problem properties.

“I didn’t think (it) was right because if I have a problem with my bank, I can’t call the city,” Martin said. “If I have a problem with my insurance agent, I can’t call the city.

“I didn’t see why a person needed to be able to call the city with real estate complaints.”

Bartlesville officials called the program, which applied only to rental property owners, a “lifesaver” because it provided information on who to contact when problems arise with a property.

In the past, the city was limited to relying on publicly available ownership information that might be vague or outdated.

Bartlesville officials did not respond to a request for comment about the new law.

But one Bartlesville rental property owner said he was glad to see the bill become law.

Jay Mitchell, who has opposed the registry since its inception, said the program amounted to an unfair tax on property owners.

Forced property registration programs too easily lend themselves to abuse by government officials, he said.

Mitchell said existing state law supplies cities with all the tools they need to abate problem properties. Mitchell said he favors a voluntary registry and has long supplied Bartlesville officials with his contact information.

Meanwhile, Martin called Oklahoma City's recently approved property registration program the "most egregious" example of property rights incursion.

Martin said he believes the Oklahoma City registry unfairly burdened property owners.

"You can have a perfectly well-maintained vacant property and you would still have to pay this outlandish registration fee and have criminal fees assessed if you failed to," Martin said.

"Those of us who look out for the property rights of citizens felt that it was in the best interest of people of Oklahoma if cities were not allowed to continue with these property registration schemes," Martin said.

The Oklahoma City program, approved last year but hadn't yet launched, would have required owners of vacant buildings to register them with the city at an initial cost of \$285 with a \$190 annual renewal fee thereafter.

A vacant Oklahoma City building had to be registered if it had been declared unsecured or dilapidated, had no electric or water service for at least 60 days, or was the subject of a foreclosure action.

An Oklahoma City spokeswoman said the city was "very disappointed" with the passage of the bill.

"We had planned on launching a registry program this year to address the thousands of buildings that are decreasing the home values in neighborhoods," city spokeswoman Kristy Yager said.

Oklahoma City officials are currently analyzing the bill to see what options the city has left.

"We currently have 11 positions that we are adding to the 2014-15 budget to deal with abandoned buildings," Yager said. "That's going to stay in the budget until we can determine we absolutely won't need these positions."

“We know we need to address abandoned buildings, we have to deal with those,” Yager said.

While Oklahoma City officials look to see if they can salvage anything in their registration ordinance, Midget said the city of Tulsa has not abandoned the concept of a rental registry of some type, despite the new law.

“We’ve got to figure something out,” Midget said.

Mayor Dewey Bartlett initially said he favored a licensing program for apartments as a way to encourage them to make them safer for renters.

Bartlett took the pro-licensing stance following a quadruple homicide in January 2013 at a south Tulsa apartment complex owned by a California company.

But city officials scrapped that idea in April 2013 in favor of a less-restrictive registration process that would be applied to both multi- and single-family property rental owners. Area Realtors opposed a mandatory registry.

The new law takes effect Nov. 1.

Staff Writer Curtis Killman

Curtis is a member of the Projects Team with an emphasis on database analysis. He also covers federal court news, maintains the Tulsa World database page and develops online interactive graphics. Phone: 918-581-8471

CIVIL LEGAL NEEDS AND PUBLIC LEGAL UNDERSTANDING

Prepared by Rebecca L. Sandefur

American Bar Foundation and University of Illinois at Urbana-Champaign

1. Civil justice problems are widespread and frequently experienced by the public.¹

By conservative estimate, each year as many as half of American households confront a special group of commonly experienced problems with potentially wide-ranging and powerful impacts on core areas of life such as livelihood, shelter, the care and custody of minor children and dependent adults, neighborhood safety, and environmental conditions.² These are civil justice problems: they raise civil legal issues, are potentially actionable under civil law, and have consequences shaped by civil law. These incidence rates imply that well over 100 million people are living with civil justice problems, many involving basic human needs. As a result of these problems, people can lose their homes, their jobs, custody of their children, or access to insurance, benefits or pensions.

2. Most civil justice problems are never taken to lawyers or to courts.

Americans usually do not take their civil justice problems to attorneys nor pursue them in any court. According to the most recent national survey of the American public, “only 14% of civil justice problems were taken to a court or hearing body.”³ Despite the fact that most of these problems never reach the formal justice system, courts are often overwhelmed by the numbers of civil litigants appearing without attorneys or other representatives.⁴ Indeed, in the most recent national survey, less than a quarter (24%) of civil justice problems were taken to a lawyer for advice or representation.⁵ In this survey, people were least likely to consult attorneys about problems with personal finances, with housing, with health care, with employment, and with community needs.

Among poor Americans, one of the most common responses to civil justice problems is to do nothing at all to try to resolve them.⁶ In a study of poor and moderate-income Americans’ experiences with civil justice problems involving money and housing, poor households were twice as likely to do nothing about such problems as were moderate-income households.⁷ Research from Britain suggests that civil justice problems that go unresolved can create additional social, economic and health problems that become costly burdens both for those who experience them and for society at large.⁸

¹ This is true not only in the United States, but in market democracies generally. See, for example: Albert W. Currie, 2009, “The Legal Problems of Everyday Life,” in *Access to Justice*, edited by Rebecca L. Sandefur, Bingley, UK, Emerald, Table 1; Gillian K. Hadfield, 2009, “Higher Demand, Lower Supply? A Comparative Assessment of the Legal Landscape for Ordinary Americans,” *Fordham Urban Law Journal* 37(1):134-138.

² Rebecca L. Sandefur, 2010, “The Impact of Counsel: An Analysis of Empirical Evidence.” *Seattle Journal for Social Justice* 9(1):56-59.

³ Sandefur, “Impact of Counsel,” p. 60.

⁴ John M. Greacen, n.d., “Self Represented Litigants and Court and Legal Services Responses to Their Needs: What We Know,” Prepared for the Center for Families, Children and the Courts, California Administrative Office of the Courts, <http://www.courts.ca.gov/partners/documents/SRLwhatwewknow.pdf>

⁵ Sandefur, “Impact of Counsel,” p. 60.

⁶ Rebecca L. Sandefur, 2007, “The Importance of Doing Nothing: Everyday Problems and Responses of Inaction,” pp. 112-132 in *Transforming Lives: Law and Social Process*, edited by Pascoe Pleasence, Alexy Buck and Nigel Balmer, London, TSO.

⁷ Rebecca L. Sandefur, 2009, “The Fulcrum Point of Equal Access to Justice: Legal and Non-Legal Institutions of Remedy,” *Loyola of Los Angeles Law Review* 42(4):973; See also Rebecca L. Sandefur, 2008, “Access to Civil Justice and Race, Class and Gender Inequality,” *Annual Review of Sociology* 34:346-349.

⁸ Pascoe Pleasence, Nigel J. Balmer, Alexy Buck, Marisol Smith, and Ash Patel, 2007, “Mounting Problems: Further Evidence of the Social, Economic and Health Consequences of Civil Justice Problems,” pp. 67-92 in *Transforming Lives: Law and Social Process*, edited by Pascoe Pleasence, Alexy Buck and Nigel Balmer, London, TSO.

CIVIL LEGAL NEEDS AND PUBLIC LEGAL UNDERSTANDING

Prepared by Rebecca L. Sandefur

American Bar Foundation and University of Illinois at Urbana-Champaign

3. Among the most important reasons that people do not take their civil justice problems to lawyers or pursue them in courts is that people do not understand these problems to be legal problems.

Research reveals that when Americans are asked about their experiences with problems or situations that happen to be justiciable, “they often do not think of their justice problems in legal terms.”⁹ Studies demonstrate this failure to connect civil justice problems with law or rights in people’s experiences with a wide variety of justice problems, including those involving family relationships, property damage, personal injury, insurance, and employment and working conditions.¹⁰ Americans express a wish for assistance with these problems, but it is not usually legal assistance that they wish for.¹¹

When Americans do not take their justice problems to lawyers or courts, the most common reason is that the use of lawyers or the justice system is simply not considered at all.¹² How people understand their problems plays a large role in how they respond to them. A recent study in Britain found that a significant predictor of whether people would take a problem to a legal advisor was whether or not they understood the problem as a legal problem, rather than, for example, a social problem, a moral problem, a private problem, or bad luck.¹³

4. When Americans do decide to seek legal assistance with their civil justice problems, where they happen to live rather than the kind of help they need is what determines the legal assistance available to them.¹⁴

In the United States, the existing infrastructure of civil legal assistance is the output of many public-private partnerships, most of them on a small scale. Around the country, different states and communities differ substantially in the resources available to support civil legal assistance for eligible populations, in the kinds of services that are available, and in the groups served by existing programs. Little coordination of services exists among service providers, meaning that people in need are less likely to make contact with providers who can help them.

The context is one of both diversity and fragmentation, with large inequalities both between states and within them in what services are available to which populations. In this context, geography is destiny: the services available to people from eligible populations are determined not by what their civil justice problems are or the kinds of services they may need, but rather by where they happen to live.

⁹ Rebecca L. Sandefur, 2012, “Money Isn’t Everything: Understanding Moderate Income Households’ Use of Lawyers’ Services, in *Middle-Income Access to Justice*, edited by Michael Trebilcock, Anthony Duggan, and Lorne Sossin, Toronto, Univeristy of Toronto Press, p. 233.

¹⁰ See, for example: Robert C. Ellickson, 1991, *Order without Law: How Neighbors Settle Disputes*. Cambridge, MA, Harvard University Press; David M. Engel, 1988, “The Oven Bird’s Song: Insiders, Outsiders and Personal Injuries in an American Community,” *Law and Society Review* 18:551-82; John Gilliom, 2001, *Overseers of the Poor: Surveillance, Resistance and the Limits of Privacy*, Chicago, IL, University of Chicago Press; Carol J. Greenhouse, 1986, *Praying for Justice: Faith, Order and Community in an American Town*, Ithaca, NY, Cornell University Press.

¹¹ Sandefur, “Money Isn’t Everything,” p. 235.

¹² Sandefur, “Money Isn’t Everything,” pp. 232-239; see also Sandefur, “The Importance of Doing Nothing.”

¹³ Pascoe Pleasence, Nigel J. Balmer, and Stian Reimers, 2011, “What Really Drives Advice Seeking Behavior? Looking Beyond the Subject of Legal Disputes,” *Oñati Socio-Legal Series* 1(6):1-21.

¹⁴ Rebecca L. Sandefur and Aaron C. Smyth, 2011, *Access Across America: First Report of the Civil Justice Infrastructure Mapping Project*, Chicago, IL: American Bar Foundation.

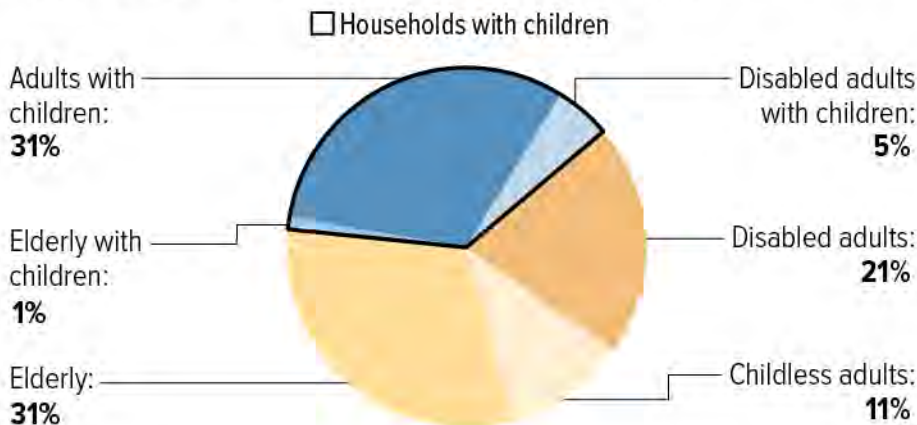
Oklahoma

Fact Sheet: Federal Rental Assistance

Federal rental assistance helps struggling Oklahoma seniors, people with disabilities, veterans, and working families keep a roof over their heads and make ends meet. Over 55,000 low-income households in Oklahoma use federal rental assistance to rent modest housing at an affordable cost; at least 66 percent have extremely low incomes.*

Who Does Federal Rental Assistance Help?

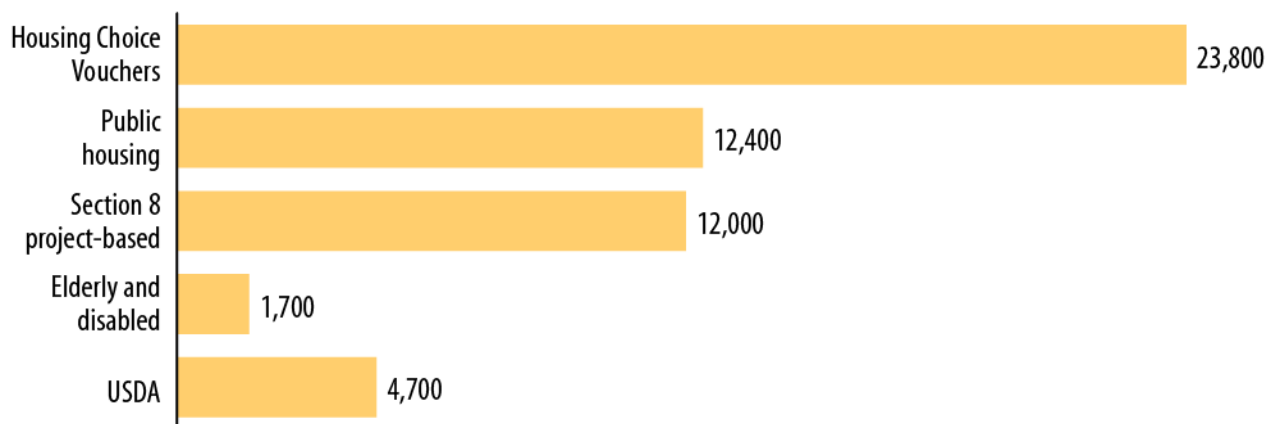
89 Percent of Households Using Federal Rental Assistance in Oklahoma Include Children or People Who Are Elderly or Disabled



- Rental assistance supports low-wage **working families**: in 2016, **68 percent** of non-elderly, non-disabled households receiving HUD rental assistance in Oklahoma were working, worked recently, or likely were subject to work requirements.
- Rental assistance helps families in urban and rural areas. More than **16,300** Oklahoma households receiving federal rental assistance live in non-metropolitan areas.
- These programs brought **\$326,000,000** in federal funding into Oklahoma in 2016.

What Major Types of Federal Rental Assistance Do Oklahoma Families Use?

Number of households assisted



* Low-income households have incomes that do not exceed 80 percent of the local median income, which is equivalent to \$41,850 for a family of three in Oklahoma. Extremely low-income households have incomes that do not exceed 30 percent of the local median income, which is equivalent to \$15,700 for a family of three in Oklahoma.

Most Oklahoma Renters in Need Receive No Assistance

105,000 low-income households pay more than half their income for rent, 2 percent more than in 2007.

Who are these households?

35% have children

42% are elderly or disabled

54% are working

78% live in poverty

Federal Rental Assistance Programs Have Not Kept Pace with Growing Need

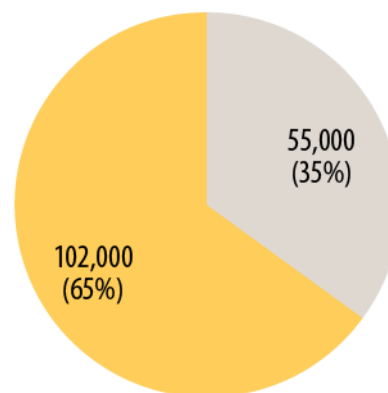
For every assisted household in Oklahoma, almost twice as many low-income households are homeless or pay more than half their income for rent and do not receive any federal rental assistance due to limited funding.

When housing costs consume more than half of household income, low-income families are at greater risk of becoming homeless.

- The single-night census in 2016 found that **4,107** people in Oklahoma were homeless or living in shelters, including **358** veterans and **1,110** people in families with children.
- Another **26,978** school-age children lived in unstable housing, such as doubled up with other families, during the 2014-2015 school year.

Rental Assistance in Oklahoma Falls Far Short of Need

- Households receiving rental assistance
- Unassisted low-income renter households paying more than half their income for housing



For more on federal rental assistance programs, including Oklahoma-specific information, please see:

- Sources and Methodology: <http://www.cbpp.org/cms/index.cfm?fa=view&id=3464>
- Policy Basics on Federal Rental Assistance: <http://www.cbpp.org/research/housing/policy-basics-federal-rental-assistance>
- Federal Rental Assistance in Urban and Rural Areas: <http://www.cbpp.org/sites/default/files/atoms/files/RentalAssistance-RuralFactsheetandMethodology.pdf>
- Federal Rental Assistance Going to Families with Children: <http://www.cbpp.org/research/housing/rental-assistance-to-families-with-children-at-lowest-point-in-decade>

(CHART 1) Note: “Childless adults” are households headed by a person under age 62 without disabilities and without children under 18 in the home. “Disabled adults” are households headed by a person with a disability. “Elderly” households are headed by a person age 62 or older. This chart includes data on the following programs: Housing Choice Vouchers, Public Housing, Section 8 Project-Based Rental Assistance (including Moderate Rehabilitation), Supportive Housing for the Elderly and People with Disabilities (Section 202 and 811), Rent Supplement, Rental Assistance Program, McKinney-Vento Permanent Supportive Housing, Transitional Housing, and Safe Havens, Housing Opportunities for Persons with AIDS, and USDA Section 521 Rural Rental Assistance. Sources: CBPP tabulations of 2016 HUD program data, and the USDA’s FY 2016 Multi-Family Fair Housing Occupancy Report.

(CHART 2) Note: Elderly and disabled households receive rental assistance through all of the programs listed. The bar labeled “Elderly and disabled” specifically refers to HUD’s Supportive Housing for the Elderly (Section 202) and Supportive Housing for Disabled Persons (Section 811) programs. The bar labeled “USDA” refers to the USDA’s Rural Rental Assistance Program (Section 521). Sources: CBPP tabulations of 2016 HUD program data and the USDA’s Multi-Family Fair Housing Occupancy Report for FY 2016.

(INFOGRAPHIC) Note: All households are low-income and pay over 50 percent of their monthly income on rent and utilities or have zero income but positive housing costs. “Elderly or disabled” households have a head of household or spouse age 62 or older or contain an adult with a disability. Households with kids have a child under 18 in the home; this group includes households headed by elderly or disabled persons. Working households had at least one member who worked in 2015. Source: CBPP tabulations of the 2015 American Community Survey.

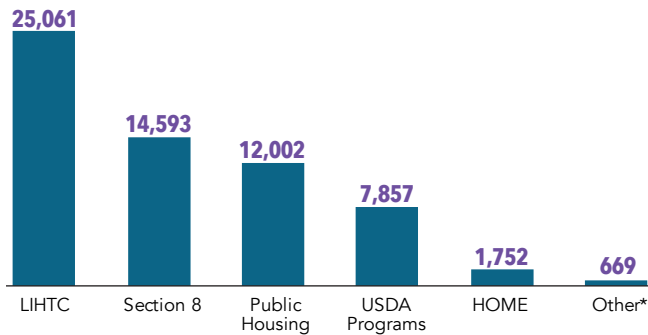
(CHART 3) Note: “Low-income” households are families whose incomes do not exceed 80 percent of the median family income for the area. Area median incomes are based on HUD’s 2016 Section 8 Income Limits. Housing costs include rent and utilities. Source: CBPP tabulations of 2016 HUD program data, the USDA’s Multi-Family Fair Housing Occupancy Report for FY 2016, and the 2015 American Community Survey.

2017 PRESERVATION PROFILE

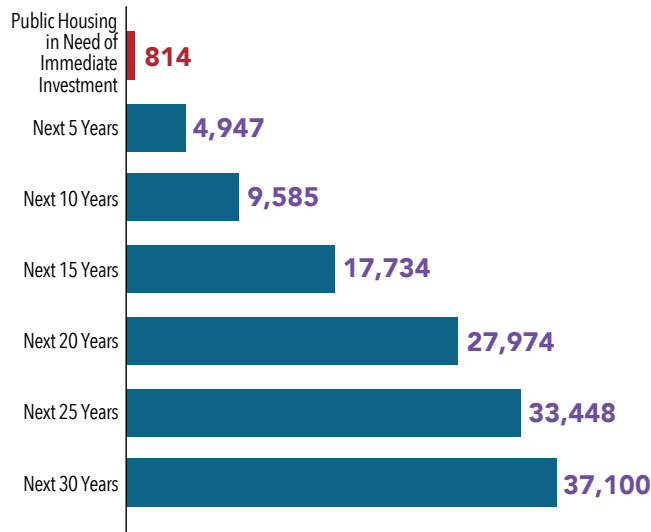
OKLAHOMA

The US Department of Housing and Urban Development (HUD) and the US Department of Agriculture (USDA) programs play an important role in providing affordable homes to extremely low-income (ELI) families across the state. Many of the publicly supported homes, however, face expiring contracts and are at risk of becoming unaffordable to the state's lowest-income families.

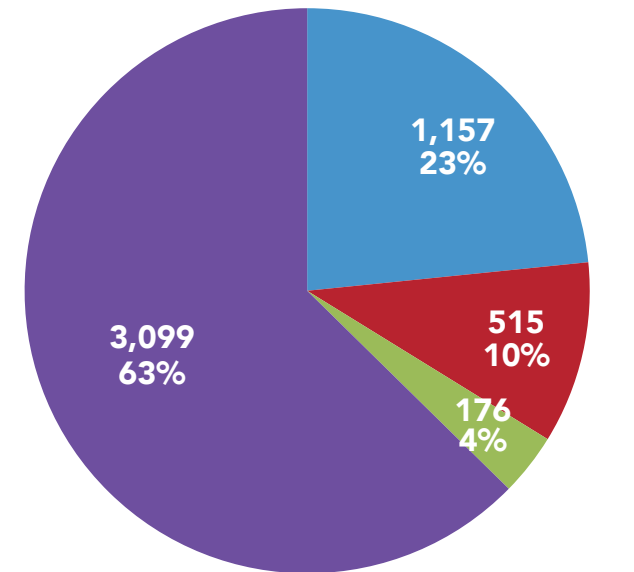
NUMBER OF PUBLICLY SUPPORTED RENTAL HOMES BY PROGRAM



PUBLICLY SUPPORTED RENTAL HOMES AT RISK OF LOSS



PUBLICLY SUPPORTED RENTAL HOMES WITH EXPIRING AFFORDABILITY RESTRICTIONS WITHIN FIVE YEARS BY FUNDING STREAM



■ LIHTC ■ Multiple ■ Other HUD ■ Section 8

Nearly half of the publicly supported rental homes across the state receive Low Income Housing Tax Credits.

*Other includes Section 236 HUD Insured Mortgages, Section 202 Direct Loans, and State Section 236.

Note: Rental units can be supported by multiple programs.

Nearly one-in-ten publicly supported rental homes face an expiring affordability restriction in the next five years and 814 public housing units are in need of immediate investment*.

*: Indicated by a REAC score less than 60.

Over three-in-five publicly supported rental homes with expiring affordability restrictions in the next five years are assisted by Section 8 contracts.

KEY FACTS

69,768

Shortage of rental homes affordable and available for ELI renters

85,946

ELI households spending more than half of their income on rent

53,356

Number of publicly supported rental homes

4,947

Number of publicly supported rental homes with affordability restrictions expiring in next five years



A Housing Strategy for Tulsa

Understanding the Cost
of Harmful Homes

Preston Brasch



Courtney Nelbach



Mike Shouse

LOBECK TAYLOR
COMMUNITY ADVOCACY CLINIC



THE UNIVERSITY *of*
TULSA
College of Law

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ABOUT THE CONTRIBUTORS

THE AUTHORS

Three law students from The University of Tulsa College of Law's Community Advocacy Clinic, Preston Brasch, Courtney Nelbach, and Mike Shouse (the researchers), developed this report for April Merrill, Lead Attorney, Medical-Legal Partnership Initiatives, Legal Aid Services of Oklahoma, Inc. The researchers gathered information and interviewed stakeholders and leading housing experts from the local and national level to analyze how to improve housing in Tulsa County. The researchers conducted their work between August and December of 2016.

THE LOBECK TAYLOR COMMUNITY ADVOCACY CLINIC

The Lobeck Taylor Community Advocacy Clinic (CAC) at The University of Tulsa College of Law offers student attorneys the opportunity to explore the ethical, strategic, and theoretical dimensions of legal practice by solving real-life legal problems in a structured learning environment. CAC students serve the community by providing representation that increases access to justice for low-income individuals and families, as well as advocacy, capacity-building, and systemic reform on behalf of non-profit organizations and community groups.

PREFACE

Imagine a family living in a home infested with cockroaches and rats. The daughter wakes each morning with bite marks. The roof leaks when it rains or snows.

The daughter is unable to focus in school. Her asthma has worsened. Recurring visits to the doctor take her away from school and her mother away from work.

Several months ago, the mother asked the landlord to call pest control and fix the leaks, but he has not taken action.

Though the living conditions affect their health and violate the law, the family is afraid to contact the authorities. They worry that the landlord will retaliate or the home will be condemned. They cannot afford to live anywhere else.

Across the nation, more than 7 million families live in substandard housing.¹

The availability of safe, quality, and affordable housing is one of the most powerful factors that shapes human health.² Tragically, low-income families are more likely to live in substandard housing conditions.³ Areas of concentrated poverty (neighborhoods with poverty rates between 20-40%) tend to have the lowest rent prices⁴ and are much more likely to have substandard housing.⁵ Such neighborhoods are often the only option for low-income families.

Substandard homes can expose families to natural gas leaks, lead paint poisoning, pest infestation, poor water, unsanitary conditions, extreme weather,

and high levels of moisture and mold.⁶ Prolonged exposure to such conditions can cause serious short and long-term physical and mental health problems.⁷

Substandard housing is connected to a range of health problems including injuries, respiratory diseases, neurological disorders, poor child development, and psychological dysfunction.⁸ Children in stressful living situations, including unhealthy housing, tend to perform poorly in school.⁹

Housing in Tulsa

Tulsa's unhealthy housing is an epidemic hiding in plain sight. Rental properties in Tulsa County, no matter the health hazards they present to tenants, are not required to be inspected by city or county health officials. Instead, because Tulsa County has a complaint-based system,¹⁰ it relies on tenant reports to identify unhealthy housing conditions. Unfortunately, evidence suggests many low-income renters fear that making a housing complaint will lead to retaliation from the landlord or to losing their place to live.¹¹ These issues conceal and aggravate the effects of unhealthy housing.

Despite tenants' fear of landlord retaliation, the City of Tulsa receives more than 15,000 housing complaints per year.¹²

More than 50,000 households in the City of Tulsa (the City) alone have at least one of the following four housing problems: (1) lacks complete kitchen facilities; (2) lacks complete plumbing facilities; (3) more than one person per

room; or (4) cost burden greater than 30% of monthly income.¹³

In 2013, 63% of families living in poverty in Tulsa County spent more than half of their household income on rent,¹⁴ a level considered a severe cost-burden.¹⁵ Without housing assistance, such renters must often choose between basic needs, adequate living conditions, or housing instability.¹⁶ These households spend 41% less on food and 74% less on healthcare than families that can afford housing, further compounding negative health effects.¹⁷ Unfortunately, only a limited number of eligible families are able to secure housing assistance.¹⁸

In 2013, there were 23,500 extremely low-income renters in Tulsa County and less than 7,000 affordable rental units.¹⁹

For low-income families, finding and paying for a home is a constant struggle, and the housing they can afford is often unhealthy. For most low-income Tulsans, saving for a down payment is out of reach, making renting their only option. According to the Housing Authority of the City of Tulsa (THA), low-income residents face 6-12 month wait times for public housing in Tulsa and 1-3 year wait times for Section 8 Housing vouchers.²⁰ Anecdotal evidence suggests that, because the waiting lists are capped, real wait times can be much longer.²¹

<u>Rental Housing Crisis in Tulsa County</u>	
Extremely Low-Income Renter Households:	23,766
Affordable Rental Units:	6,892
Rental Housing Gap:	-16,873

About this Report

This report was prepared by three law students (the researchers) from The University of Tulsa College of Law's Lobeck Taylor Community Advocacy Clinic (CAC), at the request of April Merrill of Legal Aid Services of Oklahoma.

Through interviews with local stakeholders, conversations with national experts, and a review of models from other communities, the researchers learned that Tulsa has immediate opportunities to improve the lives of its residents through healthier housing. This report describes a number of problems Tulsa faces with regard to housing and health and offers a range of recommendations to address these problems.

OVERVIEW OF TULSA'S HOUSING PROBLEMS & RECOMMENDED SOLUTIONS

1. SCOPE AND DEPTH OF TULSA'S HOUSING PROBLEM

Problem 1: Tulsa's Complex Housing Problem

Solution 1: Understand the Problem

2. CONCENTRATED POVERTY

Problem 2.1: Concentrated Poverty

Solution 2.1: Mixed-Income Development

Problem 2.2: Homeownership is Unattainable for Renters

Solution 2.2: 0% Interest Lease-to-Own Programs

3. TULSA'S HOUSING LAWS

Problem 3.1: Enforcement of Ordinances

Solution 3.1: Enforce Existing Law

Problem 3.2: Limits of Existing Law

Solution 3.2: Strengthen the Law

Problem 3.3: Landlord Tenant Act is Unbalanced

Solution 3.3: Amend Landlord Tenant Act

Problem 3.4: The Property Rights Act is Harmful

Solution 3.4: Repeal or Amend the Property Rights Act

4. VACANT & ABANDONED HOMES

Problem 4.1: No Tracking of Abandoned and Vacant Properties

Solution 4.1: Reinstate Tulsa's Neglected and Vacant Property Registry

Problem 4.2: Seizing Abandoned Properties is Too Difficult

Solution 4.2: Facilitate Responsible Ownership of Abandoned Homes

5. PROACTIVE RENTAL INSPECTIONS AND REGISTRATION

Problem 5: Reactive Regulation of Rentals

Solution 5: Rental Registry and Inspection Program

6. LIMITED RESOURCES

Problem 6.1: Lack of Funding

Solution 6.1(a): Establish Local Housing Assistance Funding

Solution 6.1(b): Private National Funds

Solution 6.1(c): Require Landlords to Pay for Relocation

Problem 6.2: Wait Lists for Housing Assistance

Solution 6.2: Adjust THA's Application

7. FORECLOSURES

Problem 7.1: Foreclosed Property Sales

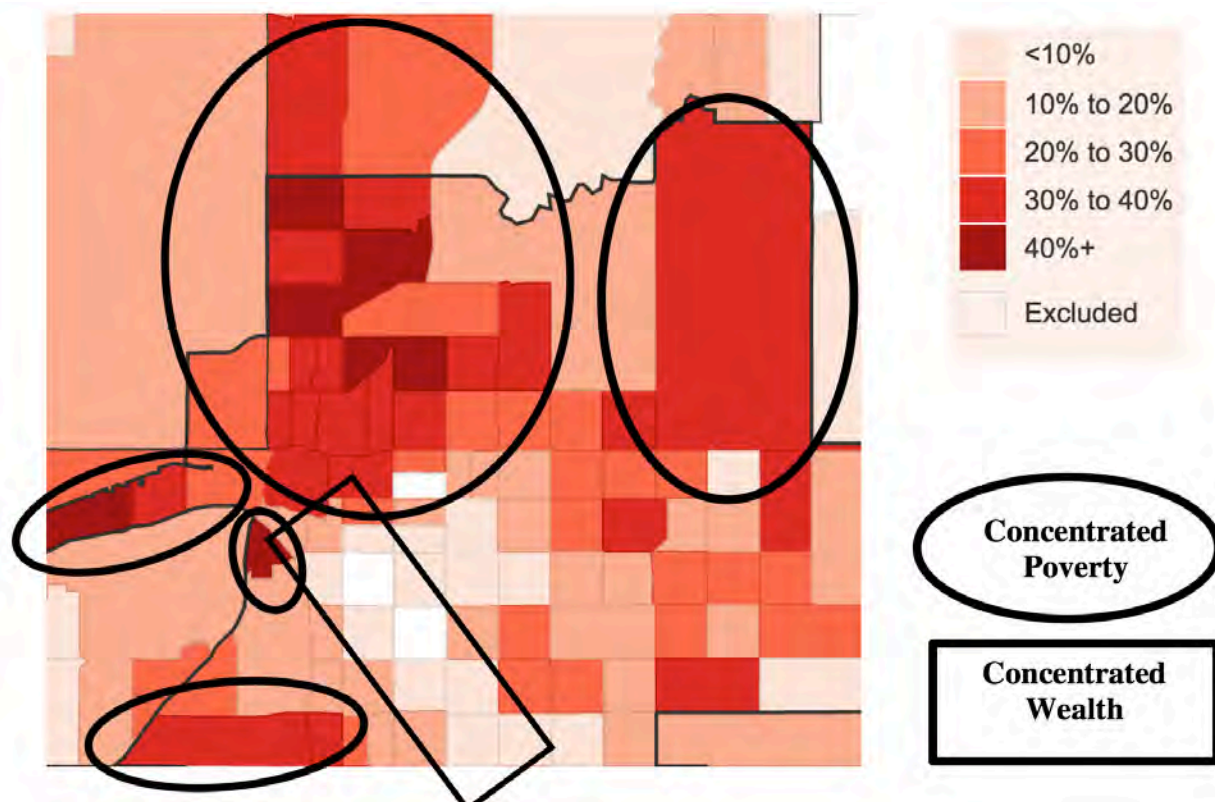
Solution 7.1: Regulate Foreclosed Property Sales

Problem 7.2: Mortgage Companies Delay Declaring Ownership of Foreclosures

Solution 7.2: Require Banks to Declare Ownership of Foreclosures Sooner

MAP A: NEIGHBORHOOD POVERTY RATES 2010-2014

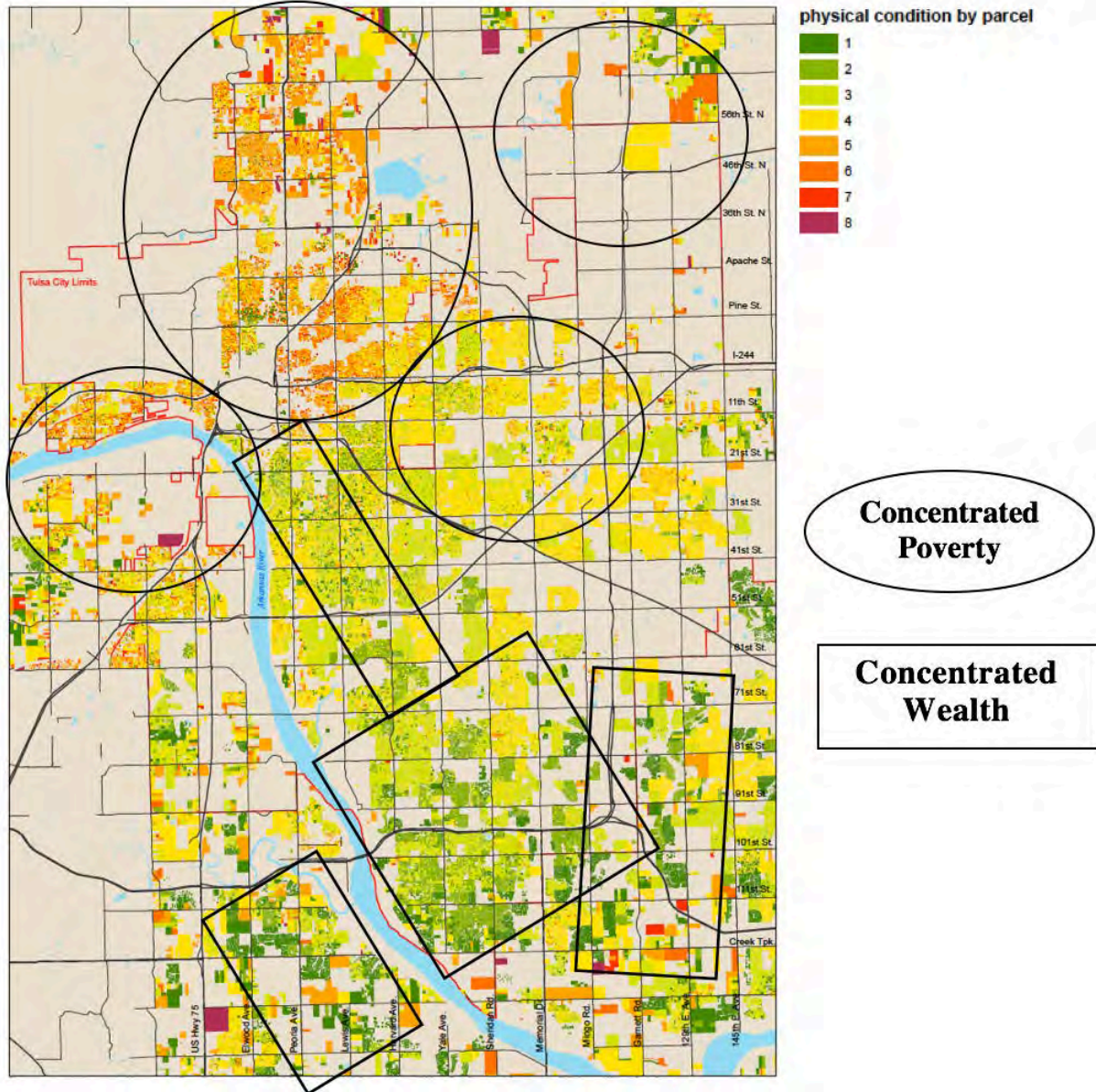
Source: Brookings Institution



This map shows the areas of Tulsa with concentrated poverty.

MAP B: PROPERTY CONDITIONS AND POVERTY

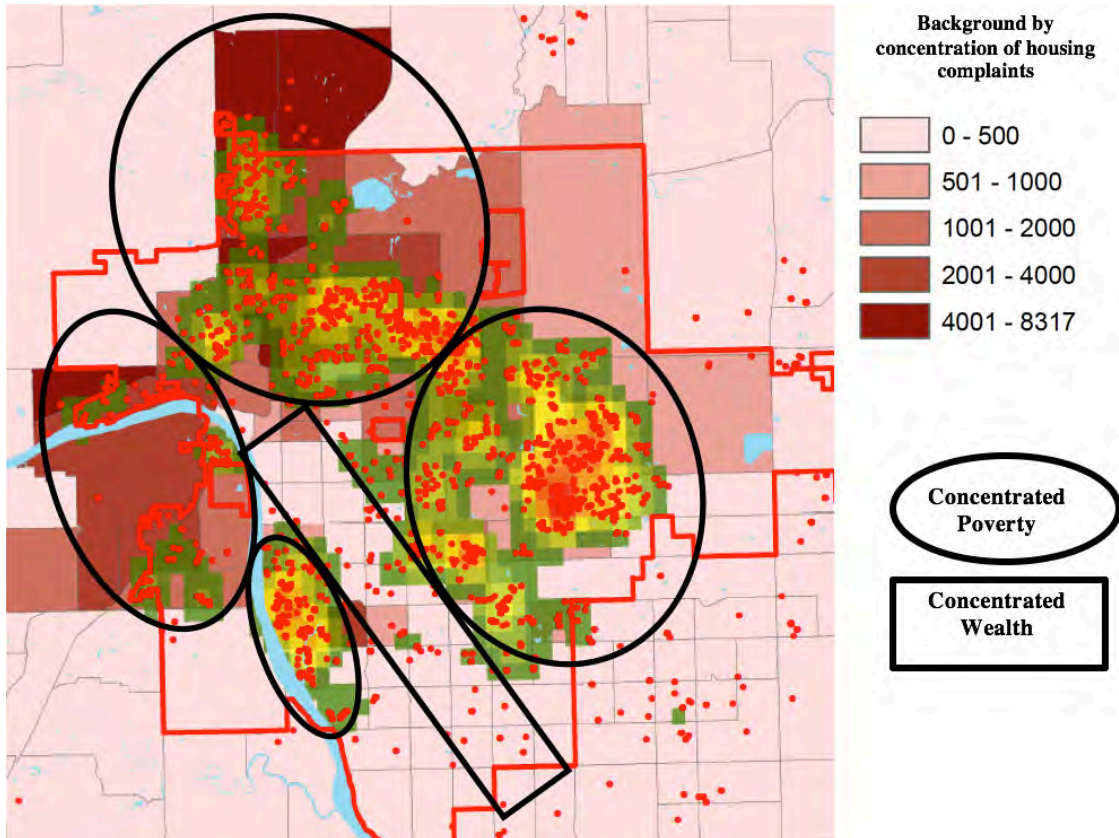
Map created by the University of Oklahoma's Community Health Environmental Design Studio (CHED). Based on data from the Tulsa Health Department.



Neighborhoods with concentrated poverty have homes in worse physical conditions according to the Tulsa County Assessor. In this map, homes are ranked according to quality of physical condition, with one (green) representing the best condition, and eight (red) representing the worst.

MAP C: HOUSING COMPLAINTS & CHILD ASTHMA PATIENT DATA

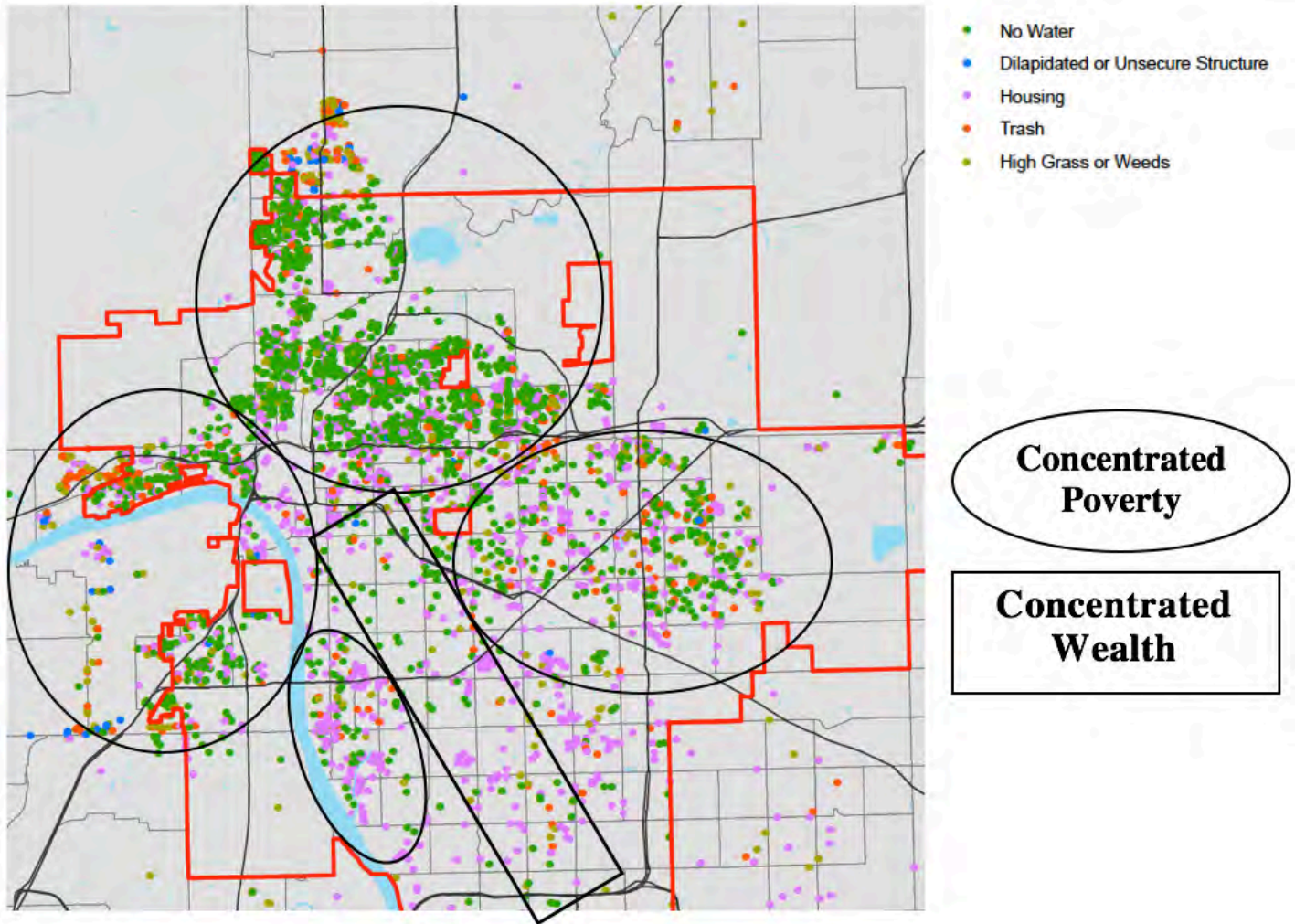
Map created by the University of Oklahoma's CHED. Based on data from the Tulsa Health Department and the University of Oklahoma – Tulsa Schusterman Center Clinic (pediatric clinic). Clinic data includes child asthma patients.



This map shows a strong correlation between housing complaints, child asthma cases, and concentrated poverty. Asthma cases are represented by red dots and are mainly found in neighborhoods of concentrated poverty. Rates of housing complaints are represented by shaded areas.

MAP D: TULSA HEALTH DEPARTMENT HOUSING COMPLAINTS

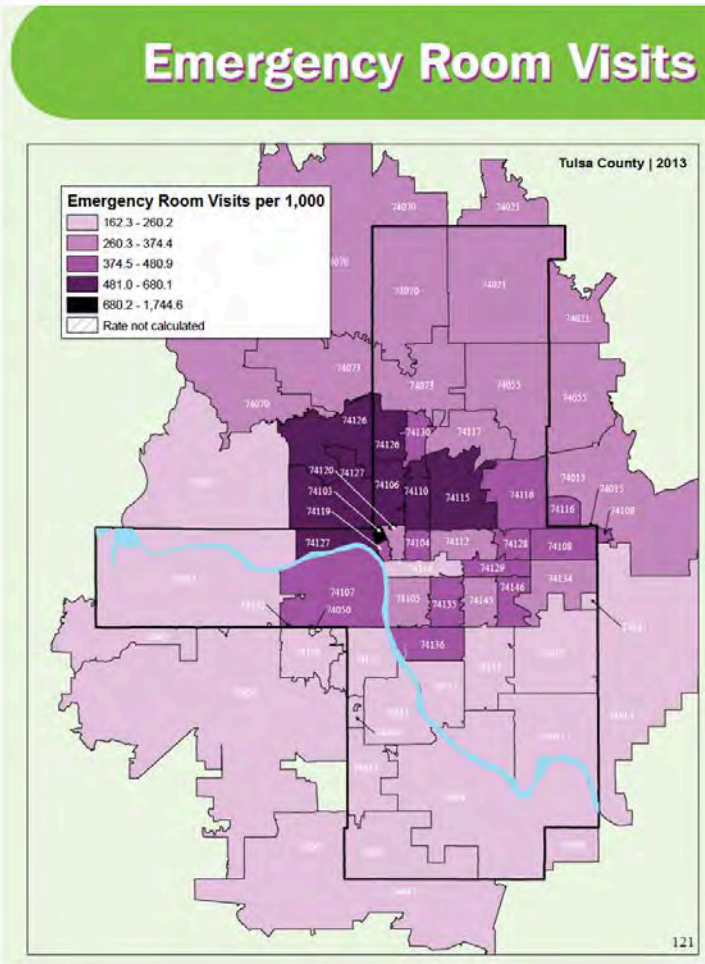
Map created by the University of Oklahoma's CHED. Based on data from the Tulsa Health Department.



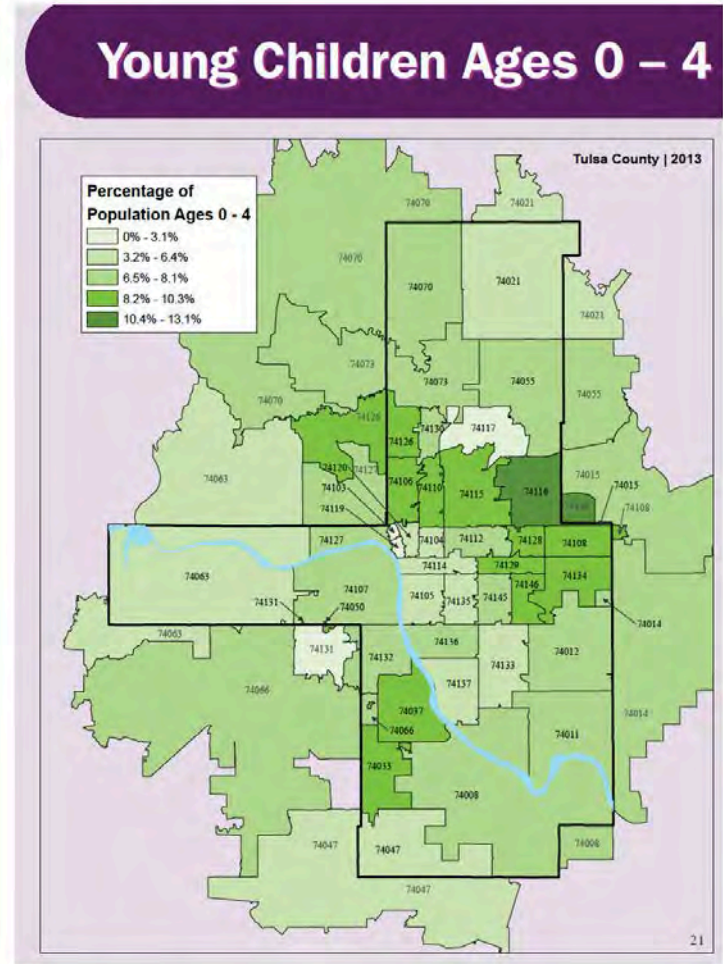
Most complaints to the Tulsa Health Department come from areas of concentrated poverty. Note: a "Housing" complaint involves an interior problem such as electrical, plumbing, or pest problems.

MAPS E & F: EMERGENCY ROOM VISITS AND CHILD POVERTY

Source: Tulsa Health Department



Most emergency room visits originate in neighborhoods with concentrated poverty.



Neighborhoods with concentrated poverty have the highest number of children ages 0-4.

HISTORICAL BACKGROUND

For the past fifty years, the Tulsa metropolitan region has experienced rapid suburban growth.²² In midtown, Tulsa zoned large areas of land as single-family residences.²³ Only wealthy residents could afford to purchase and build on these large parcels.²⁴

In poorer Tulsa neighborhoods, property values decreased as people moved to the suburbs. Eventually, only those who could not afford to move were left in centrally-located Tulsa neighborhoods. Similar to other American cities, as the tax base moved out of the city and into the suburbs, the City of Tulsa struggled to meet the cost of providing city services. Public schools, which can leverage local property taxes to raise bond funds for facility improvements also suffered from the loss of a tax base, making the suburbs and their higher-quality schools ever more appealing.²⁵

Shawn Schaefer, the Director of the Urban Studio at the University of Oklahoma, explained to the researchers that every neighborhood has a story.²⁶

For example, the Kendall Whittier neighborhood, now in a process of renewal, had long been in a state of decline.²⁷ This decline began with the growth of the University of Tulsa.²⁸ As the university attracted more students, developers responded by building quick and cheaply built multi-family units.²⁹

Because these units were not built to last, and because students tend to be hard on rental properties, the housing stock in the area declined after several years.³⁰ Eventually, the university

provided on-campus housing, while the housing in the area became less appealing.³¹ As a result, landlords faced a choice: either spend money to remodel or rebuild the units (and raise rent to recuperate the costs), or lower rent to keep units occupied.³²

Many landlords made the latter choice. Soon, only renters who could not afford better options lived in Kendall Whittier.³³

The longer a child spends living in poverty, the more likely it is that the child will grow up to live in poverty as an adult.³⁴ Neighborhoods with concentrated poverty typically lack job opportunities.³⁵ This, inevitably, leads to a continued decline in already struggling neighborhoods.³⁶

Unfortunately, today's Tulsa remains divided by income and health outcomes. The previous series of maps (beginning on page 7 of this report) reflect Tulsa's history and concentrations of wealth and poverty. The maps illustrate the connections between housing quality, poverty, and health. One map is from the Brookings Institution. All others were developed by the Community Health and Environmental Design Studio (CHED) and created using medical records from the University of Oklahoma – Tulsa's Schusterman Center Clinic (a pediatric clinic) and housing complaints from the Tulsa Health Department.

**TULSA'S HOUSING PROBLEMS
&
RECOMMENDED SOLUTIONS**

1. SCOPE AND DEPTH OF TULSA'S HOUSING PROBLEM

Tulsa has an unhealthy housing problem. Living in unhealthy housing directly and negatively affects the well-being of people and communities and correlates with problems related to health, education, crime, and property taxes.

PROBLEM 1: TULSA'S COMPLEX HOUSING PROBLEM

Tulsa faces a serious shortage of healthy, affordable homes, but the problem has received little attention in recent years. An estimated 52% of Tulsa's renters are currently living in either substandard or overcrowded housing.³⁷ Living in such conditions directly and negatively affects the overall health of many Tulsa residents. A shortage of healthy, affordable homes jeopardizes the well-being of working families and exacerbates income inequality by forcing workers to live far from potential jobs.³⁸

SOLUTION 1: UNDERSTAND THE PROBLEM

The first step in addressing Tulsa County's unhealthy housing is to understand the problem and the strong economic arguments that support solving it. Unhealthy housing harms individuals and the broader community. As this report has already discussed, low-income people are those most likely to live in substandard housing and suffer related health effects. In

addition to the costs to individuals, the broader community sees lower property values and increases in crime.³⁹ This section describes just a few of the effects substandard housing has on individuals and the community.

Health and Housing

Due to health issues linked to unhealthy housing, low-income people often rely on emergency and urgent care facilities. The average cost of an urgent care visit is \$71-\$125, while the average emergency room visit is approximately \$1,200, depending on the treatment.⁴⁰ It is critical to analyze urgent care and emergency room costs and not just physician visits because areas of concentrated poverty, such as North Tulsa, lack access to routine health care. Often, low-income people cannot seek care until their conditions have progressed to the point of requiring emergency assistance.⁴¹

Studies have compared residents' health outcomes before and after moving into healthier conditions. A study out of King County, Washington focused on low-income children and the effects of removing asthma triggers from the home.⁴² This study developed the idea of Breathe Easy Homes, which have features such as moisture-removing fans and high quality insulated windows to prevent mold, low-pile carpeting and fresh filtered air ventilation systems.⁴³ These features combine to reduce exposure to dust mites, cockroaches and rodents. The study suggested that spending an extra \$5,000-\$7,000 during construction to add Breathe Easy features significantly reduces asthma symptoms and dependence on healthcare facilities. Just one year after low-income children move into Breathe

Easy Homes, they experience better quality of life and more asthma symptom-free days.⁴⁴

Education and Housing

There is a strong correlation between stable and healthy housing and educational outcomes. Unfortunately, the U.S. has the highest household mobility of any developed country in the world.⁴⁵ One in six children in America attends three or more schools between the first and the third grade. Research shows that these moves are due in large part to shortages of affordable housing.⁴⁶ For third graders who had attended three or more schools, 41% are at or below the average scores for reading and 33% for math, compared to 26% and 17% for students that have not changed schools.⁴⁷

Given the relationship between housing and educational outcomes, and between educational outcomes and earning potential, the effects of unhealthy housing are long-lasting and damaging to the broader economy. Children who grow up in unstable housing are four times more likely to drop out of high school.⁴⁸ In 2015, high school dropouts were 59% more likely to be unemployed.⁴⁹ As of 2007, over the course of a lifetime, the "average" high school graduate earned \$290,000 more than a high school dropout. A high school graduate pays on average \$100,000 more in taxes (federal, state, and local).⁵⁰

Increased unemployment and lower earnings add significant burdens to our social programs such as Temporary Aid for Needy Families (TANF), food stamps, and Medicare.⁵¹ As a result, Tulsa cannot afford to ignore this unhealthy housing problem. The lower the quality

of the housing in our community, the worse the academic and economic outcomes for children in our community.

The data below illustrate the relationship between unstable, unhealthy housing and children’s economic and educational outcomes.

1 in 6	Number of children in unstable housing who move 3 or more times between 1st and 3rd grade
--------	---

Among children who move 3+ times between 1st and 3rd grade:

41%	Below average scores for reading
26%	Below average scores for math

Property Taxes and Housing Quality

Abandoned homes depress the value of the surrounding area and lead to lost tax revenue for communities. For example, in Oklahoma City, abandoned residential properties cause about a \$1.7 billion loss in property value to surrounding properties annually, along with \$2.7 million in lost city property tax revenue and \$10 million in lost school district tax revenue.⁵²

Crime and Housing

The “broken windows” theory is the idea that if a property shows signs of being abandoned, it will attract crime.⁵³ After a property becomes vacant, violent

crimes within 250 feet of the property increase 15%.⁵⁴

Arson is a common crime for vacant and abandoned properties. The U.S. Fire Administration estimates that between 2006 and 2008, 28,000 fires broke out annually in abandoned properties, with 11% also spreading to nearby buildings.⁵⁵ The organization estimates 37% of these fires were set intentionally and estimates 45 deaths, 225 injuries, and \$900 million in property damage each year from such fires.⁵⁶

Figures are not available for Tulsa concerning property taxes or crime because the city does not track abandoned residential properties.

2. CONCENTRATED POVERTY

Concentrated poverty is strongly linked to substandard housing,⁵⁷ and thus to the negative health effects of poor quality housing. More than half of Tulsa's low-income residents live in neighborhoods of concentrated poverty (defined as 20% of the poverty rate or higher).⁵⁸ These neighborhoods have high rates of substandard housing.⁵⁹ In seven Tulsa neighborhoods, poverty rates reach 40% or more; and the poverty rate is as high as 66.3% in one neighborhood.⁶⁰

In neighborhoods with high poverty rates, residents have less access to retail and food options, transportation, jobs, and financial services.⁶¹ Addressing concentrated poverty requires providing opportunities for residents to move as well as developing opportunities within low-income neighborhoods.⁶²

It is critical to ensure residents are not simply displaced in the name of deconcentrating poverty.⁶³

PROBLEM 2.1: CONCENTRATED POVERTY

Tulsa has more than 80 neighborhood tracts of concentrated poverty.⁶⁴ Such neighborhoods tend to have more abandoned or deteriorating homes and lower home values.⁶⁵ A Brookings Institution analysis concludes that five wide-ranging effects emerge from concentrated poverty, it: (1) restricts educational opportunities; (2) leads to more crime and worse health outcomes; (3) limits wealth accumulation; (4)

discourages private-sector investment and increases the cost for goods and services; and (5) increases costs for local government.⁶⁶

SOLUTION 2.1: MIXED-INCOME DEVELOPMENT

Tulsa can leverage federal tax credits and institute policies at the local level to deconcentrate poverty. Mixed-income housing strategies address a number of problems associated with neighborhood disinvestment and the concentration of poverty, particularly improvements in housing quality.⁶⁷ However, the benefits are also economic, because mixed-income housing builds communities with a strong “worker-job nexus.”⁶⁸

Tax Credits for Mixed-Income Development

Incentivize mixed income development by leveraging federal dollars and implementing local mixed-income development policies. For qualifying projects, federal tax credits are available through the Low-Income Housing Tax Credit (LIHTC), administered by the United States Department of Housing and Urban Development (HUD).⁶⁹ LIHTC provides developers with multi-year tax credits for constructing mixed-income housing units. The units must meet HUD safety standards and reserve a minimum of 30% of units for low-income households (defined as 80% of an area's median household income).⁷⁰ LIHTC is the most important resource available in the U.S. for creating affordable housing.⁷¹

Oklahoma's Housing Finance Agency administers LIHTC funds. Project

developers may apply to the agency if at least a portion of their units are reserved for affordable housing.⁷² Other investors can purchase LIHTC tax credits from the project owner to provide the developer with capital for the project. These credits benefit both the investor and the project owner: the owner gains access to capital for the project, while the investor benefits from tax credits for up to 15 years.⁷³

Few private developers in Tulsa have taken advantage of LIHTC funding to develop mixed-income housing. Private, for-profit developers in Tulsa do not tend to see the benefit of including affordable units in their projects.⁷⁴ However, other cities have successfully attracted private investors to LIHTC projects, and Tulsa should do the same.⁷⁵ For example, Austin creatively combined LIHTC funding with local funding to build a 150-unit project with 10% market rate units.⁷⁶

A critical first step is to educate private developers about the benefits associated with mixed-income projects.

In another example, the Seattle Housing Authority attracted numerous private investors to a critically acclaimed mixed-income community called High Point.⁷⁷ Tom Phillips, the High Point project manager, said that early efforts to “brand” the project were critical to High Point’s success. The Seattle Housing Authority hired a marketing firm to help pitch the development idea to investors.⁷⁸ As a result, the High Point neighborhood was “rebranded” to remove the prior stigma and make future potential homeowners feel it was a safe and desirable place to live.⁷⁹

Fortunately, a group in North Tulsa is already working on rebranding as part of a redevelopment effort. The Phoenix Development Council is a non-profit organization originally started as a neighborhood association with a mission to bring economic development back to North Tulsa.⁸⁰ The Phoenix Development Council actively recruits creative individuals to support the 36th Street North Corridor Small Area Plan, which sets out a vision for redevelopment in North Tulsa.⁸¹

Local Policies that Support Mixed-Income Communities

To promote mixed-income communities, Tulsa can make changes in local policy. For example, some cities have required that all new developments, or developments in targeted neighborhoods, include a minimum number of affordable housing units.⁸² The Tulsa Housing Authority, recognizing the need to deconcentrate poverty in Tulsa, plans to raise maximum household income levels in certain public housing units.⁸³ We encourage Tulsans to continue to push for desirable and well-built mixed-income rental properties that will attract residents from across the socio-economic spectrum.

PROBLEM 2.2: HOMEOWNERSHIP IS UNATTAINABLE FOR RENTERS

Low-income renters struggle to pay rent and cannot afford to save for a down payment. Though Tulsa is one of the most affordable real estate markets in the country,⁸⁴ low-income renters often struggle to afford rent,⁸⁵ and cannot afford to purchase a home. In Tulsa, 63% of families living in poverty spend more than half of their household

income on housing⁸⁶ which leaves little room for savings. Many low-income families have low credit scores. As a result, they struggle to qualify for mortgages or other loans.⁸⁷

While THA has secured funding to provide down payments for homeownership,⁸⁸ the agency has struggled to locate families eligible under HUD's strict qualifying criteria.⁸⁹ Wisely, THA joined efforts with Housing Partners of Tulsa, Inc. to identify eligible families, thereby enrolling 15 families in the pre-purchase counseling program, with plans to provide 125 families with down payment assistance over the next five years.⁹⁰ Such efforts should be supported wherever possible.

SOLUTION 2.2: 0% INTEREST LEASE-TO-OWN PROGRAMS

Establish a lease-to-own program to help low-income families become homeowners. Other cities have launched lease-to-own options for low-income families who could not afford a

down payment on their own. Cleveland Housing Network (CHN) was the first organization in the U.S. to offer a lease-to-own program.⁹¹ Through a \$285 million fund, the organization purchases dilapidated homes and rehabilitates or rebuilds them, leveraging HUD's Low-income Housing Tax Credit to secure additional investment. Before leasing a property, a family must complete a counseling program on homeownership that lasts anywhere from one to five years. Many of the families have Section 8 vouchers to offset monthly costs. At the end of the 15th year in the lease, a family can purchase their home for the remaining balance of the financed amount. During the lease, CHN pays all major maintenance costs and repairs while the family covers basic maintenance. CHN provides 0% financing for closing costs, and families typically finance \$10,000-\$15,000 to own a home. Families are able to build equity and savings in the process.

3. TULSA'S HOUSING LAWS

Existing law can be more strongly enforced, new laws can be passed, and existing law can be reformed to improve the safety, health, and quality of housing in Tulsa.

PROBLEM 3.1: ENFORCEMENT OF ORDINANCES

Tulsa's housing ordinances are not being enforced to their full extent, in particular, the property maintenance code, which appears in Title 55, is not being fully enforced, particularly by the Tulsa Health Department.

Tulsa's nuisance ordinance, Title 24,⁹² is an important point of comparison for understanding the problems with enforcement of Title 55, the property maintenance code.⁹³ The nuisance ordinance allows city officials to address threats to health, safety, and public decency through criminal and civil penalties. Title 24 provides a criminal penalty that declares any person who commits a nuisance or allows a nuisance to continue on their property is guilty of a misdemeanor punishable by fine of up to \$1,000 or imprisonment of 90 days in city jail.⁹⁴ A key feature of Title 24 is that the City is empowered to abate the nuisance, which allows the City to fix the defective condition after certain criteria are met, and place a lien on the property for the costs the City incurred.⁹⁵ In addition to recovering costs for abating nuisances, the City is allowed to sue in District Court to recover judgments on outstanding civil remedial fines.⁹⁶

In 2011, Tulsa adopted the International Code Council's Property Maintenance Code, 2003 edition, which became Tulsa Revised Ordinance Title 55.⁹⁷ This code is used to ensure that structures are safe, sanitary, and fit for occupation. It is one of the most important legal tools in the fight to ensure safe and healthy housing in Tulsa. The code reads:

It shall be unlawful and a misdemeanor offense for any person, firm, corporation, or [LLC] to violate any of the provisions of this code, fail to comply with any of the requirements thereof, or to occupy, maintain, erect, construct, alter, or repair any building or structure in violation of this code. Any person, firm, corporation, or limited liability company convicted of a violation of this code shall be guilty of a misdemeanor offense and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees, and assessments, or by imprisonment in the City Jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment. Each day, or portion thereof, during which a violation is committed, continued, or permitted shall be deemed a separate offense.⁹⁸ [emphasis added]

The City of Tulsa's Working in Neighborhoods (WIN) division and the Tulsa Health Department (THD) have the power to enforce Title 55.

While both ordinances have civil remedial penalty and criminal misdemeanor components, there are roadblocks to enforcement.⁹⁹ First, although WIN has found that the threat of a criminal penalty is fairly effective, civil fines have not been effective. Both agencies report that code violators feel free to ignore civil citations because they

do not fear being hauled into court.¹⁰⁰ While the City can sue in District Court for outstanding civil fines, the cost of bringing actions against every landlord with outstanding fines is not cost effective. So landlords go unchecked as their properties become more dilapidated and health harming.

Second, THD has expressed a reluctance to issue civil fines for property maintenance violations in favor of other, less punitive, measures at their disposal.¹⁰¹ THD would rather incentivize landlords to keep their properties up to code than strictly enforce the code with the possibility of condemning homes and displacing the tenants.

SOLUTION 3.1: ENFORCE EXISTING LAW

Existing housing codes should be more strictly enforced. Strict enforcement of housing codes will result in more healthy and stable housing without requiring new legislation. Both City of Tulsa and the Tulsa Health Department should increase enforcement efforts.

This enforcement strategy may require additional funding. Other communities have advocated for providing additional funds to their city attorneys so they can take legal action against code violating landlords.¹⁰² We recommend the same approach by either providing funding for (a) more attorneys (b) additional staff to specifically prosecute code violating landlords.

It is critical to note that strictly enforcing the property maintenance code runs the risk of displacing low-income tenants. Thus, code enforcement efforts

must be coupled with strategies to increase the amount of healthy and affordable housing in Tulsa.

PROBLEM 3.2: LIMITS OF EXISTING LAW

Tulsa's existing laws governing healthy housing have two important limitations. The government has no power to abate unhealthy conditions and there is no legal mechanism to punish repeat offender landlords.

Tulsa's current housing codes do not allow the abatement of deficient structural conditions, and the codes are not strong enough to deter repeat offenders. Abatement refers to the practice of a government entity fixing a housing problem and requiring the offending landlord to bear the cost.

As discussed previously in Problem 3.1, Title 24, the nuisance code, has a provision that allows the City to abate nuisances and place a lien on the property for the costs of the abatement.¹⁰³ Title 55, the property maintenance code, contains no such provision. The only way the City of Tulsa can take action against a dilapidated structure is to declare it a nuisance and either demolish it or board it up.¹⁰⁴

In addition, there is no meaningful way to punish repeat property maintenance code offenders. Yet THD has identified a core group of landlords that are repeat offenders. Up to 75% of the health complaints THD receives can be attributed to a small group of the same landlords.¹⁰⁵

SOLUTION 3.2: STRENGTHEN THE LAW

Amend the property maintenance code to allow abatement of violations and implement a program for repeat offenders. The property maintenance code should be amended to allow the City of Tulsa to abate property maintenance violations and attach liens on the property for the costs of the abatement. This would allow the city to more quickly address property maintenance violations and improve housing quality.

Further, the city should adopt a repeat offender program to deal with landlords who habitually violate housing codes. The program could require landlords with multiple outstanding violations to pay for periodic inspections and post signs on their properties indicating their repeat offender status.¹⁰⁶

PROBLEM 3.3: LANDLORD TENANT ACT IS UNBALANCED

The Oklahoma Landlord Tenant Act unfairly favors landlords over tenants. The Landlord Tenant Act creates the basic rights and duties for landlords and tenants in Oklahoma.¹⁰⁷ Key problems with the Act include the award of attorney's fees to the winning party in a lawsuit,¹⁰⁸ unspecified penalties for landlords who violate the Act,¹⁰⁹ and a procedure which only allows tenants to repair health hazards up to \$100.¹¹⁰

Low-income tenants usually cannot afford to hire an attorney to pursue actions against their landlords. Since the Act allows for the shifting of attorney's

fees, tenants are furthered discouraged from bringing suit. The Act does not provide specific remedies or punishment for landlords who fail to provide habitable premises. The Landlord Tenant Act provides in part:

A. A landlord shall at all times during the tenancy: . . .

2. Make all repairs and **do whatever is necessary to put and keep the tenant's dwelling unit and premises in a fit and habitable condition;**

3. **Maintain in good and safe working order** and condition all electrical, plumbing, **sanitary**, heating, ventilating, air-conditioning and other **facilities** and appliances, including elevators, supplied or required to be supplied by him.¹¹¹ [emphasis added]

Further, the Act makes it difficult for tenants to break a lease or to pay for repairs. For example, if a tenant finds a problem with the property that "materially affects health" and can be fixed by repairs, the tenant must notify the landlord in writing and provide the landlord 14 days to repair any issues, with shorter times allowed for emergency situations.¹¹² If the landlord does not repair the issue within 14 days, or a shorter time for emergencies, the tenant may either break the lease after 30 days, or repair the problem. However, the Act restricts recovery on behalf of the tenant to a maximum of \$100 per repair *if* the tenant provides an itemized receipt.¹¹³ Given that most low-income families cannot afford to move, most are stuck trying to repair the nuisance (subject to a \$100 limit per repair) or continuing to live in unhealthy housing.¹¹⁴

SOLUTION 3.3: AMEND LANDLORD TENANT ACT

The Landlord Tenant Act should be amended to treat both parties with greater fairness. First, the Act should be amended to reflect the unequal bargaining power between most landlords and tenants. Attorney's fees should only be awarded to defendant landlords when the claims brought by the tenant are frivolous and lack foundation. Reasonable attorney's fees should still be awarded to either party as a prevailing plaintiff, and to prevailing tenants when they are defendants. This would encourage more tenants to bring valid claims against landlords who fail to maintain healthy, safe housing.

Second, the Landlord Tenant Act should be amended to incorporate fines and/or punitive measures for landlords who violate the requirement to provide habitable premises.

Third, after time has expired for landlords to take action to repair defective conditions, tenants should be able to repair the condition and deduct the costs from their rent for up to two months.¹¹⁵ Not many defective conditions that affect health can be repaired for \$100, and this amendment would provide a tenant additional ways to fix their rental units instead of breaking their lease and finding a new place to live.

PROBLEM 3.4: THE PROPERTY RIGHTS ACT IS HARMFUL

The Oklahoma Property Rights Act (PRA) does little to protect property rights, but has a significant impact on the health of low-income Tulsans. The PRA was enacted in 2014 in response to cities passing ordinances that required registration of vacant and abandoned homes or rental properties.¹¹⁶ In particular, lawmakers were concerned that Oklahoma City's ordinance, which required the registration of *all* vacant properties, even those that were well-maintained, was too broad.¹¹⁷ PRA author, State Representative Steve Martin, R-Bartlesville, believed cities were using registrations as a revenue generator. Martin stated that citizens cannot complain to city officials about other personal concerns of theirs, and should not be able to complain about housing. "If I have a problem with my insurance agent, I can't call the city," Martin said. He continued, "I didn't see why a person needed to be able to call the city with real estate complaints."¹¹⁸ This perspective reflects a lack of understanding about the severity and effects of unhealthy housing.

The PRA provides in part:

No municipality shall enact or attempt to enforce through fees, civil fines or criminal penalties any ordinance, rule or regulation to require the registration of real property. Any ordinance, rule or regulation contrary to the provisions of this section, whether enacted prior to or after the effective date of this act, is declared null and void and unenforceable against every owner, purchaser, assignee,

lessee, mortgagee or beneficiary of any interest in the real property.¹¹⁹

The PRA banned the registration of all real property, no matter how dilapidated or dangerous. As a result of the PRA, cities are now forced to wait for complaints to learn about abandoned or vacant properties.

SOLUTION 3.4: REPEAL OR AMEND THE PROPERTY RIGHTS ACT

The PRA should be repealed to facilitate property registrations.¹²⁰ Registries allow cities to track problem properties and have been shown to induce landlords and homeowners to keep their properties up to code.¹²¹ The financial burden on homeowners and landlords, in the form of a registration fee, can be as low as \$20 a year.¹²²

If the bill cannot be repealed, an amended version that would allow for a neglected vacant property registration would help incrementally (see Problem 4). If the PRA is repealed or amended, local ordinances implemented to register vacant properties should only target vacant properties that have violated housing codes. Well-maintained vacant properties should be excluded from registration.

4. VACANT AND ABANDONED HOMES

When homes are not maintained, the surrounding neighborhood deteriorates.¹²³ Cities across the country are developing creative strategies to deal with poorly maintained homes and neighborhoods. Common solutions include vacant property registration programs, speeding up the property seizure process, and programs that rehabilitate deteriorating homes.

PROBLEM 4.1: NO TRACKING OF ABANDONED AND VACANT PROPERTIES

Vacant and abandoned properties have far reaching negative effects. Decreased property values, increased risk to public health, increased crime, and increased costs for cities have all been linked to abandoned vacant housing.¹²⁴ Vacant and abandoned properties add financial strain for cities without providing adequate tax revenue in return.¹²⁵ An analysis of Richmond, Virginia's crime statistics showed that vacant and abandoned properties had the highest correlation with crime out of all variables tested.¹²⁶

The earlier an abandoned property can be identified, the more likely it is to be rehabilitated.¹²⁷ Cities benefit when a responsible owner rehabilitates a home, rather than having the home demolished. Property taxes are clearly higher for a property with a structure versus a property without one (See example from St. Paul, MN above).¹²⁸ Demolishing a home costs the City of Tulsa around \$5,000. The current process for the City

<u>Property Tax Revenue Over 20 years: St. Paul, MN</u>	
Vacant lot	Rehabilitated Property
\$1,148	\$13,145

to reclaim abandoned properties can take years, and by then, properties may be past the point of rehabilitation.¹²⁹

Tulsa implemented a neglected and vacant property registration program in 2011. Unfortunately, the program was forced to terminate after the enactment of the PRA.

SOLUTION 4.1: REINSTATE TULSA'S NEGLECTED AND VACANT PROPERTY REGISTRY

If the PRA is repealed or amended, Tulsa should restart its neglected and vacant property registration program. Given the challenge of identifying vacant properties, many jurisdictions have implemented vacant property registration ordinances that require individuals to register vacant land and typically pay a registration fee.¹³⁰ Some jurisdictions increase fees the longer the property is vacant. The idea behind this increase is that property owners will be encouraged to put their property to more productive use, such as redevelopment.¹³¹

A registry for vacant and neglected properties allows a city or county to track such properties within their borders. Once identified, the city or county can put a rehabilitation plan in place to fix the property or take steps to demolish it. During the three years Tulsa's ordinance was in effect, around 1,200 properties were registered. About one-third of the properties on the registry were either rehabilitated or demolished.¹³²

The renewed registry should track Tulsa's previous ordinance and only target vacant homes with code violations. Many homes are vacant, but have not violated the nuisance or property maintenance code. Vacant properties that are well-maintained should be excluded from the registry. Revitalizing Tulsa's vacant home registry would help improve the availability of safe and healthy homes.

contacts them via letter explaining the CCI's mission, and asks if they can buy the property.¹³⁴

The City and County should assist organizations like CDC in acquiring and repairing rundown or vacant properties, potentially through tax credits or low interest loans.

PROBLEM 4.2: SEIZING ABANDONED PROPERTIES IS TOO DIFFICULT

The process of seizing abandoned properties is long and difficult. Rather than seize abandoned properties through a lengthy process, Tulsa should identify creative ways to put properties into the hands of owners who will care for them.

SOLUTION 4.2: FACILITATE RESPONSIBLE OWNERSHIP OF ABANDONED HOMES

Tulsa should encourage and develop creative ways to put problem properties into the hands of responsible owners.¹³³ Tulsa should support programs like that of Crossover Development Company (CDC), an umbrella organization of Crossover Community Impact (CCI). CCI surveys the Hawthorne Neighborhood in North Tulsa on a yearly basis to identify vacant properties. Justin Pickard, the Executive Director of CCI, said many of the properties in this neighborhood are owned by people who inherited the home but never go to the property. To obtain the rights to vacant properties, the organization uses the County Assessor's public information to find owners,

5. PROACTIVE RENTAL INSPECTIONS AND REGISTRATION

Tulsa's inspection and code enforcement regime is purely reactive. Tulsa's system places the full burden of rental property maintenance squarely on the shoulders of tenants, many of whom are low-income.

PROBLEM 5: REACTIVE REGULATION OF RENTALS

Tulsa has no systematic process for inspecting and verifying the habitability of rental properties. Tulsa's inspection and code enforcement regime is purely reactive. The burden of identifying problems falls solely on tenants, who generally lack the legal and financial power to force landlords to clean up unhealthy homes. As a result, many housing problems go unresolved. This results in negative health and economic effects for individuals and our community.

Research has shown the ineffectiveness of complaint-driven, reactive regimes like Tulsa's. A study in Austin found that city's complaint driven system was ineffective.¹³⁵ A study from Memphis found that their complaint-driven process only identified 20% of actual housing code violations.¹³⁶

To shift some of the burden away from tenants, with the goal of increasing the health and safety of housing, many cities have adopted creative programs including rental registries and proactive inspection programs. When Greensboro, North Carolina switched to

a rental registration program with proactive inspections, housing code complaints dropped 61% within a couple of years.¹³⁷

SOLUTION 5: RENTAL REGISTRY AND INSPECTION PROGRAM

Tulsa should develop a rental registry and proactive inspection program to promote safe and healthy housing. Many cities have recognized that relying on tenants to report housing problems is a recipe for unhealthy housing. In response, a number of cities have developed proactive rental inspection processes and rental registrations.

Rental Registry

Rental registrations are a growing trend and have been implemented in a number of large U.S. cities including Boston, Los Angeles, and Philadelphia.¹³⁸ At least 20 cities in Texas have rental registries, including Houston (see chart below),¹³⁹ Dallas, and Fort Worth.¹⁴⁰ These programs allow municipalities to track rental properties so they can identify and remedy code violations before they result in serious health and safety consequences for tenants.

<u>Model:</u>	
Houston's Rental Inspection Program	
Budget:	\$1.2 million
Staff:	10 inspectors, 4 support staff
Target:	Multifamily rental properties
Frequency:	Every 5 years
Rate:	6 inspections per day, 4 days a week = 1,200 per year

Registrations provide cities with accurate information on who to call when a nuisance or code violation occurs, saving time and money. Registration can be as simple as providing an address, phone number, and the name of an agent within the state.

As discussed previously, creating a rental registry may require repeal or amendment of the Oklahoma Property Rights Act. See Section 4 above.

Proactive Inspections

In addition to a registry, Tulsa should develop a proactive inspection program. In the beginning, the program could be targeted, focusing only on multi-family properties, for example. The program could be expanded over time.

The City of Tulsa has considered a program that would require annual inspections of rental properties. The ordinance has been drafted, but the city has not pushed to implement the program because of budgetary issues. City officials estimate the program would require 15 staff members and a budget of \$2.5 million.¹⁴¹

Until Tulsa can obtain funding necessary for a full, proactive inspection program, we recommend a targeted inspection approach.

Funding Sources

Support for inspection programs and code enforcement activities is available through the Community Development Block Grant (CDBG) program. CDBG funds can be used for code enforcement purposes when such enforcement is coupled with other services or development programs.¹⁴²

CDBG funds could be used to target Tulsa's low-income neighborhoods where the most affordable rental housing is located.¹⁴³ This option would lift the burden of code enforcement for the most vulnerable members of our community. In addition, for landlords who cannot afford to correct code violations, CDBG or The HOME Investment Partnerships Program, known as HOME funds, could be used to provide low interest loans.¹⁴⁴

Mitigating Displacement

To mitigate the risk of displacement of low-income renters, the Tulsa Housing Authority can provide assistance to potentially displaced renters, such as Section 8 vouchers or public housing units.

The City of Tulsa can also leverage untapped federal funding. Tulsa does not yet receive funding from the National Housing Trust Fund (NHTF), a federal program that provides revenue to build, preserve, and rehabilitate housing for extremely low-income households.¹⁴⁵

6: LIMITED RESOURCES

As a result of federal budget cuts and increased need, waiting times for housing assistance programs are long, meaning that families living in substandard housing wait months or years to secure safe, stable housing.

PROBLEM 6.1: LACK OF FUNDING

Federal funding for housing is not adequate to meet existing needs. Between 2010 and 2013, the federal budget for annual housing assistance fell by \$6.2 billion (13.3%).¹⁴⁶ The 2016 housing budget was \$2.1 billion below the 2010 level, adjusted for inflation.¹⁴⁷ THA has laid off several employees as a result of these cuts.¹⁴⁸

Federal Housing Assistance Funding Remains Well Below 2010 Level

Discretionary budget authority for housing assistance, relative to 2010, adjusted for inflation



Note: "Federal housing assistance" includes the Section 8; public housing, homeless assistance, Section 521, HOME, Native American Housing, HOPWA, and Section 202 and 811 programs, as well as many smaller programs, but does not include community development programs.

Source: Office of Management and Budget.

CENTER ON BUDGET AND POLICY PRIORITIES | CBPP.ORG

In the face of funding cuts, THA faces significant challenges that call for creative solutions.¹⁴⁹

SOLUTION 6.1(A): ESTABLISH LOCAL HOUSING ASSISTANCE FUNDING

To offset federal funding cuts, Oklahoma and Tulsa should explore establishing a housing fund. Fees from rental registrations are one potential source of revenue for a housing fund. Additionally, the City can make targeted infrastructure investments in low-income areas.¹⁵⁰ Some researchers recommend setting aside and targeting 25% of the City's capital improvement dollars to low-income areas.¹⁵¹ To facilitate such a process, Washington State defined housing as infrastructure to permit bond financing for housing investment.¹⁵²

The City might also consider using a portion of the housing fund to assist landlords in bringing their properties up to code. The City could stipulate that any properties that benefit from the fund become affordable housing units and remain in good repair for a set period.

SOLUTION 6.1(B): PRIVATE NATIONAL FUNDS

Healthy Futures Fund

Tulsa can apply for funding through the Healthy Futures Fund, which "seeks to improve community health by expanding healthcare access through a co-location model for health centers and affordable housing projects."¹⁵³ The Fund provides loan capital and New Markets Tax Credits to support affordable housing, education or job training, healthy food options and

grocery stores, and fitness and wellness services.¹⁵⁴

Housing Partnership Equity Trust

We recommend pitching Tulsa's burgeoning downtown real estate market to the Housing Partnership Equity Trust, a \$100 million fund designed "to enable competitive acquisition of lower rent, market-rate properties to preserve affordability [through] off-market nonprofit management."¹⁵⁵

SOLUTION 6.1(C): REQUIRE LANDLORDS TO PAY FOR RELOCATION

Other cities require landlords to pay for tenant relocation costs when the rental unit must be condemned due to landlord negligence. The city of Oakland successfully implemented just such a law in 1993 to offset the cost of reducing displacement from code enforcement.¹⁵⁶ Anticipating that landlords may avoid paying these costs, the City of Oakland allowed city officials to use city funds for relocation costs.¹⁵⁷ The landlord would have to pay such costs (plus administrative fees) to the city within five days of billing.¹⁵⁸ If a landlord fails to pay, the City may record a lien against the property with the County Recorder.¹⁵⁹

PROBLEM 6.2: WAIT LISTS FOR HOUSING ASSISTANCE

Section 8 voucher waiting times are too long. The official waiting time in Tulsa for Section 8 housing vouchers (which cover fair market rental contributions above 30% of the household's income) is 12-36 months.¹⁶⁰

Anecdotal evidence suggests actual wait times are as long as four or five years, depending on a particular family's situation.¹⁶¹ The waiting time for public housing is 6-12 months. THA's current online application process for Section 8 vouchers places all applicants into a single queue, a highly inefficient process.¹⁶²

SOLUTION 6.2: ADJUST THA'S APPLICATION

THA can adopt a Section 8 Voucher application similar to that of Oklahoma City Housing Authority (OCHA). OCHA uses a two-step, pre-screening process.¹⁶³ In this system, basic questions eliminate ineligible applicants before they can submit an application. OCHA also collects demographic data within the initial application to categorize families by need. Families enter the bottom of their category's waitlist, making it easier for OCHA staff to process applications.

7. FORECLOSURES

Home foreclosure systems across the country have an array of problems, and Tulsa's is no exception.¹⁶⁴ Corruption, a lack of oversight, and an inefficient legal process have led to a deficient foreclosure processing system in Tulsa, a system that is strongly linked to health harming housing.¹⁶⁵

PROBLEM 7.1: FORECLOSED PROPERTY SALES

Foreclosed property sales run by the Tulsa County Sherriff's Office allow landlords with multiple code violations to purchase foreclosed properties. Foreclosure sales are governed by state law but involve minimal oversight or protection.¹⁶⁶

Foreclosed property sales are an opportunity for landlords with a history of housing code violations to buy cheap new properties while their existing health harming homes fall into further decay. Once a property becomes too much of a problem or has amassed a large number of fines or taxes, a landlord can abandon the property and purchase a new one at a foreclosed property sale.

The Tulsa County Sheriff's office is the government entity responsible for selling foreclosed properties in Tulsa County. A Sheriff-appointed appraiser, who is not required to have any training or certification, drives by the foreclosed house and puts a value on the property.¹⁶⁷ Bidding for each property starts at two-thirds of the appraised value. The sale of foreclosed properties is open to the public. Potential bidders

only have to provide their name, the name that will appear on the deed, a phone number, and a mailing address.¹⁶⁸

Background checks are not currently required at foreclosure sales.¹⁶⁹

Bidders with outstanding fines stemming from multiple housing code violations are free to purchase any foreclosed property. All a winning bidder must do is provide a cashier's check for 10% of the winning bid before 1:00 p.m. the next business day and pay the remaining 90% before a confirmation hearing. The successful bidder may then rent out the property without an inspection and continue the cycle of health harming housing.

As an example of how foreclosure sales connect to health harming housing, over a four-year period, one Milwaukee landlord had outstanding housing code fines of around \$40,000, but was able to purchase 63 homes and duplexes for \$636,000.¹⁷⁰

SOLUTION 7.1: REGULATE FORECLOSED PROPERTY SALES

The County should adopt a system that requires background checks for foreclosure sale bidders. Potential buyers should not be allowed to bid if they have open code violation cases or outstanding property taxes. Under this system, landlords must maintain their properties or miss out on new property acquisitions from Sheriff's auctions. Background checks can be supported by a cross-agency effort, where the City of Tulsa and the Tulsa Health Department

share information about code violators with the Sheriff's Office.

PROBLEM 7.2: MORTGAGE
COMPANIES DELAY DECLARING
OWNERSHIP OF FORECLOSURES

According to a City of Tulsa official, once the foreclosure process is over and a mortgage company is declared the legal owner of a property, it can take up to a year for the company to file the deed with the county.¹⁷¹ Given that many foreclosure properties are public nuisances, the city is left to foot the bill for curing defective conditions for homes that have no legal owner.

SOLUTION 7.2: REQUIRE BANKS TO
DECLARE OWNERSHIP OF
FORECLOSURES SOONER

To remedy delays in the foreclosure process, Tulsa can amend the law to provide that once a judge declares the mortgage company the owner, the company has two weeks to file the deed. This option would allow the city to bill the mortgage company for any nuisance abatements on the property.

CONCLUSION

For many Tulsans, the news that the city has an affordable housing problem will come as a surprise. Middle-income people and those who are more affluent can easily find safe, affordable homes in Tulsa. But for the city's most vulnerable residents, there are few safe and clean options within financial reach. Homes in desperate need of repair are often the only option for a family living in poverty.

We recommend using a combination of legislative, legal, and private approaches to repair Tulsa's unhealthy housing.

ENDNOTES

¹ THE OFFICE OF POLICY DEVELOPMENT AND RESEARCH, HUD, WORST CASE HOUSING NEEDS 2015 REPORT TO CONGRESS, iii, 1-9, 62 (April 2015).

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³ Gary W. Evans & Kimberly English, *The Environment of Poverty: Multiple Stressor Exposure, Psychophysiological Stress, and Socioemotional Adjustment*, 73 Child Development No. 4 1238, 1238 (August 2002) (citing Mayer, S.E., *Trends in the Economic Well-Being and Life Chances of America's Children*, in CONSEQUENCES OF GROWING UP POOR 49-69 (Greg J. Duncan & Jeanne Brooks-Dunn eds., 1997); ROBERT WOOD JOHNSON FOUNDATION, *supra* note 2. For the purposes of this report, we will use HUD's Office of Policy Research & Development's definition of severe inadequate housing, which is housing that has at least one of the following four problems:

1. Plumbing. Lacking piped hot water or a flush toilet or lacking both bathtub and shower, all for the exclusive use of the unit.
2. Heating. Having been uncomfortably cold during the past winter for 24 hours or more, or three times for at least 6 hours each, because of broken-down heating equipment.
3. Electrical. Having no electricity or having all of the following three electrical problems: exposed wiring, a room with no working wall outlet, and three or more blown fuses or tripped circuit breakers in the past 90 days.
4. Upkeep. Having any five of the following six maintenance problems: leaks from outdoors, leaks from indoors, holes in the floor, holes or open cracks in the walls or ceilings, more than 1 square foot of peeling paint or plaster, and rats in the past 90 days.

THE OFFICE OF POLICY DEVELOPMENT AND RESEARCH, HUD, WORST CASE HOUSING NEEDS 2015 REPORT TO CONGRESS, (see Appendix E) (April 2015), https://www.huduser.gov/portal/Publications/pdf/WorstCaseNeeds_2015.pdf.

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⁶ WORLD HEALTH ORG., INTERNATIONAL WORKSHOP ON HOUSING, HEALTH AND CLIMATE CHANGE: DEVELOPING GUIDANCE FOR HEALTH PROTECTION IN THE BUILT ENVIRONMENT MITIGATION AND ADAPTATION RESPONSES 3-4 (October 2010), http://www.who.int/hia/house_report.pdf.

⁷ Krieger, *supra* note 5, at 759.

⁸ *Id.*

⁹ Elizabeth J. Mueller & J. Rosie Tighe, *Making the Case for Affordable Housing: Connecting Housing with Health and Education Outcomes*, 21 J. OF PLAN. LITERATURE 371, 374 (2007).

¹⁰ See generally CITY OF TULSA, NEIGHBORHOOD INVESTIGATIONS, <https://www.cityoftulsa.org/community-programs/neighborhoods/neighborhood-investigations.aspx> (last visited Dec. 12, 2016) (providing that Tulsa has a complaint-based system).

¹¹ Matthew Desmond, *Eviction and the Reproduction of Urban Poverty*, 118 AM. J. OF SOC. 88, 115, (July 2012).

¹² Telephone Interview with Brant Pitchford, Housing Supervisor, THE CITY OF TULSA (Nov. 4, 2016).

¹³ CITY OF TULSA, FIVE YEAR CONSOLIDATED PLAN 2015-2019 AND FIRST YEAR ANNUAL ACTION PLAN 2015-2016 42-44 (2016), <https://www.cityoftulsa.org/media/419591/Consolidated%20Plan%20FINAL%2005.14.15.pdf>.

¹⁴ INTEGRA REALTY RESOURCES HOUSING NEEDS ASSESSMENT TULSA COUNTY 100 (2015), <http://oklahomahousingneeds.org/counties/tulsa-county/>.

¹⁵ ALLISON CHARETTE, PROJECTING TRENDS IN SEVERELY COST-BURDENED RENTERS: 2015-2025, JOINT CENTER FOR HOUSING STUDIES OF HARVARD UNIVERSITY 5 (2015), http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/projecting_trends_in_severely_cost-burdened_renters_final.pdf (stating that housing costs above 50% are considered a severe cost-burden).

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¹⁸ See MATTHEW DESMOND, UNAFFORDABLE AMERICA: POVERTY, HOUSING, AND EVICTION, INSTITUTE FOR RESEARCH ON POVERTY 3 (March 2015), <http://scholar.harvard.edu/files/mdesmond/files/fastfocus2015.pdf>.

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²⁰ HOUSING AUTHORITY OF THE CITY OF TULSA, FIVE YEAR ANNUAL PLAN FY 2016-2020 12 (2016), http://www.tulsahousing.org/Portals/0/General%20Documents/Agency_Strategic%20Plan/Agency%20Plan%20for%20website%209.1.15.pdf.

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²² See generally JACK BLAIR, TULSA CITY COUNCIL, A HISTORY OF TULSA ANNEXATION 14 (2004), <http://www.tulsacouncil.org/media/79331/Annexation%20History.pdf> (showing the growth of Tulsa's boundary line as it competed for land annexation with outlying cities such as Sand Springs); see also CITY OF TULSA, <https://www.cityoftulsa.org/our-city/vision/vision-goals.aspx> (last visited Dec. 12, 2016) (stating that Tulsa has seen a 50-year trend of suburbanization).

²³ Interview with Shawn Schaefer, Director, Urban Design Studio at the University of Oklahoma (September 15, 2016).

²⁴ *Id.*

²⁵ FINANCIAL SERVICES DIVISION OF THE OKLAHOMA STATE DEPARTMENT OF EDUCATION, TECHNICAL ASSISTANCE DOCUMENT 6 (revised 2009), <http://sde.ok.gov/sde/sites/ok.gov.sde/files/TechAsstDoc.pdf> ("The Constitution provides that each school district may levy up to 5 mills for the purpose of erecting, remodeling, and repairing school buildings, or for purchasing furniture... Through various legal interpretations, the use of money in the Building Fund levy has been liberalized so that it can be used... for the purchase of equipment. In some cases, it is used even for operational expenses. The Attorney General has ruled that payment of property and casualty insurance can be made from this fund.").

²⁶ Interview with Shawn Schaefer, *supra* note 23.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

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³⁹ See generally Rachel Bogardus Drew, *The Truth About Concentrated Poverty*, NATIONAL HOUSING INSTITUTE SHELTERFORCE (2006), <http://nhi.org/online/issues/147/concentratedpoverty.html> (“...a number of economic and social ills prevail, including...high rates of unemployment, crime and school dropouts.”).

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⁴⁴ *Id.* at 55.

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⁴⁷ *Id.* (citing U.S. GAO 1994).

⁴⁸ *Id.* at 374.

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⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Drew, *supra* note 39 (“...high poverty areas are more likely to have deteriorating and/or abandoned properties, which discourage investment in the area.”).

⁵⁸ ELIZABETH KNEEBONE & NATALIE HOLMES, *U.S. CONCENTRATED POVERTY IN THE WAKE OF THE GREAT RECESSION* (March 31, 2016), <https://www.brookings.edu/research/u-s-concentrated-poverty-in-the-wake-of-the-great-recession/> (see Interactive Data Map “Share of the poor population living in a neighborhood with a 20%+ poverty rate” Multi-year estimate, 2010-14).

⁵⁹ Krieger, *supra* note 5, at 759.

⁶⁰ KNEEBONE AND HOLMES, *supra* note 58.

⁶¹ See generally Drew, *supra* note 39 (“Beyond the abandonment and disinvestment that follow, concentrated poverty isolates residents from services and opportunities that are available in the rest of the metro area, including retail and food options, adequate transportation, as well as jobs and financial services.”).

⁶² See generally Drew, *supra* note 39 (“Many other factors must also be addressed, including reinvestment in the larger community, introducing services for residents and encouraging employment opportunities. To effectively and successfully combine these efforts takes a long-term commitment from area leaders and residents, business and government, that is difficult to achieve.”).

⁶³ See generally Edward G. Goetz, *The Reality of Deconcentration*, NATIONAL HOUSING INSTITUTE SHELTERFORCE (November/December 2004) (warning against simply reclaiming low-income neighborhoods for middle-income residents).

⁶⁴ Kneebone, *supra* note 58.

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- ⁶⁵ Drew, *supra* note 39.
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- ⁷⁵ See, e.g., SEATTLE HOUSING AUTHORITY, <http://www.seattlehousing.org/redevelopment/high-point/> (last visited December 3, 2016).
- ⁷⁶ See generally Patricia Kirk, *Making Mixed-Income Housing Work*, URBANLAND, June 19, 2012), <http://urbanland.uli.org/economy-markets-trends/making-mixed-income-housing-work/>.
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- ⁸² *Id.*
- ⁸³ HOUSING AUTHORITY OF THE CITY OF TULSA, *supra*, note 20.
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¹⁰⁶ AUSTIN, TEX., CODE OF ORDINANCES § 4-14 (2016).

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¹²² HEATHER K. WAY et al., AN ANALYSIS OF RENTAL PROPERTY REGISTRATION IN AUSTIN 2 (2013), <https://law.utexas.edu/wp-content/uploads/sites/11/2015/07/2013-07-ECDC-An-Analysis-of-Rental-Property-Registration-in-Austin.pdf>.

¹²³ NATIONAL VACANT PROPERTIES CAMPAIGN, VACANT PROPERTIES: THE TRUE COSTS TO COMMUNITIES 2 (2001), <https://www.smartgrowthamerica.org/app/legacy/documents/true-costs.pdf>.

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¹²⁸ EDWARD G. GOETZ ET AL., THE FISCAL IMPACTS OF THE ST. PAUL HOUSES TO HOMES PROGRAM 12 (Feb. 1997), <http://www.cura.umn.edu/sites/cura.advantagelabs.com/files/publications/NPCR-1055.pdf>.

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Eviction's Fallout

Eviction's Fallout: Housing, Hardship, and HealthMatthew Desmond, *Harvard University*Rachel Tolbert Kimbro, *Rice University*

Millions of families across the United States are evicted each year. Yet, we know next to nothing about the impact eviction has on their lives. Focusing on low-income urban mothers, a population at high risk of eviction, this study is among the first to examine rigorously the consequences of involuntary displacement from housing. Applying two methods of propensity score analyses to data from a national survey, we find that eviction has negative effects on mothers in multiple domains. Compared to matched mothers who were not evicted, mothers who were evicted in the previous year experienced more material hardship, were more likely to suffer from depression, reported worse health for themselves and their children, and reported more parenting stress. Some evidence suggests that at least two years after their eviction, mothers still experienced significantly higher rates of material hardship and depression than peers.

Poor renting families are facing the worst affordable housing crisis in several generations. Millions of low-income households are devoting the majority of their income to housing costs, and millions are estimated to be evicted each year.

Historically, housing was central to the poverty debate. Slum dwelling, overcrowded and filthy housing conditions, and the development and expansion of housing programs were predominant in the study of urban life throughout the nineteenth and mid-twentieth century (e.g., Riis 1890; Park 1952; Foley 1980). And for much of the twentieth century, housing occupied a focal place in domestic policy. Until the 1980s, the Department of Housing and Urban Development's budget was second only to the Department of Defense's (Schwartz 2010, 45). But for the past several decades, housing has been relegated to the sidelines. Lyndon B. Johnson's War on Poverty placed the family, especially the black family, in the middle of the debate (Rainwater and Yancey 1967). In the wake of deindustrialization, the shuttered factory and chronic joblessness—issues raised by Wilson's *The Truly Disadvantaged* (1987)—took main stage. The poverty debate turned toward public assistance in the mid-1990s as President Clinton sought to “end

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welfare as we know it” (Edin and Lein 1997). More recently, the debate has focused on mass incarceration, with books like *Western’s Punishment and Inequality in America* (2006) and Alexander’s *The New Jim Crow* (2010). No one can deny the importance of these topics, but something fundamental is missing from the picture.

The poverty debate has not fully appreciated how housing dynamics are deeply implicated in creating and deepening poverty in America. Despite an impressive literature on inner cities and racial segregation and a rich tradition of community studies, research on housing and poverty is far less developed than the literature on the relationship between inequality and the family, employment, welfare, and the criminal justice system (Pattillo 2013). Yet, housing remains absolutely central to the lives of the poor. This is especially clear today, when the majority of poor renting families in America now devote over half of their income to housing costs (Desmond 2015). Extreme rent burden among low-income households necessarily makes them poorer. As households are forced to devote a larger portion of their income to housing expenses, their budget shares for food, school supplies, medication, transportation, and other necessities shrink (McConnell 2012; Newman and Holupka 2014). Owing to a shortage of affordable housing in urban areas, low-income families often move into substandard units, and housing problems have been linked to a wide array of negative health outcomes (Shaw 2004).

The affordable housing crisis also is a major source of residential instability among low-income families. In the absence of residential stability, it is increasingly difficult for low-income families to enjoy a kind of psychological stability, which allows people to place an emotional investment in their home, social relationships, and community (Oishi 2010); school stability, which increases the chances that children will excel in their studies and graduate (Temple and Reynolds 1999); or community stability, which increases the chances for neighbors to form strong bonds and to invest in their neighborhoods (Sampson 2012). As the severe housing burden among low-income households continues to rise, the number of households that experience acute residential instability owing to involuntary displacement from housing is likely to increase. If forced removal is becoming a common moment in the life course of poor Americans (Desmond 2012; Desmond, Gershenson, and Kiviat 2015), then investigating how eviction affects these families is critical to fully understanding the role housing dynamics play in driving health and economic disparities. Yet, researchers have neglected to identify the consequences of eviction.

This study corrects this oversight. Focusing on a population at heightened risk of eviction—low-income urban mothers—we examine the relationship between eviction and multiple outcomes by applying to a nationally representative and longitudinal data set several stringent statistical analyses. We find that eviction has negative effects on mothers in multiple domains. Compared to those not evicted, mothers who were evicted in the previous year experienced more material hardship, were more likely to suffer from depression, reported worse health for themselves and their children, and reported more parenting stress. Some evidence suggests that at least two years after their eviction, mothers still experienced significantly higher rates of material hardship and depression than peers. Our findings indicate that to fully understand the lives of disadvantaged women,

we should examine not only events related to work, welfare, and family, but also those related to housing, eviction being among the most consequential of them.

The Rise of Extreme Housing Burden among Poor Families

Today's affordable housing crisis is primarily the result of three factors: housing costs have soared, incomes of the poor have fallen or flatlined, and federal assistance has failed to bridge the gap.

Median monthly rent for vacant units in the United States was \$371 in 1990, \$483 in 2000, and \$633 in 2006 (all in current dollars)—an overall increase of 70 percent in 16 years (Downs 2008, 6; see also Collinson 2011). From 2001 to 2010, median rents increased by roughly 21 percent in Midwestern and Western regions, by 26 percent in the South, and by fully 37.2 percent in the Northeast. These advances far outpaced modest gains in median incomes, which in the 2000s rose by 6 percent for households headed by people with a ninth-grade education or less, 7.3 percent for those headed by high school graduates, and 12 percent by those headed by college graduates (Desmond 2015; see also Shierholz and Gould 2012).

During the years in which more and more renting families were in need of housing assistance, fewer and fewer new households were receiving it. Owing to cutbacks in budget authority, in recent years a growing portion of federal assistance has been dedicated to renewing existing subsidies, rather than to extending aid to new households. In an average year between 1981 and 1986, 161,000 additional households received subsidies; in an average year between 1995 and 2007, fewer than 3,000 did. As in years past, the vast majority of poor renters today do not benefit from federal housing programs (Schwartz 2010).

As a result of these structural changes, the number of families severely rent burdened has spiked in recent years. At least since the National Housing Act of 1937, which established America's public housing system, the public and its policymakers have believed that families should spend no more than 30 percent of their income on housing costs (Henderson 2013). Until recently, most renting households in the United States met this goal. But times have changed. Today, most renting households are not able to meet what long has been considered the standard metric of affordability, and spend more than 30 percent of their income on housing costs. At least one in five renter households in America now devotes at least half of its income to housing costs (Eggers and Moumen 2010).

Eviction in Poor Neighborhoods

The affordable housing crisis has placed millions of families at risk of eviction. New York City's housing courts process roughly 350,000 cases each year, the vast majority of which allege nonpayment of rent (Brescia 2009, 192). Research based on an analysis of Milwaukee court records found that one in 29 renter-occupied households in the city are evicted annually. With one in 14 renter-occupied households evicted through the court system annually, eviction is commonplace in Milwaukee's black neighborhoods (Desmond 2012). These estimates are limited to formal, court-ordered evictions. A recent study that captures multiple forms of

involuntary displacement—formal evictions (which are processed through the court) and informal evictions (which are not), landlord foreclosures, and building condemnations—found that between 2009 and 2011 one in eight Milwaukee renters experienced a forced move sometime in the previous two years (Desmond and Shollenberger 2013).

Low-income women—and mothers in particular—are at especially high risk of eviction. One of 11 mothers receiving welfare interviewed by Edin and Lein (1997, 53) reported having been evicted in the previous two years. “If our numbers were nationally representative,” the authors write, “1.3 million American children whose mothers relied on welfare were evicted over a two-year period... during the early 1990s.” Phinney et al. (2007) show that 20 percent of urban mothers in Michigan who were receiving cash welfare in February 1997 were evicted at some point between then and 2003. Desmond (2012) finds that in Milwaukee’s predominantly black inner-city neighborhoods, women are more than twice as likely to be evicted as men and, drawing on a survey of tenants appearing in housing court, also shows that among evicted tenants black women outnumber black men by 1.75:1, even after accounting for tenants excluded from the lease. One reason behind this discrepancy has to do with the fact that children can cause problems for landlords (e.g., noise complaints, lead poisoning). Indeed, among tenants who appear in eviction court, the likelihood of receiving an eviction judgment is highest for mothers with children, even after accounting for arrears (Desmond et al. 2013).

Eviction’s Fallout

Despite eviction’s prevalence in the lives of the urban poor, we know next to nothing about its impact on people’s lives. Social scientists and policymakers have all but ignored eviction—its antecedents, consequences, and social ramifications—rendering it the “hidden housing problem” (Hartman and Robinson 2003). The prevalence of eviction in the lives of low-income mothers, one of America’s poorest demographic groups, makes the lack of attention paid to it by researchers all the more troubling. Does eviction affect mothers’ material hardship and poverty? Their health? And which of its effects linger long after the event?

Before reviewing our hypotheses, let us provide a bit more detail about the eviction process. Evictions are landlord-initiated forced moves from rental property. (Foreclosures, on the other hand, are lending institution–initiated forced moves from owner-occupied property. Evictions tend to affect the urban poor; foreclosures, the working and middle class). Most evictions are attributed to non-payment of rent. A recent survey of tenants in eviction court found that one-third devoted at least 80 percent of their household income to rent, and that 92 percent received an eviction notice for falling behind (Desmond et al. 2013). It does not take a major life event (a death, a diagnosis) to cause severely housing burdened families to miss a rent payment; pedestrian expenses or setbacks—for example a reduction in work hours, or public benefits sanction—can cause families to come up short with the rent. When tenants miss a full payment, landlords show considerable discretion over whether to move forward with an eviction (Lempert and Ikeda 1970), and extra-financial considerations (the presence of children in the

household, for example) can influence their decision. Given the scope of the affordable housing crisis, many more families are in arrears than actually are evicted (Desmond 2012). These considerations, along with the frequency of eviction in low-income neighborhoods, reveal that many evictions are not necessarily the outcome of a drawn-out downward spiral or the result of a “more fundamental” cause having to do with tenants’ behavior or bad luck.

And irrespective of its underlying cause, there are many reasons to believe that eviction itself may be a considerably consequential event. For one, events leading up to the moment of forced removal—conflict with one’s landlord, multiple court appearances, looming uncertainty of the outcome—can consume tenants’ time and focus and can cause a good deal of stress (Manzo, Kleit, and Couch 2008). The actual moment of forced removal, moreover, also can be taxing. Families who receive an eviction judgment often are ordered to vacate in a matter of days; if the family is removed by sheriff deputies, its possessions are piled on the curb or confiscated by movers; many tenants, lacking legal counsel and confused by the eviction process, are caught off-guard when the eviction squad raps on their door and orders them to leave; and evicted families must find somewhere else to live very quickly and under considerable duress (Desmond 2012; Hartman and Robinson 2003). A further consideration is that tenants evicted through the court system carry that judgment on their record. Just as the mark of a criminal record can greatly affect one’s experiences on the job market (Pager 2007), the blemish of eviction can significantly influence one’s experiences on the housing market (Greiner, Pattanayak, and Hennessy 2013).

Poverty Effects

We hypothesize the consequences of eviction to be many and multidimensional. First, prolonged periods of homelessness may follow eviction (Burt 2001; Kleysteuber 2006).¹ During these periods, families’ belongings often are left behind or locked in storage by moving companies. The energy and resources that evicted tenants dedicate to securing subsequent housing and restoring a household often require them to forego other basic necessities, like warm clothing, food, or medical care. Additionally, a court-ordered eviction renders some voucher holders ineligible for federal housing assistance. And the mark of eviction on one’s record not only can prevent one from securing affordable housing in a decent neighborhood, it also can tarnish one’s credit rating (Greiner, Pattanayak, and Hennessy 2013). For these reasons, we hypothesize that *eviction will increase mothers’ material hardship*.

Additionally, eviction can prolong families’ residential instability, which begets economic instability (Desmond, Gershenson, and Kiviat 2015). A mother who does not know where she and her children will sleep the next night likely will be unable to maintain steady employment. If she is unemployed, securing housing after being evicted may take precedence over securing a job. If she is employed, the turmoil set off by eviction may affect her work performance and absenteeism, causing her to lose her job. Recent research has found the likelihood of being laid off to be 11 to 15 percentage points higher for workers who experienced an eviction or other involuntary move, compared to matched workers who did not

(Desmond and Gershenson 2015). These considerations lead us to hypothesize that *evicted mothers will experience higher levels of poverty.*

These proposed mechanisms suggest that the direct effect of eviction on material hardship will be longer lasting than the effect on poverty. Once a mother is able to regain a degree of residential stability post-eviction, she may refocus her energies on finding employment, transferring to a better job, or boosting her income by some other means. But the proposed factors through which eviction may lead to increased levels of material hardship—homelessness, the loss of possessions, and a legal eviction record—leave a deeper mark. Research has shown that homelessness has some long-term consequences (Sosin, Piliavin, and Westerfelt 2010); many low-income mothers will be unable to quickly replace their possessions if they were lost during the eviction; and the mark of an eviction will remain on a mother's record years after the event, with landlords classifying as "recent" evictions that happened in the past two to five years (Desmond 2012). Accordingly, we hypothesize that *the effect of eviction on mothers' material hardship will be resilient, lasting years after the event, while the effect on mother's poverty will be more short lived.*

Health Effects

The trauma of eviction and its aftermath also may have significant effects on mothers' health. Although very little is known about the effects of eviction on health outcomes, research documenting an association between foreclosure, housing instability, and health is beginning to appear (e.g., Burgard, Seefeldt, and Johnson 2012; Currie and Tekin 2011). Extended periods of homelessness that follow eviction can take a toll on one's physical health. Although evictions are concentrated in disadvantaged neighborhoods, families who are involuntarily displaced often relocate to neighborhoods with even higher levels of poverty and violent crime (Desmond and Shollenberger 2013). Severely distressed neighborhoods can negatively influence adults' and children's wellbeing (Sampson, Morenoff, and Gannon-Rowley 2002). What is more, evicted families desperate to secure housing often accept substandard living conditions (Desmond, Gershenson, and Kiviat 2015), which in turn can bring about significant health problems (Shaw 2004). Accordingly, we hypothesize that *evicted mothers will rate their health and the health of their children more poorly than their peers who avoided eviction.*

Mothers' mental health, too, might not be spared by eviction. Qualitative studies have shown that residents involuntarily forced from their homes experience psychological distress (Fried 1963; Manzo, Kleit, and Couch 2008). Recent studies have found that women who experienced a recent foreclosure were at significantly greater risk of depression (Osypuk et al. 2012). Moreover, studies have shown that trying events associated with poverty, such as forced displacement, can diminish a mother's capacity for affirming and supportive parenting and increase her tendency to act punitively and erratically toward her children (Bradley and Corwyn 2002). These considerations lead us to hypothesize that *mothers who have been evicted will be more likely to suffer from depression and will experience higher levels of parental stress.*

The effects of many of the social determinants on health discussed above appear to be most durable with respect to mental health outcomes. Shinn et al. (2008) found homelessness to have long-term associations with mental health but not with mother- or child-reported health. Experiencing involuntary housing loss might also result in “economic scarring” akin to what workers sometimes experience after involuntary job loss, scarring that has been linked to persistent depressive symptoms (Gallo et al. 2006). A large body of evidence in psychology has found that acute stressful life events can cause recurrent episodes of major depression (Kessler 1997). Eviction may be one such episode. For these reasons, we hypothesize that *the effect of eviction on mental health outcomes—and mothers’ depression in particular—will be resilient, lasting years after the event.*

Data and Methods

Data and Key Measures

We test our hypotheses by analyzing longitudinal data from the Fragile Families and Child Wellbeing Study (FFCWS), a survey that follows a birth cohort of new parents and their children. Initial interviews (Wave I) were conducted between 1998 and 2000 and contain information on 3,712 births to unmarried parents and 1,188 births to married parents from 20 US cities. Follow-up interviews were conducted at year one (Wave II), year three (Wave III), and year five (Wave IV). The survey oversampled unmarried mothers and contains a large sample of minority and disadvantaged women. The data include substantial information on the resources and relationships of parents and their effects on children.

We examine 2,676 mothers and children who were renting at the baseline wave and who persisted in the study through the fourth wave (when the child was approximately 5). Mothers who attrit before the fourth wave are less likely to be black and more likely to be Hispanic but otherwise are similar to mothers who persist on other characteristics and, importantly, are not more likely to have experienced an eviction by the third wave. To address missing data across all waves, we use Stata’s ICE command to execute multiple imputation (Royston 2009). The fraction of missing data varied across measures but rarely exceeded 8 percent. We include both treatment and outcome measures in the imputation equation but in our analyses do not use imputed outcomes (von Hippel 2007). We estimate 20 complete data sets for analysis.

At each wave, the FFCWS study asked mothers, “In the past 12 months, were you evicted from your home or apartment for not paying the rent or mortgage?”² Because the FFCWS followed the conventions of material hardship surveys by simply asking respondents if they had been evicted during a certain time period (e.g., Mayer and Jencks 1989), it underestimated (likely drastically) the number of respondents who experienced eviction. As previous work has shown (Desmond 2012), tenants often have misguided perceptions of eviction; many who were evicted do not realize (or admit) as much. This is why studies based on court records produce larger estimates of the scope of eviction than those based on self-reports. New survey techniques designed to capture the mechanisms driving families’ residential relocations—techniques that aim to record formal and informal

evictions—have found involuntary displacement to be common among low-income renters (Desmond and Shollenberger 2013). Because the FFCWS's eviction question likely did not capture all the evictions experienced by mothers in its sample, not only because some respondents who were involuntarily displaced likely reported otherwise but also because the data do not allow us to observe evictions that may have occurred when the child was between the ages of 1 and 2 and the ages of 3 and 4, other data are better suited to provide an estimate of the frequency of eviction among low-income families. However, because the FFCWS is a nationally representative, longitudinal data set that includes an item for eviction, it is an ideal data source to estimate the effects of an eviction. Our estimates of those effects are likely biased in a conservative direction, as some evicted families (who most likely experienced some of eviction's ramifications) were categorized as nonevicted.

Our event of interest is whether a mother experienced an “early eviction” (when the child was 0–1 or 2–3) or a “recent eviction” (when the child was 4–5). We examine the effects of recent and early evictions on six outcomes, each assessed during the fourth wave of the study (when the focal child was 5). *Material hardship* is a scale ($\alpha = .71$) composed of 10 dichotomous items that are summed and the resulting scale standardized such that higher values represent more hardship. The items measure a mother's ability to obtain basic necessities (e.g., food, clothing, medicine). *Income-to-poverty ratio* is a continuous ratio of the household's total income to the federal poverty threshold for a household of that size.³ *Mothers' and children's health status* was measured with the same question: “In general, would you say (your/your child's) health is...excellent, very good, good, fair, or poor?” Because the proportional odds assumption was not met, we dichotomize this outcome into “fair/poor” for both mothers and children. We rely on a dichotomous indicator to measure *depressive symptoms* in mothers. Mothers were asked a series of questions, focused on experiences in the previous 12 months, based on the Composite International Diagnostic Interview Short Form (CIDI-SF). Respondents were asked whether they had feelings of dysphoria (depression) or anhedonia (inability to enjoy what is usually pleasurable) in the past year that lasted for two weeks or more, and if so, whether the symptoms lasted most of the day and occurred every day of the two-week period. If so, they were asked more specific questions about: (a) losing interest, (b) feeling tired, (c) change in weight, (d) trouble sleeping, (e) trouble concentrating, (f) feeling worthless, and (g) thinking about death. Mothers were classified as probable cases of depression if they endorsed either dysphoria or anhedonia plus two of the other symptoms in the follow-up questions (leading to a CIDI-SF MD score of three or higher) (Kessler et al. 1998).⁴ Finally, *parenting stress* is an index composed of four questions asking mothers about parenting difficulties. To create the index, we summed responses to a scale, with higher values representing higher stress ($\alpha = .92$). Questions used to construct the material hardship and parental stress indices are reproduced in the appendix.⁵

Analytical Strategy

Seven percent of the sample experienced an eviction by the time the focal child was 5. Five percent experienced an “early eviction” (when the child was 0–1 or

2–3), and two percent experienced a “recent eviction” (when the child was 4–5). As we noted above, these numbers are very conservative estimates of the frequency of eviction. Some respondents ($N = 23$) experienced both early and recent evictions. To maximize sample size, all models estimating the effects of a recent eviction retained mothers who had experienced a prior eviction. Excluding repeat evictees from those models generated nearly identical results.

The effect of eviction on various outcomes is difficult to isolate, owing to a number of factors potentially related to both the likelihood of eviction and our outcomes. As we emphasized above, eviction is not always a predictable outcome of certain behaviors or chained events. Not all tenants who fall behind or break their rental agreement are evicted, and not all evictees fell behind or egregiously violated their rental agreement. Forced moves may be caused by landlord foreclosure, tenant-landlord disputes, building condemnations, and other factors exogenous to tenant behavior (Desmond and Gershenson 2015). Nevertheless, it is important to compare evicted and nonevicted families to determine whether there are multiple and meaningful differences between the two groups.

Significant differences between evicted and nonevicted respondents were detected along several key measures (see table 1). With respect to our outcome variables, mothers who experienced an eviction are more likely to be depressed and to experience higher parenting stress; they also report higher material hardship, lower income-to-poverty ratios, and worse health status for themselves and their child. Whether such differences are due to the eviction itself—or to characteristics that would predict both poorer outcomes and eviction—is the central question we test in our analyses.

Because respondents who have been evicted were found to be observationally different from those who have not been, standard regression techniques that estimate the average association of two variables across a large group of heterogeneous respondents would likely produce biased estimates of the effects of eviction, irrespective of the number of factors for which we controlled. More accurate and rigorous estimates of the effects of eviction can be generated by employing propensity score analyses. Propensity score estimation techniques apply an experimentalist logic to observational data, allowing us to compare mothers matched along a multitude of characteristics but who differ by whether they were exposed to a treatment (eviction). This study relies on two propensity score techniques: propensity score weighting and nearest-neighbor matching. Table 1 presents descriptive statistics for all variables included in our models, indicating which variables were used to predict propensity scores for both early and recent evictions. The goal of propensity score methods is to produce the best estimate of a treatment’s effects by comparing a treatment and control group that are as similar as possible, a similarity achieved when covariates across groups are “balanced” (Becker and Ichino 2002). Because for each type of eviction we retain the maximum number of covariates for matching that satisfied the balancing property, a significant number of demographic, neighborhood, and city variables were used to generate propensity scores (see table 1).

All respondents in our sample received a propensity score, the predicted probability of treatment. Once it was ensured that covariates in the treatment and control groups were balanced, the sample was restricted to the region of common support

Table 1. Descriptive Statistics, Fragile Families and Child Wellbeing Study, Renters at Baseline (N = 2,676)

	Full sample		Evicted		Not evicted		Recent evictions		Early evictions	
	% or mean	% or mean	% or mean	% or mean	PS	ATT	PS	ATT	PS	ATT
<i>Eviction measures</i>										
Ever experienced an eviction (N = 193)	0.07	-	-	-	-	-	-	-	-	-
Early eviction (child aged 0-3) (N = 147)	0.05	-	-	-	-	-	-	-	-	-
Midrange eviction (child aged 2-3) (N = 77)	0.03	-	-	-	-	-	-	-	-	-
Recent eviction (child aged 4-5) (N = 64)	0.02	-	-	-	-	-	-	-	-	-
<i>Outcome measures (child age 5)</i>										
Material hardship (standardized)	0.00	0.82	-0.06***	-	-	-	-	-	-	-
Income-to-poverty ratio	1.59	1.07	1.62***	-	-	-	-	-	-	-
Mother's poor/fair health	0.16	0.27	0.15***	-	-	-	-	-	-	-
Child's poor/fair health	0.05	0.11	0.04***	-	-	-	-	-	-	-
Maternal depression	0.17	0.34	0.16***	-	-	-	-	-	-	-
Parenting stress	8.83	9.59	8.78**	-	-	-	-	-	-	-
<i>Shocks (in previous 12 months)</i>										
Father incarcerated (since child age 3)	0.22	0.40	0.21***	-	-	-	-	-	-	-
Mother's relationship dissolved	0.24	0.35	0.23**	-	-	-	-	-	-	-
Mother had an additional child	0.24	0.23	0.24	-	-	-	-	-	-	-
Sanctioned from welfare/TANF	0.03	0.08	0.03**	-	-	-	-	-	-	-
<i>Demographics</i>										
Race (Ref: White)	0.15	0.17	0.16	-	-	-	-	-	-	-
Black	0.53	0.56	0.53	-	-	-	-	-	-	-
Hispanic/other	0.32	0.27	0.32	x	x	x	x	x	x	x

Mother is foreign born	0.17	0.05	0.18***			
Mother's age at first birth	20.8	19.9	20.9*	x	x	x
Mother's parity – Wave I	1.19	1.35	1.18	x	x	x
<i>Socioeconomic status</i>						
Household income (\$10,000 s) – Wave I	2.37	1.95	2.40**		x	x
Household income (\$10,000 s) – Wave III	2.76	1.81	2.83***	x		
Mother's education (Ref: Less than HS)	0.39	0.49	0.38			
HS	0.32	0.30	0.32	x	x	x
Some college +	0.29	0.21	0.30*			
Mother employed – Wave I	0.52	0.53	0.52		x	x
Mother employed – Wave II	0.50	0.49	0.50			
Mother employed – Wave III	0.53	0.44	0.54*	x		x
Father employed – Wave I	0.77	0.71	0.77		x	x
Father employed – Wave II	0.67	0.54	0.68***			
Father employed – Wave III	0.67	0.57	0.68**	x		x
Family does not have a credit card – Wave II	0.66	0.80	0.65***			
Family does not have a credit card – Wave III	0.68	0.83	0.67***	x		x
Child care cost per week – Wave II	44.1	40.9	44.3			
Child care cost per week – Wave III	68.6	32.8	71.4	x		x
Rent paid – Wave II	416.5	453.1	413.9			
Rent paid – Wave III	450.1	392.4	454.1*	x		x
Family owns a car – Wave II	0.41	0.37	0.41	x		x

(Continued)

Table 1. continued

	Full sample		Evicted		Not evicted		Recent evictions		Early evictions	
	% or mean	% or mean	% or mean	% or mean	PS	ATT	PS	ATT	PS	ATT
<i>Family characteristics</i>										
Grandmother in household – Wave I	0.19	0.15	0.20	x	x	x	x	x	x	x
Number of adults in household – Wave I	2.2	2.1	2.2	x	x	x	x	x	x	x
Mother's relationship status										
(Ref: Married) – Wave I	0.18	0.08	0.19				x	x	x	x
Cohabiting – Wave I	0.42	0.54	0.41**				x	x	x	x
Single – Wave I	0.40	0.39	0.40				x	x	x	x
(Ref: Married) – Wave III	0.27	0.16	0.28				x	x		
Cohabiting – Wave III	0.33	0.34	0.33				x	x		
Single – Wave III	0.40	0.50	0.39**				x	x		
Father ever incarcerated – Wave II	0.36	0.51	0.35***							
Father ever incarcerated – Wave III	0.46	0.65	0.45***				x	x		
Legal paternity established – Wave II	0.74	0.68	0.75*				x	x		
Days per month father sees child – Wave II	22.5	19.7	22.7**							
Days per month father sees child – Wave III	21.5	18.9	21.7**				x	x		
Father is sometimes late with child support – Wave II	0.08	0.14	0.07**							
Father is sometimes late with child support – Wave III	0.15	0.23	0.14**				x	x		
Father has child support order for another child – Wave II	0.20	0.29	0.19**							
Father has child support order for another child – Wave III	0.22	0.26	0.21				x	x		

Mother has health problem that limits work – Wave II	0.08	0.13	0.08*						
Mother has health problem that limits work – Wave III	0.10	0.15	0.09**	x					
Father has health problem that limits work – Wave II	0.08	0.10	0.08						
Father has health problem that limits work – Wave III	0.09	0.13	0.08*	x					
Father has a drug or alcohol problem – Wave II	0.09	0.18	0.08***						
Father has a drug or alcohol problem – Wave III	0.10	0.18	0.09**	x					
Public assistance									
Birth paid for with Medicaid – Wave I	0.70	0.78	0.70*					x	x
Receives SSI – Wave I	0.09	0.10	0.09					x	x
Receives SSI – Wave II	0.04	0.06	0.04						
Receives SSI – Wave III	0.06	0.05	0.06	x					
Receives housing voucher/assistance – Wave I	0.19	0.21	0.19					x	x
Receives housing voucher/assistance – Wave II	0.20	0.18	0.20						
Receives housing voucher/assistance – Wave III	0.24	0.24	0.24	x				x	x
Receives public assistance of any kind – Wave I	0.43	0.54	0.42**	x				x	x
Lives in public housing – Wave I	0.16	0.15	0.16					x	x
Lives in public housing – Wave II	0.21	0.20	0.21	x					
Lives in public housing – Wave III	0.17	0.14	0.17						
Received EITC – Wave II	0.35	0.31	0.35						
Received EITC – Wave III	0.45	0.52	0.44†	x				x	
Receives assistance from any agency – Wave II	0.85	0.89	0.84						
Receives assistance from any agency – Wave III	0.79	0.88	0.78**	x				x	
Sanctioned from welfare/TANF – Wave II	0.05	0.11	0.05**						

(Continued)

Table 1. continued

	Full sample		Evicted		Not evicted		Recent evictions		Early evictions	
	% or mean	% or mean	% or mean	% or mean	PS	ATT	PS	ATT	PS	ATT
<i>Social support</i>										
High instrumental support – Wave II	0.50	0.36	0.52***							
High instrumental support – Wave III	0.48	0.29	0.49***	x						
Frequency of religious attendance – Wave I	3.03	3.15	3.03		x					
Frequency of religious attendance – Wave II	3.58	3.72	3.57							
Frequency of religious attendance – Wave III	4.26	4.41	4.24	x						
<i>Neighborhood and city characteristics</i>										
Number of years lived in neighborhood – Wave I	2.80	2.53	2.82	x	x					
Neighborhood is unsafe at night – Wave I	0.20	0.27	0.19*	x	x					
Number of moves between birth and age five	2.32	2.19	4.01***							
Owner-occupied housing, city	0.47	0.48	0.47	x	x					
Average household size for renters, city	2.43	2.42	2.43	x	x					
Rental housing vacancy rate, city	0.06	0.06	0.06	x	x					
Median rent, city	621.2	608.0	622.2	x	x					
Median number of rooms per unit, city	4.84	4.88	4.84	x	x					
Median gross rent as % of household income, city	0.27	0.26	0.27†	x	x					
N	2,676	193	2,483							

Note: Chi-squared or t-tests were used to compare evicted and non-evicted families. If a variable was used to calculate propensity scores for the propensity weighted models (PS) or the ATT matching models (ATT), it is indicated with an “x.” The shocks and residential mobility variables were not included in the weighting or matching equations, because only factors that are temporally prior to the treatment can be included in the propensity score model. Rather, they are included as adjustments after weighting and matching.

† $p < .1$ * $p < .05$ ** $p < .01$ *** $p < .001$

(which excluded two cases), meaning that the distribution of propensity scores for treatment and control cases overlapped. Within each imputed data set, each treated respondent was then matched with a control case, using nearest-neighbor matching with replacement. Next, we estimated the average treatment effect on the treated (ATT), which allows us to estimate the effect of an eviction on our outcomes by comparing the averages across treatment and control groups. Additionally, because matching is imperfect and differences between treatment and control cases may remain, we also present estimates of the ATT after further adjustment for covariates (Shafer and King 2008). Adjusting covariates involved estimating the ATT after matching and while controlling covariates (Rosenbaum 2002); this helps eliminate any residual bias between the two groups, post-matching.

Because we have a small number of treated cases (evictions) in our sample, standard matching techniques exclude a large number of respondents. Accordingly, we also develop a weighted propensity score model. This method increases our efficiency and statistical power by allowing us to retain the full sample and allows us to assess the robustness of our findings from propensity score matching. Here, we use propensity scores to calculate a weight for each respondent, thereby assigning all treated (evicted) cases a value of 1 and weighting all untreated cases according to their estimated propensities for eviction (Hirano and Imbens 2001). Formally, the weight is calculated as follows:

$$\omega(t, z) = t + (1 - t) * \check{e}(z) / (1 - \check{e}(z)),$$

where ω is the weight, t is a dichotomous treatment measure, and $\check{e}(z)$ represents the propensity score for each respondent. We then estimate linear or logistic regression models (depending on the outcome) treating propensity score weights as sampling weights. Respondents who were not evicted, but who have the highest propensities for eviction, are weighted more heavily.

Utilizing propensity score matching and weighting techniques allows us not only to present rigorous estimates of the effects of eviction but also to replicate our estimates in multiple models, reinforcing confidence in our findings. ATT models estimate the effect of an eviction by comparing the averages of the treatment and control cases. For linear outcomes, this involves direct comparisons with regression coefficients (as the latter also are averaged over respondents); for dichotomous outcomes, this involves calculating and comparing predicted probabilities for evicted and nonevicted respondents (which are more directly comparable to the unadjusted ATT estimates). To estimate the matching propensity scores, we utilize Stata's PSMATCH2 (Leuven and Sianesi 2003) command (nearest neighbor matching), revising the program to incorporate both correct standard errors for multiply imputed data sets as well as the ability to compute the ATT for dichotomous outcomes. Identical sets of covariates were used for the propensity score matching and weighting models. A number of additional covariates also were tested (not shown), and we retained the maximum number of covariates for both "early" and "recent" evictions that satisfied the balancing property.

The sets of covariates differ between models evaluating the effects of "early" and "recent" evictions because we can include only covariates for matching that

are temporally prior to the treatment (eviction). For example, we use household income at Wave I when calculating propensity scores for early evictions and household income at Wave III when calculating propensity scores for recent evictions. Also, we could not include residential mobility and life shocks when calculating propensity scores, as these variables are contemporaneous with our outcomes and occurred after the observed evictions. Instead, post-weighting and post-matching, we control for residential mobility—the number of moves a family has experienced between birth and age 5—and a set of contemporaneous (between child age 4–5) shocks: whether the father was incarcerated, whether the mother’s relationship had dissolved, whether the mother had an additional child, and whether the mother had been sanctioned from TANF.

Propensity score analyses allow us to address treatment selection conditional on observed covariates. To address possible bias introduced by unobserved factors, we employ two additional techniques to further assess the robustness of our findings. First, we use placebo regression, predicting our outcomes at Wave III instead of Wave IV for recent evictions; that is, the outcome precedes the treatment. This allows us to test whether the observed relationships from our propensity score models may be spurious. (Because our models for early evictions measure the effects of an eviction that occurred during the first wave of data collection, we were unable to test for bias with placebo regression. When the treatment is measured at Wave I, there is no scenario in which the outcome precedes treatment.) Second, to assess whether respondents’ stable but unobserved characteristics are influencing our observed relationships, we rely on OLS or logit models with fixed effects. These models investigate whether a recent or early eviction is associated with a change in our outcome measures between Waves III and IV. We account, additionally, for several time-varying factors across Waves III and IV to address the possibility of confounding due to time-varying observed characteristics.

Results

Tables 2 and 3 display the estimated effects of recent and early evictions, respectively. In both tables, model 1 presents a propensity score-weighted regression model without the contemporaneous shocks, and model 2 adds the shocks. Model 3 presents estimates from the ATT matching model without shocks, model 4 adds the shocks, and model 5 presents the same ATT estimates as in model 4 but further conditioned on a set of relevant covariates.⁶

Effects of a Recent Eviction

We turn first to results estimating the effect of a recent eviction on the wellbeing of mothers and children when the focal child is 5 (see table 2). Across all models, there is a large and robust relationship between a recent eviction and material hardship. Regardless of the estimation technique, respondents who experienced an eviction in the past year report around one standard deviation higher material hardship. We found eviction to be associated with reductions in the income-to-poverty ratio, although this relationship becomes insignificant in ATT models 3–5. In order to more directly compare the results from the logit models for our

Table 2. Effects of a Recent Eviction (child age 4–5) on Maternal and Child Wellbeing Outcomes at Child Age 5

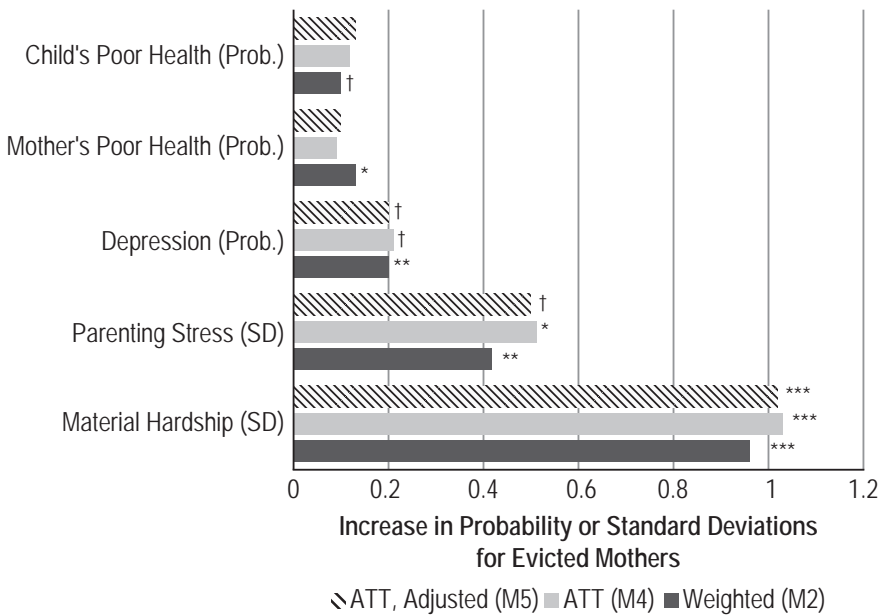
Outcome	Propensity score weighting ($N = 2,676$)		Propensity score matching ($N = 122$)		
	Model 1	Model 2	Model 3	Model 4	Model 5
	No shocks	With shocks	No shocks	With shocks	Regression adjusted, with shocks
	Coefficient		ATT		
Material hardship	0.99*** (0.16)	0.96*** (0.16)	1.06*** (0.23)	1.03*** (0.24)	1.02** (0.29)
Poverty ratio	-0.35** (0.11)	-0.30** (0.11)	-0.38 (0.31)	-0.34 (0.31)	-0.35 (0.33)
Parenting stress	1.19** (0.39)	1.18** (0.38)	1.42* (0.64)	1.45* (0.68)	1.41 [†] (0.73)
	Difference in predicted probabilities, evicted vs. not evicted		ATT		
Mother's poor health	0.14* (0.07)	0.13* (0.06)	0.11 (0.10)	0.09 (0.11)	0.10 (0.11)
Child's poor health	0.10* (0.05)	0.10 [†] (0.06)	0.11 (0.07)	0.12 (0.08)	0.13 (0.09)
Maternal depression	0.21** (0.07)	0.20** (0.07)	0.22* (0.11)	0.21 [†] (0.11)	0.20 [†] (0.11)

Note: Standard errors are in parentheses. All models control for residential mobility. ATT estimates represent the average treatment effect on the treated. Weighted models for mother's health, child's health, and depression are dichotomous outcomes estimated with logistic regression models; the difference in predicted probabilities for evicted and not evicted respondents are calculated for these outcomes to better compare to ATT estimates.

[†] $p < .1$ * $p < .05$ ** $p < .01$ *** $p < .001$

dichotomous outcomes with the propensity score weighted models, we calculate predicted probabilities from models 1 and 2 and assess the *average probability change* for evicted and nonevicted respondents. The weighted logit coefficient estimate from model 1 is equivalent to a .14 difference ($p < .05$) in the probability of mother's poor health, and a .10 difference ($p < .05$) in the probability of child's poor health, for evicted mothers compared to nonevicted mothers. This means, for instance, that for two mothers who are very similar, but only one experiences an eviction, the mother who is evicted is more than twice as likely to report that her child is in poor health. Adding the shocks in model 2 does not substantively change the estimates. These probability difference estimates from models 1 and 2 are very similar to the ATT estimates in models 3–5, demonstrating that the two different estimation techniques result in similar findings. Although the estimates are substantively similar, for models 3–5, the difference between evicted and nonevicted mothers on both health measures is not significant, which is likely an artifact of the much smaller sample sizes for these models.

Figure 1. Increase in probability or standard deviations for evicted mothers, estimated effects of a recent eviction (models 2, 4, and 5 of table 2); † $p < .1$ * $p < .05$ ** $p < .01$ * $p < .001$**



Evicted mothers also were far more likely to report depression, equating to a predicted probability difference of approximately .21 across model specifications; or from model 1, about twice the likelihood (.47 versus .26). This effect drops to marginal significance in models 4 and 5. Finally, models 1 through 4 report a significant and large effect of an eviction on parenting stress. Mothers who experienced a recent eviction score more than one point higher on the parenting stress scale across specifications.

Figure 1 summarizes the statistically significant findings of models 2, 4, and 5. For five wellbeing outcomes, the figure graphs the increase in standard deviations or the difference in probability (for dichotomous outcomes), comparing mothers who experienced a recent eviction to otherwise similar mothers who did not. The pronounced effect of a recent eviction on mother’s material hardship should not overshadow the fact that the effects on the other outcomes are substantively large as well. Evicted mothers report roughly half a standard deviation more parenting stress and worse self-reported health, and their probability of suffering from depression is approximately .2 higher than their peers.

We do not know the exact timing of the evictions, only that they occurred in the 12 months prior to the interview. This is unproblematic for the outcomes child’s health status and parenting stress, which are asked about at the time of the interview. However, material hardship, mother’s health status, depression, and income-to-poverty are asked about “in the prior 12 months.” Accordingly, it is possible that a decline in the outcome would precede the eviction, rather than the other way around. To address this issue, we conducted a sensitivity analysis by

restricting evictions to those between child age 2–3, which we term “midrange evictions,” and estimated the exact same models presented in table 2. Doing so ensures that the eviction preceded the measurement of our outcome and is an especially stringent test given that the eviction took place as much as three years before the outcome was assessed. The results for midrange evictions are presented in the appendix (table A1) and show that experiencing a midrange eviction is associated with all of our outcomes except poor child health. Mothers who experienced a midrange eviction reported half a standard deviation higher material hardship between two and three years later, had lower income-to-poverty ratios, reported that their own health was poorer, were more likely to be depressed, and reported higher parenting stress than their nonevicted peers. In fact, the predicted probabilities for maternal health and depression show stronger differences than did our more recent eviction models. None of the ATT models for midrange evictions are significant, which we believe to be an artifact of the even smaller sample sizes used for the matching, as there were only 77 midrange evictions.⁷

Effects of an Early Eviction

We now turn to results estimating the effect of an early eviction (table 3). Across all models, an early eviction is associated with an increase in mothers’ material hardship. Each model reports an approximate effect size of one-third of a standard deviation higher on the material hardship scale. Models 1 and 2 ($p < .05$), and 3 and 5 ($p < .1$) also indicate that mothers who experienced eviction are more likely to report depression several years later. For example, model 2 estimates the probability of depression for mothers to be .31 for those who have experienced an early eviction and .20 for those who have not, a difference that is statistically significant ($p < .05$).

These analyses suggest, then, that eviction has long-term negative consequences for mothers’ material hardship and depression. However, it is important to recognize for both outcomes that these effects are reduced to insignificance or marginal significance in some of the matching models. With respect to the effect of an early eviction on material hardship, models 3 and 4 ATT estimates are marginally significant ($p < .1$). For maternal depression, models 3 and 5 are marginally significant and model 4 does not find significant effects of an early eviction on depression. Across all models, the magnitude of the effects of an early eviction on material hardship and depression are smaller than those of a recent eviction. This suggests (intuitively) that the influence of eviction on multiple outcomes shrinks over time and is felt less acutely—but is still felt—years after forced removal. Owing to the relatively small number of eviction cases in our sample, only large differences will be detected with significance in the matching models. We believe these factors help explain why the effects of an early eviction on material hardship and depression are of limited (or non-) significance in models 3–5.

Additional Sensitivity Analyses

Having accounted for dozens of observed covariates, we now ask: What about possible spuriousness introduced by unobserved factors? To first test for

Table 3. Effects of an Early Eviction (child age 0–1 or 2–3) on Maternal and Child Wellbeing Outcomes at Child Age 5

Outcome	Propensity score weighting (N = 2,676)		Propensity score matching (N = 236)		
	Model 1	Model 2	Model 3	Model 4	Model 5
	No shocks	With shocks	No shocks	With shocks	Regression adjusted, with shocks
	Coefficient		ATT		
Material hardship	0.36** (0.12)	0.31** (0.12)	0.30 [†] (0.16)	0.28 [†] (0.16)	0.33* (0.16)
Poverty ratio	-0.14 (0.11)	-0.09 (0.10)	-0.09 (0.16)	-0.05 (0.16)	-0.09 (0.15)
Parenting stress	0.15 (0.28)	0.05 (0.27)	0.49 (0.46)	0.45 (0.46)	0.62 (0.46)
	Difference in predicted probabilities, evicted vs. not evicted		ATT		
Mother's poor health	0.08 [†] (0.05)	0.07 (0.05)	0.06 (0.06)	0.05 (0.06)	0.07 (0.06)
Child's poor health	0.01 (0.03)	0.01 (0.03)	0.01 (0.04)	0.01 (0.04)	–
Maternal depression	0.13* (0.05)	0.11* (0.05)	0.10 [†] (0.06)	0.09 (0.06)	0.11 [†] (0.06)

Note: Standard errors are in parentheses. All models control for residential mobility. ATT estimates represent the average treatment effect on the treated. Weighted models for mother's health, child's health, and depression are dichotomous outcomes estimated with logistic regression models; the difference in predicted probabilities for evicted and not evicted respondents are calculated for these outcomes to better compare to ATT estimates. The regression-adjusted ATT estimate for poor child health did not converge.

[†] $p < .1$ * $p < .05$ ** $p < .01$

spuriousness on account of omitted-variable bias in our models estimating the effect of a recent eviction, we performed a placebo regression sensitivity analysis. Rather than predicting outcomes at year five, this sensitivity analysis employs the same models to predict outcomes at year three. Because the outcome is prior to the treatment, there should be no relationship between the two. Results are presented in table 4. As in tables 2 and 3, the difference in predicted probabilities for evicted and nonevicted respondents are presented for the dichotomous outcomes. This test found no evidence of spuriousness between our treatment and outcomes, further reinforcing the robustness of the findings.

Finally, to assess whether any stable but unmeasured characteristics of families are influencing our estimated effects, we employ fixed-effects models, which hold constant respondents' traits that did not change over the course of the data collection. The results are presented in model 3 of table 5. In model 4, we further control for time-varying characteristics possibly associated with our outcomes,

Table 4. Placebo Regressions ($N = 2,676$)

Outcome	
Material hardship	0.42 (0.28)
Poverty ratio	-0.14 (0.23)
Parenting stress	0.33 (0.69)
Mother's poor health	0.12 (0.08)
Child's poor health	0.02 (0.09)
Maternal depression	0.06 (0.10)

Note: Standard errors are in parentheses. These models replicate model 4 of table 2 with year-three outcomes.

including household income, maternal and paternal employment, father's incarceration, mother's relationship dissolution, whether the mother had an additional child, monthly rent paid, whether the father is sometimes late with child support, and whether the mother has been sanctioned from welfare. If unobserved, stable characteristics were producing the effects of recent evictions, the fixed-effects model would report smaller or insignificant estimates. For material hardship, child's health, and parenting stress, we do observe smaller estimates—but the difference is slight and the substantive interpretation remains the same. In fact, all of the significant associations generated from the propensity score analyses are replicated in the fixed-effects models, and the size of the estimates is similar. These results indicate that our estimates of the effects of a recent eviction are attributed neither to stable but unobserved characteristics nor to a number of time-varying, observed covariates.

We also use a fixed-effects model to assess whether an early eviction was associated with a change between Waves III and IV in mothers' material hardship or depression, the two outcomes our propensity score analyses found to be significant. As we expected, given the results of our matching models, we found only a marginally significant relationship between an early eviction and material hardship changes between Waves III and IV. However, both fixed-effects models found a significant effect for an early eviction on changes in maternal depression, similar in magnitude to those from both propensity score analyses, further confirming our finding that eviction may leave a deep impression on mothers' mental health (see models 1 and 2 in table 5).

Finally, one might also ask if the same set of mothers experienced all the adverse outcomes or if some experienced one type of consequence while others experienced another. To address this point, we created an adverse factors scale, which represents the total number of adverse factors, derived from our six outcomes, experienced by mothers in the sample. For the continuous measures,

Table 5. Fixed-Effects Regression Models for an Early and a Recent Eviction’s Association with Changes in Outcomes between Waves III and IV (effective *N* = 2,676)

Outcome	Early eviction		Recent eviction	
	Model 1	Model 2	Model 3	Model 4
Material hardship	0.16 [†] (0.08)	0.15 [†] (0.08)	0.89*** (0.11)	0.87*** (0.11)
Poverty ratio	–	–	–0.36 (0.23)	–0.16 (0.24)
Parenting stress	–	–	1.07** (0.31)	0.99** (0.31)
Mother’s poor health	–	–	0.10** (0.04)	0.10* (0.04)
Child’s poor health	–	–	0.03* (0.02)	0.03 [†] (0.02)
Maternal depression	0.07** (0.02)	0.07** (0.02)	0.15*** (0.03)	0.14*** (0.03)

Note: Standard errors in parentheses. Models 2 and 4 include time-varying covariates (between Waves III and IV) for household income, maternal and paternal employment, father’s incarceration, mother’s relationship dissolution, whether the mother had an additional child, monthly rent paid, whether a father is sometimes late with child support, and whether the mother had been sanctioned from welfare. Because mother’s health, child’s health, and depression are dichotomous outcomes, we present the difference in predicted probabilities for evicted and not evicted respondents to better compare to our other estimates.

[†]*p* < .1 **p* < .05 ***p* < .01 ****p* < .001

we dichotomized each one to represent a “high” level relative to the rest of the sample. (For example, we characterized mothers reporting in the 75th percentile of material hardship as experiencing material hardship.) The adverse factors scale ranges from 0 to 6. Next, we assessed whether the pattern of adverse factors differed for evicted and nonevicted respondents; here, we pooled early and recent evictions for an “ever evicted” measure. We found that the modal number of adverse factors is 0 for nonevicted mothers and 2 for evicted mothers. About 13 percent of evicted mothers report experiencing three factors; 14 percent report experiencing four; 5 percent report experiencing five factors; and 2 percent report experiencing all six. Thus, it seems that while adverse experiences for evicted mothers most often occur in tandem, the patterning and degree of compounded adversity vary.

Discussion

This study yielded two important findings. We found, first, that eviction results in multiple and multidimensional negative consequences for mothers. Mothers who were evicted the previous year experienced higher levels of material hardship and parenting stress and were more likely to suffer from depression and to report their health and that of their children as being poor. The effects of a recent eviction on

multiple outcomes were substantively large, statistically significant across multiple specifications, and robust to hidden bias. The year following eviction is incredibly trying for low-income mothers. Eviction spares neither their material, physical, nor mental wellbeing, thereby undermining efforts of social programs designed to help them. The hardship of this difficult hour may in turn lead to additional hardships, such as relationship dissolution or selecting into a disadvantaged neighborhood (Desmond and Shollenberger 2013). Moreover, because the evictions we observed in our sample occurred at a crucial developmental phase in children's lives, we expect them to have a durable impact on children's wellbeing (Hertzman 2010).

Second, we found that the impact of eviction on some outcomes may be stubbornly resilient, enduring years after families were forced from their homes. We found some evidence that at least two years after their eviction mothers still experienced significantly higher rates of material hardship and depression than their peers. In our matching models, these effects were found to be marginally (or non-) significant. And our fixed-effects models reported a significant effect of an early eviction on maternal depression and a marginally significant effect on material hardship. These results imply that our findings regarding the long-term effects of eviction deserve our reserve. However, that the effects of an early eviction on material hardship and depression were found to be robust across multiple model specifications does suggest that eviction has long-term effects on these outcomes.

On some measures, eviction may not simply drop poor mothers and their children into a dark valley, a trying yet relatively short section along life's journey; it may fundamentally redirect their way, casting them onto a different, and much more difficult, path. If evicted mothers experience higher rates of depression several years after their forced removal, as our findings indicate, that suggests that eviction has lasting effects on mothers' happiness and quality of life. This in turn could affect their relationships with their romantic partners and children, kin and neighbors; could cause them to withdraw from social institutions, dampening their civic engagement and level of community embeddedness; and could sap their energy, preventing them from seeking or keeping gainful employment or participating fully in their children's development (Karp 1996). We also found some evidence that eviction has long-term effects on mothers' material hardship. Material hardship is a measure of the lived experience of scarcity. It assesses, say, if mothers experienced hunger or sickness because food or medical care was financially out of reach. Accordingly, our finding that evicted households have significantly higher rates of material hardship years after they were forced to move suggests that eviction may itself be a cause, not simply a condition, of poverty.

Our primary analyses incorporated a large number of variables potentially related both to eviction and to our outcomes. To isolate as much as possible the unique effects of early and recent evictions, we accounted for residential mobility, attributes of mothers' neighborhoods and cities, life shocks, health problems, socioeconomic status, social support, and many other family and individual characteristics. Doing so decreased the likelihood of spuriousness and increased our confidence that we identified the effects of eviction and not the effects, say, of residential instability, relationship dissolution, or some other event.

However, this study is not without limitations. Above, we explained the advantages of using the FFCWS to assess the effects of eviction, but one limitation of

this data set is that our findings, while tested across multiple methods for robustness, are based on a small number of eviction cases. Second, although the attrition rate in the FFCWS is fairly low, a number of mothers interviewed early in the study could not be located for subsequent interviews.⁸ The experiences of these mothers necessarily were excluded from our analyses. This is unfortunate since there is good reason to suspect that mothers who were not interviewed during later waves of the study were precisely those most likely to experience residential instability and homelessness, perhaps brought about by eviction. However, experiencing an early eviction was not a significant predictor of leaving the study by Wave IV.

To the extent that urban sociologists and city planners have focused on involuntary displacement from housing, they typically have done so by examining gentrification (Freeman and Braconi 2004; Newman and Wyly 2006). The act of forcing families from their homes, primarily through rent hikes, is central to the study of gentrification; and yet, curiously absent from this sweeping literature is rigorous empirical research that investigates whether displacement itself results in deep and lasting effects on adults and children. This study finds that eviction leads to economic hardship and health problems, but a thousand questions remain unanswered. Does displacement lead to family dissolution or job loss? By forcing families out of neighborhoods, does it sever network ties and the possibility of cultivating vibrant, civically active communities? The importance of documenting the fallout of involuntary displacement from housing has significant implications for current debates about gentrification. It is one thing if gentrification changes the character of urban neighborhoods but has little lasting effect on the displaced; it is quite another if forced displacement from housing has durable and significant effects on families' health and wellbeing.

But gentrification remains a narrow perspective through which to study involuntary displacement and residential instability among the urban poor. Most evictions take place in un-gentrifying neighborhoods (Desmond 2012) and are not the result of sudden rent hikes owing to neighborhood turnover but to missed rental payments, owing to the extreme degree to which many low-income households are rent burdened. Interest in gentrification far overshadows that on affordable housing; since 1980, for every social-scientific journal article in which "affordable housing" appears in the title, there are nearly three others featuring "gentrification." But investigating displacement among poor renters by studying gentrification is akin to documenting the causes of mortality by studying rare diseases, since in most cities gentrification is responsible for a very small fraction of involuntary moves (Kasarda et al. 1997). What is needed, then, is a sociology of displacement beyond gentrification, a new body of work that records the causes, dynamics, and consequences of forced removal from housing owing to the pedestrian workings of the low-income housing market in disadvantaged, segregated neighborhoods. By documenting the consequences of eviction, we have contributed toward such a project.

Although most low-income families live unassisted in the private market, most research on housing dynamics has to do with housing policy and programs. We know much more about public housing (which serves less than 2 percent of the population) than about inner-city landlords and their properties (which constitute

the bulk of housing for the ghetto poor) (e.g., Bratt, Stone, and Hartman 2006). We know much more about the effects of the “Moving to Opportunity” program, which served roughly 4,600 households, than the effects of eviction, likely experienced by millions of households each year. Evictions are but one aspect of the private rental market deserving of more research. The most direct connection between housing and poverty is the pervasiveness of severe rent burden in low-income communities. If poor families are spending the majority of their income to rent, what do they go without? Does the shortage of affordable housing affect social mobility opportunities or food scarcity, for example? Finally, sociologists could begin investigating how dynamics of the low-income housing market contribute to neighborhood dynamics. What role does landlord screening play in the concentration of disadvantage or criminality in some inner-city areas? What role do evictions play in high residential turnover and community destabilization? By pursuing questions like these, research focused on the low-income private rental market, that cut of the country in which the majority of poor families are found, would help pull housing back to the center of the poverty debate, where it belongs.

By providing evidence that eviction brings about a variety of negative outcomes, this study underscores the need for policymakers to focus their attention on forced removal. If eviction is linked to economic and health disparities, then effective eviction-prevention initiatives could go a long way toward addressing these enduring problems. Relatedly, because we find that evicted mothers and their children were more likely to suffer from health problems, directing eviction-prevention aid upstream potentially could lower healthcare costs incurred downstream.

Notes

1. But this is not universally the case. A survey of tenants in housing court who received eviction judgments found that 14 percent planned to live with kin or friends, 15 percent had found another apartment, 12 percent were planning on staying in a hotel or shelter or on the street, and the remaining 53 percent simply did not know where they would stay after their eviction (Desmond 2012). Sometimes eviction results in homelessness—itsself coming in many different forms: doubling up, living on the street, taking refuge in a shelter—and sometimes it does not. Studying the effects of eviction is not the same thing as studying the effects of homelessness.
2. This wording does not allow us to distinguish between tenants who were evicted formally (and carry the mark of an eviction on their record) and those who were evicted informally (and are spared an eviction record).
3. Our income-to-poverty measure is based on the federal poverty threshold for the year prior to each survey wave.
4. Our results are robust to varying the cut-point for the depression scale as well as to negative binomial models estimating the number of depressive symptoms respondents reported.
5. In supplementary analyses, we constructed fixed-effects models that accounted for the Wave III outcomes. Additionally, we replicated our regression models by including Wave III outcomes as covariates. Doing so did not significantly alter our main results. Because our fixed effects models account for unobserved confounders and assess

changes in our outcomes between Waves III and IV, we have not displayed those results here. They are available upon request.

6. For “early evictions,” model 5 adjusts, post-matching, for race/ethnicity, mother’s nativity, whether the father had ever been incarcerated, parity, whether a grandmother lived in the household at the time of the birth, how many adults live in the household, how long the mother has lived in her neighborhood, whether she receives housing assistance, whether she feels safe in her neighborhood, whether she lived in public housing at Wave I, maternal and paternal employment status, relationship status at Wave I, whether the family received any public assistance at Wave I, whether the family received SSI or unemployment at Wave I, mother’s education, whether the family paid for the birth with Medicaid, the total household income at Wave I, whether paternity had been established, and the mother’s age at her first birth. For “recent evictions,” Model 5 adjusts, post-matching, for race/ethnicity, parity, the number of adults in the household, whether the father had ever been incarcerated, whether a grandmother lived in the household at the time of the birth, maternal and paternal employment status, mother’s education, relationship status at Wave III, how long the mother had lived in her neighborhood, whether she received housing assistance, whether she feels safe in her neighborhood, whether she lived in public housing, whether the family received any public assistance at Wave I, whether the family owned a car at Wave II, monthly rent paid, monthly childcare costs, whether the father is ever late with child support, whether the mother reports high social support, whether the family received the EITC, whether the mother or father had any health problems that affected their ability to work, total household income at Wave III, how many days per month the father sees the child, whether legal paternity had ever been established, the mother’s age at first birth, and whether the family has a credit card at Wave III.
7. We also conducted a sensitivity test by restricting evictions to those between child age 0–1, which we term “very early evictions.” The results (not shown) were similar to the results for “midrange evictions,” though the associations were generally smaller in magnitude, as would be expected.
8. Eighty-nine percent of the original sample of mothers were re-interviewed in Wave II, 86 percent in Wave III, and 85 percent in Wave IV.

Appendix

Material Hardship Scale Items

Mothers were asked if in the past twelve months they did “any of the following because there wasn’t enough money.”

1. Did you receive free food or meals?
2. Was (CHILD) ever hungry, but you just couldn’t afford more food?*
3. Were you ever hungry, but didn’t eat because you couldn’t afford enough food?*
4. Did you not pay the full amount of a gas, oil, or electricity bill?
5. Was your gas or electric service ever turned off, or the heating oil company did not deliver oil, because there wasn’t enough money to pay the bills?
6. Did you borrow money from friends or family to help pay bills?
7. Was there anyone in your household who needed to see a doctor or go to the hospital but couldn’t go because of the cost?

8. Have you cut back on buying clothes for yourself?
 9. Have you worked overtime or taken a second job?
 10. Was your telephone ever disconnected by the telephone company because there wasn't enough money to pay the bill?
- * These items were asked in the Wave IV follow-up only.

Parenting Stress Items

Mothers were asked whether they strongly agreed, somewhat agreed, somewhat disagreed, or strongly disagreed with the following statements.

1. Being a parent is harder than I thought it would be.
2. I feel trapped by my responsibilities as a parent.
3. I find that taking care of my children is much more work than pleasure.
4. I often feel tired, worn out, or exhausted from raising a family.

Table A1. Effects of a "Midrange" Eviction (child age 2–3) on Maternal and Child Wellbeing Outcomes at Child Age 5

Outcome	Propensity score weighting (N = 2,676)		Propensity score matching (N = 154)		
	Model 1	Model 2	Model 3	Model 4	Model 5
	No shocks	With shocks	No shocks	With shocks	Regression adjusted, with shocks
	Coefficient		ATT		
Material hardship	0.56** (0.17)	0.53** (0.17)	0.33 (0.25)	0.31 (0.26)	0.35 (0.29)
Poverty ratio	-0.32* (0.15)	-0.28† (0.15)	-0.51 (0.40)	-0.43 (0.40)	-0.06 (0.23)
Parenting stress	0.95* (0.40)	0.89* (0.40)	0.66 (0.67)	0.65 (0.68)	0.56 (0.79)
	Difference in predicted probabilities, evicted vs. not evicted		ATT		
Mother's poor health	0.21** (0.07)	0.20** (0.07)	0.13 (0.09)	0.13 (0.10)	0.14 (0.11)
Child's poor health	0.05 (0.05)	0.04 (0.05)	-	-	-
Maternal depression	0.25** (0.08)	0.24** (0.08)	0.15 (0.09)	0.14 (0.09)	0.16 (0.10)

Note: All models control for residential mobility. ATT estimates represent the average treatment effect on the treated. Weighted models for mother's health, child's health, and depression are dichotomous outcomes estimated with logistic regression models; the difference in predicted probabilities for evicted and not evicted respondents are calculated for these outcomes to better compare to ATT estimates. ATT models for child's health would not converge.

† $p < .1$ * $p < .05$ ** $p < .01$ *** $p < .001$

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Wall Street Landlords *turn American Dream into* a Nightmare



*Wall Street's big bet on the home rental market,
and the bad surprises in store for tenants,
communities, and the dream of homeownership*

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1. EXECUTIVE SUMMARY

se·cu·ri·ty

noun

the state of being free from danger or threat.

se·cu·ri·ty

noun

a tradable financial asset.

Ten years ago, the market crashed and over 9 million families lost their homes — through foreclosure, short-sale or surrender to a lender. One big contributing factor, it became clear afterward, was the practice of bundling mortgages into securities to be sold, resold, and scattered around the world, leaving many banks and nonbank lenders with little motivation to care if a property was fairly priced or a homeowner was truly capable of making the payments.

Since the crisis, Wall Street has plunged back into the housing market in a new way that raises some of the same old concerns. National and global private equity firms like the Blackstone Group and Colony Capital have been behind the purchase of tens of thousands of single-family homes, which they have then turned into rental properties. Since 2013, many of these large Wall Street speculators have bundled their rentals together, securitized them, and created “single-family rental bonds.” The largest of these pools have been given triple A (AAA) ratings by bond agencies.¹ But in May of this year, it became public that the U.S. Securities and Exchange Commission (SEC) is investigating whether some single family rental securitizations relied on inflated property values.² And in September, as part of its investigation, the SEC subpoenaed evidence from the three largest institutional investor-owned companies, Invitation Homes, American Homes 4 Rent and Starwood Waypoint Homes.

What impact is this “new asset class” having on the housing market?

What is the impact on tenants, on homeownership, on the community?

This report takes a closer look at these questions and explores the character, scope and implications Wall Street’s role in the new world of mass single-family rentals (SFR). We look at the four largest companies in the market and the impact they are having on consumers and communities, using data analysis, review of company communications with investors, and over 100 interviews with tenants living in Wall Street-owned homes.

IMPORTANT FACTS

- The first securitization of single-family rentals occurred in November 2013, by

¹ Lane, Ben. “\$1B rental securitization earns AAA rating from Morningstar.” May 16, 2014. Housing Wire. Accessed [here](#)

² Scully, Matt. “SEC Probes Rental Home Values in Private-Equity Bond Deals.” May 8th, 2017. Bloomberg News. Accessed [here](#)

Invitation Homes.

- Since then ten more companies have entered into the market, generating 39 securitizations totaling approximately \$19.2 billion³
- The number of single-family rentals has been growing dramatically—from 10.5 million units in 2005 to 17.5 million in 2015, a 67 percent increase⁴.
- By the end of 2016, HUD, Fannie Mae and Freddie Mac had auctioned some 104,258 delinquent mortgages at hugely discounted prices. Over 95% of them were sold to Wall Street private equity firms and hedge funds, and many were turned into rental properties⁵.
- In November 2017, Starwood Waypoint and Blackstone’s Invitation Homes merged into a combined portfolio of 82,000 properties, making it one of the largest landlords in the country and the second largest residential real-estate company in the world.
- Institutional investors own over 200,000 single-family rental homes concentrated in a few small markets and that number is expected to continue growing⁶.

MAJOR CONCLUSIONS

When houses are sold to cash-carrying investors for conversion into rentals, prospective homeowners and “mom and pop” landlords are crowded out of the market, and communities suffer — particularly communities of color.

Wall Street landlords are accountable to investors to increase profits. That pressure is, compounded by Bond Rating Agencies when they threaten to downgrade securitization deals if landlords fail to set “competitive rents” and minimize “loss” through speedy evictions and aggressive fee collection.

Tenants are negatively impacted, with large annual rent increases, fee gouging, a high rate of evictions, and rampant habitability issues.

The damaging effects, like those of the predatory lending that led to the financial crisis, appear to disproportionately impact low and moderate income families and communities of color.

Federal government policies have spurred the trends discussed here. For example, most of these large institutionalized companies are receiving a huge tax break, being exempt from federal taxes due to their status as Real Estate Investment Trusts (REITs).

Wall Street landlords have become a growing political lobbying force, with the 2014 launch of a new trade group called the National Rental Home Council

³ Outstanding balance as of December 2016 based on data from the Securities Industry and Financial Markets “U.S. Securitization Year in Review 2016”. Accessed [here](#). The 39 securitizations includes 31 single-borrower and 8 multi-borrower deals as reported by Amherst Capital Market Update: “U.S. Single Family Rental - Institutional Activity in 2016/2017. August 2017. Accessed [here](#) and KBRA’s data reported in a press release “KBRA Assigns Ratings to CoreVest American Finance 2017-1”. Oct 31, 2017.

⁴ Goodman, Laurie and Karan Kaul. “Fannie Mae’s Financing of Single-Family Rentals: Good Pilot, but Plenty to Think About”. February 2017. Urban Institute. Accessed [here](#)

⁵ Data based on October 2016 Report “Report to the Commissioner on Post Sale Reporting FHA Single Family Loan Sale Program” prepared by HUD and FHA

⁶ Amherst Capital Market Update: “U.S. Single Family Rental - Institutional Activity in 2016/2017. August 2017. Accessed [here](#)

All this adds up to an unprecedented shift in the ownership of houses, from homeowners to mega-corporate investors and from “mom and pop landlords” to Wall Street landlords. In the post foreclosure-crisis landscape of America, Wall Street private equity firms with the explicit support of the federal government are laying the foundation for a new kind of rental housing market — one that harms vulnerable renters and communities in unprecedented ways.

Top Policy Recommendations

full version at the end of the report

Local & State Policies

1. *Protect Tenants*
 - a. Establish rent control and just cause eviction laws that cover single-family rentals
 - b. Prohibit excessive and/or hidden fees
2. *Advance Homeownership and Community Control of Housing*
 - a. Establish a “right of first refusal” policy giving tenants first chance to purchase the home when it is being sold. Non-profit organizations and public agencies should get the “second chance” if tenants do not purchase
3. *Monitoring*
 - a. Require public disclosure to city/county government by large-scale owners of single-family rentals, for transparency around what properties they own and what they are doing with them
 - b. Local government should monitor this industry, tracking their growth and their performance as landlords, and any potential fair housing violations
 - c. Institute a “speculators fee” to cover the costs of tracking and monitoring and sharing that data with advocates can

Federal Policies

1. *Fannie Mae, Freddie Mac and HUD should Protect Tenants and Communities*
 - a. They must only provide financing for large single-family rental investors if the units are affordable, strong tenant protections are in place and they are prohibited from discriminating against voucher holders
 - b. For all sales of distressed mortgages and single-family properties they must require rigorous mortgage modification programs, right of first refusal, rent control, just cause eviction protections and non-discrimination based on source of income
 - c. They must prioritize mission driven developers and CDFIs as purchasers of non-performing loans and distressed properties.
2. *Congress should establish national rent control and just cause eviction rules for the largest owners of single family and multi family properties.*
3. *The SEC should require Private funds and other firms to provide more information about their portfolio companies, including their impact - including as a landlord - on the communities in which they do business.*



2. INTRODUCTION

The Bulnes Family

After losing their home to foreclosure in 2012, Vanessa and Richard Bulnes counted themselves lucky to find a nearby house to rent. Their new home, like their old one, had been foreclosed on and bought up by investors. Although the rent was higher than their mortgage payments had been, it was a place where Vanessa, her family's sole income earner since her husband's stroke in 2008, could continue to run the in-home daycare center she had operated for 22 years.

But in 2013 the county found dangerous levels of lead in the soil during a permitting check. That was when Vanessa Bulnes first learned that their landlord, who would have to give permission for the county to remediate the problem, was a corporation called Waypoint Homes, an affiliate of the \$10 billion private equity firm GI Partners. She reached out to Waypoint repeatedly and tirelessly for years, trying to get the needed authorization. Meanwhile, the federal agency that helped fund her program installed a rubber mat in her backyard as a temporary remedy.

In November 2016, the owners finally fixed the lead problem. But it was too late. By then the agency had lost patience and canceled Vanessa's contract, forcing her to close her lifelong business and depriving the family of its main source of income. While Vanessa was searching for new work, she and her husband fell behind on the rent. Before long, they got served with an eviction notice.

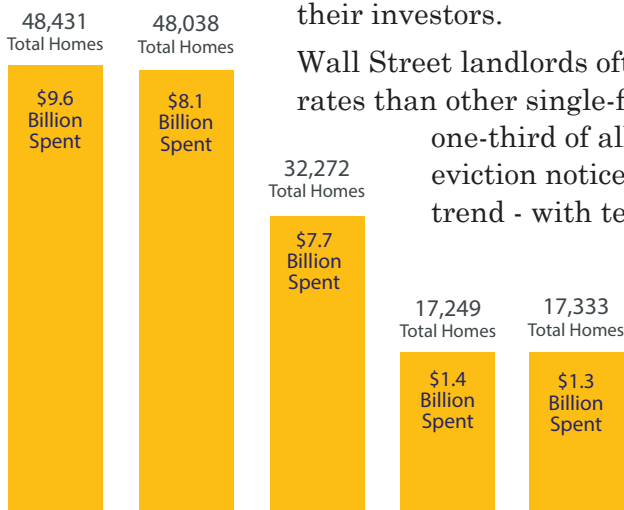
The New Rental-Home Empires

Since the financial crisis, tens of thousands of American families have found themselves, like the Bulneses, renting homes from large and distant companies. Many of these companies were founded or financed by Wall Street investment funds.

In 2014, while Vanessa was struggling to maintain her home day care, Waypoint Homes joined with Starwood Property Trust, an international Real Estate Investment Trust worth nearly 180 million dollars and part of the larger Wall Street investment giant, Starwood Capital⁷. The resulting company, Starwood Waypoint Residential Trust, then merged with another single-family rental company, Colony American Homes, to become Colony Starwood Homes. Colony American Homes, which was launched in 2010 by Colony Capital (now called Colony Northstar), a global real-estate investment company headquartered in Los Angeles, had its own Wall Street origin story and network of wealthy investors. The merger meant the combined company controlled over 30,000 homes and \$7.7 billion in assets⁸.

But the mergers didn't stop there. In August 2017, a second merger was announced between Colony Starwood and Invitation Homes, a single-family rental company controlled by the New York-based private-equity giant, The Blackstone Group. This combined entity, called Starwood Waypoint, owns more than 82,000 single-family homes across the country. The Blackstone Group, in turn, is part of a galaxy of private equity funds, hedge funds, and other Wall Street-oriented partnerships and corporations that began snapping up homes after the housing bubble burst ten years ago, with a view to putting some of them on the rental market, at least until the right moment arrived to sell.

Single-family home rental used to be a small-scale and local business, built around direct ties between landlords and tenants. In the new Wall Street rental empires, the relationships are impersonal, property managers come and go, and the executives who call the shots often have trouble hearing the voices of their tenants over the clamor of their investors.



Wall Street landlords often evict tenants at astonishingly higher rates than other single-family landlords: in the Atlanta area, nearly one-third of all Starwood Waypoint tenants received eviction notices in 2015. Rent increases follow the same trend - with tenants facing as much as \$1000/month increases. Across the nation, single-family homes are currently exempt from local rent-control laws, which is a big part of the market's appeal to Wall Street. Investor pressure has also led to fee-gouging of a kind previously associated with credit cards and payday loans. Dissatisfied with the agreed-on rent,

⁷ Corporate worth based on FY 2015 revenues. As of September 2017 Starwood Property Trust reported 227 million in revenues. For complete financials see [Reuters' corporate profile of the company](#).

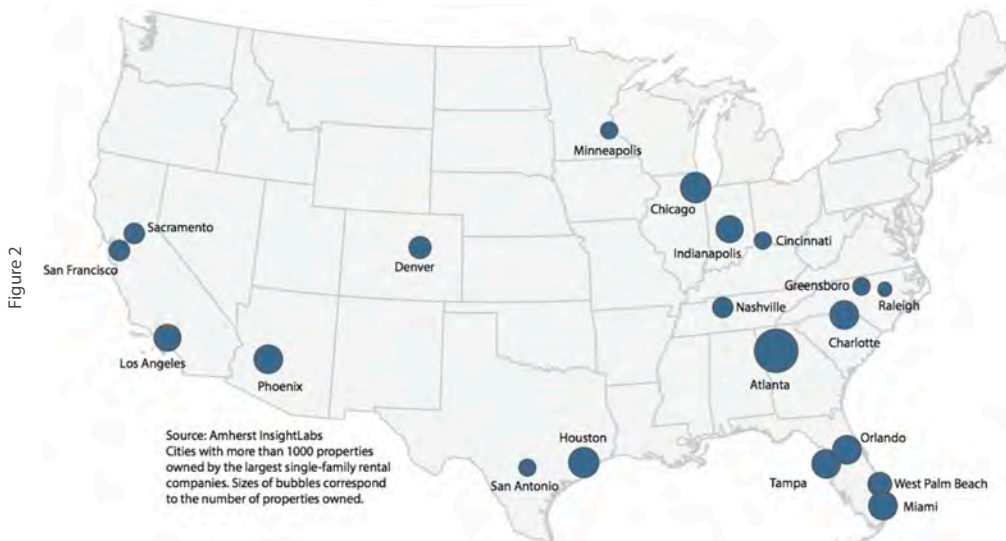
⁸ Business Wire. "Colony Starwood Homes Announces Closing of \$7.7 Billion Merger of Starwood Waypoint Residential Trust with Colony American Homes, Creating the Premier Single-Family REIT". January 2016. Accessed [here](#).

these companies create extra revenue streams of excessive late charges and maintenance fees that shift the costs and responsibilities of traditional landlords onto tenants to an unprecedented extent.

The damage falls on communities as well as tenants. When giant, far-off entities begin to mass-purchase single-family homes in a given concentrated area, it becomes harder for local families to buy, and harder for a neighborhood to maintain a stabilizing critical mass of owner occupancy.

For these Wall Street speculators, the recession of 2008 was not economically and emotionally devastating as it was for Vanessa, Richard, and so many others; *it was a market opportunity.*

The story of Vanessa and Richard illustrates how the commodification and financialization of housing can wreak havoc on ordinary Americans. As families like theirs struggled to weather the economic storm, hedge funds, private equity firms, and other financial actors swooped into the market to purchase hundreds of thousands of foreclosed homes. For these Wall Street speculators, the recession of 2008 was not economically and emotionally devastating as it was for Vanessa, Richard, and so many others; it was a market opportunity. The foreclosure crisis and 2008 financial collapse had few winners, but companies like Starwood Waypoint and Invitation Homes -- and their Wall Street corporate backers -- were among them. They have benefitted from the deception and fraud that saddled so many families of color with subprime and booby-trapped mortgages, leading to foreclosures that disproportionately affected African American and Latino families like the Bulneses. Lower post-crisis home prices could have been an opportunity to increase affordable homeownership, but too often instead Wall Street buyers swept in, while neighborhood families were left out of the game altogether,



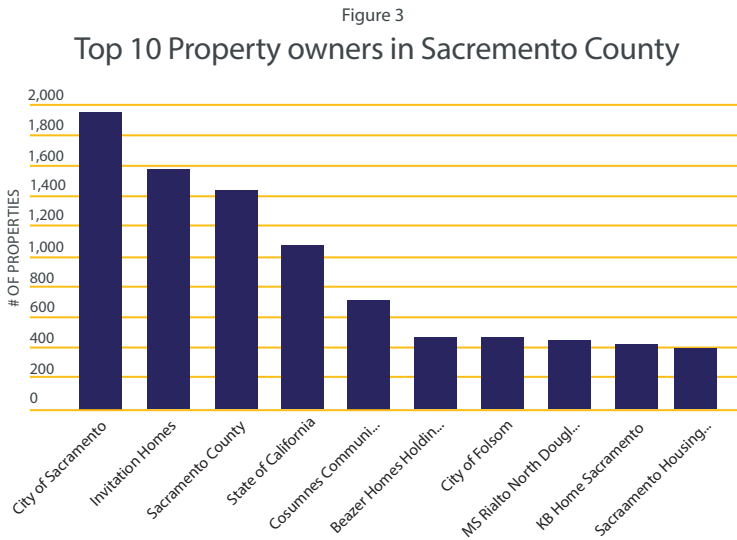
unable to compete with cash buyers or denied access to credit.

Uncle Sam, Wall Street Enabler

Beginning in 2014 the Government Sponsored Entities (GSE) - Fannie Mae and Freddie Mac - began selling pools of delinquent mortgages in bulk to the highest bidder, with very limited conditions applied to protect the homeowners in danger of losing their homes, or the communities those homes were situated in. The Federal Housing Administration (FHA) also sold such pools. In many cases, the highest

bidders have been hedge funds, private equity firms, and other giant investment companies.

These sales contributed to the fact that today, *nine big Wall Street firms are collectively the absentee landlords of more than 200,000 single family homes in 13 states.* While that's a small proportion of all single-family rental properties nationally, it accounts for a large percentage of homes in the concentrated geographies where these companies buy. For instance, in Sacramento County, California, Invitation Homes is the single largest private landlord in the



Property information from the Sacramento County Assessor's Office.
Infographic created by: Maneeza Iqbal

county - and the second largest property owner after the county of Sacramento itself.⁹

Industry spokespeople portray the single-family rental boom as a temporary phenomenon. But while there has been some retrenchment recently, many of the big players clearly see more growth ahead. Starwood Waypoint says it plans to spend \$400 to \$500 million or approximately \$30 million per month in 2017 in its favored markets¹⁰. On June 5, 2017, Starwood Waypoint purchased 3,106 homes in California from GI Partners, a private investment firm based in San Francisco, which increased the company's total properties in California by 40%¹¹. Last month, on November 16th, the merger between Blackstone's Invitation Homes and Starwood Waypoint Homes was completed, giving the new merged entity, operating as Invitation Homes, approximately 82,00 properties. This makes them the largest landlord of single-family homes in the country and the second largest real-estate company in the world.

It did not have to be this way. Sensible and timely action against abusive and deceptive mortgage lending and securitization would have prevented millions of foreclosures, and a more robust response to the foreclosure crisis once it began would have prioritized directly helping homeowners to keep their homes- as the government did in response to

⁹ Manoucheri, David. "How One Company Effects Rent Prices in Northern California. November 6th, 2017. KCRA. Accessed [here](#).

¹⁰ Colony Starwood, Transcript of 2017 1st Quarter Earnings Calls. March 2017. Accessed through Seeking Alpha [here](#)

¹¹ Colony Starwood Homes, Form 8-K. United States Securities and Exchange Commission. June 5, 2017. Accessed [here](#)

the Great Depression.

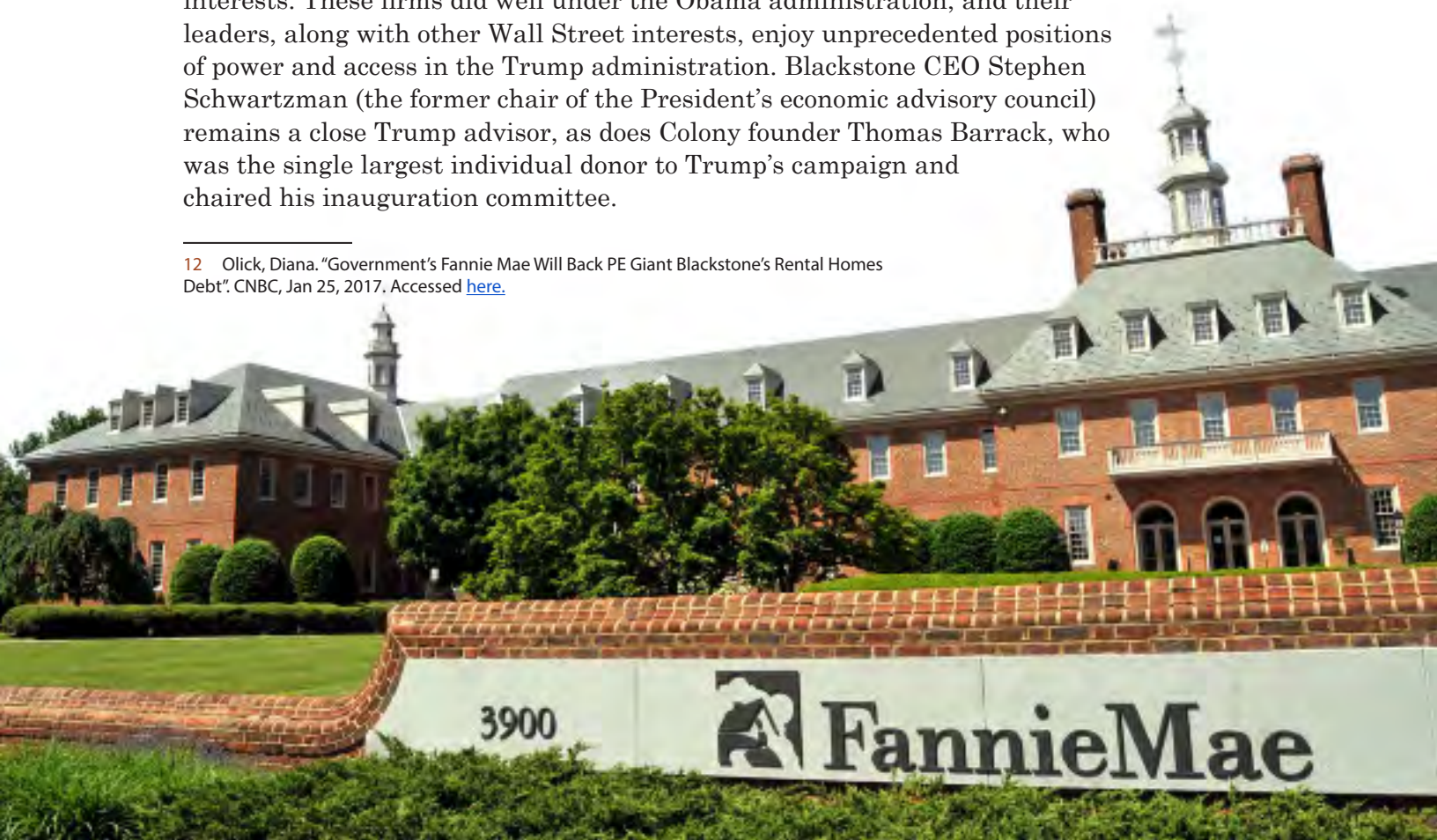
Even after the crisis, Fannie and Freddie -- and the Federal Housing Finance Agency, which oversees them - could have focused on using vacant homes to help the families and communities most impacted by the financial crisis, rather than transferring them to Wall Street investors. That would have meant making a serious effort, as many housing advocates urged, to make it easier for local families and community groups to buy up stranded homes, giving them preference over absentee investors and speculators. Unfortunately, that is not what they did. Instead, Fannie and Freddie set up systems that disproportionately benefitted Wall Street buyers, and then provided a loan guarantee that lowered the cost of capital for a major Invitation Homes deal. An industry analyst commented on the deal:

“Shifting corporate risk to taxpayers has been a profitable business over the past few decades, and throughout history. We expect we will see more of this shift in the coming years.”¹²

Even now, the Federal government could - and should - move away from policies that help these big-money players snap up vacant properties in bulk. Where such investors do acquire homes, federal, state and local governments urgently need to establish or strengthen eviction rules, rent control laws, and real-estate tax policies, among other tools, to make sure renters are treated decently and local access to housing is protected. If such policies are not put in place, government will continue to actively encourage the growth of harmful large-scale corporate ownership.

The enormous political influence of Wall Street in general and the private equity industry in particular helps explain these damaging policies. In 2014, the single family rental industry created the National Rental Home Council (NRHC) to lobby for its interests. These firms did well under the Obama administration, and their leaders, along with other Wall Street interests, enjoy unprecedented positions of power and access in the Trump administration. Blackstone CEO Stephen Schwartzman (the former chair of the President’s economic advisory council) remains a close Trump advisor, as does Colony founder Thomas Barrack, who was the single largest individual donor to Trump’s campaign and chaired his inauguration committee.

¹² Olick, Diana. “Government’s Fannie Mae Will Back PE Giant Blackstone’s Rental Homes Debt”. CNBC, Jan 25, 2017. Accessed [here](#).





TENANT SPOTLIGHT

Maricella Castillo

Sacramento, California

“Living in a Waypoint property has been an actual nightmare. No family should have to pay to live like this.”

My husband and I both grew up in Sacramento, met in high school and then a few years later got married and had our daughter and son. He served in the military for several years - and Waypoint was the first home we moved into

after he got out of the service - now as a disabled veteran.

Within less than three years, my rent went from \$1250 to \$1600. They say you shouldn't spend more than 30% of your income on rent or else you're considered "rent burdened." So \$1200 worked for us. I could feed my family on that. But with the additional \$400 a month - that cuts into our ability to feed my kids and meet our basic needs. We finally decided to move out - and since we're moving out now, I was just able to buy my daughter warm pajamas for winter for the first time. It's cold at night - I can't believe I've had to wait this long to be able to afford my little 6 year old girl warm clothes for the night!

There's been also been a lot of problems with getting someone out to maintain the house. We've had leaky pipes for years and our stove has been broken for an entire year and a half. Instead of fixing it, they come in and make minor adjustments and then within a week its broken again. I'm a cook - how am I supposed to cook for my family without a stove? Our backyard fence is also awful and rotten - so bad its a hazard and I can't even have our kids play in the backyard! There are building code violations. Our shower is rotting out because there is no ventilation in the master bedroom and the window sealed shut. There's a giant hole in one of our walls that we asked them to fix when we moved in but instead of fixing it they just put a mirror on top of it. And our carpet was installed so badly we can't walk around barefoot in our own house - in all of the seams there are tacks are sticking out so it wasn't safe for us. The maintenance people, their hands are tied.

Living here has been an actual nightmare. If we had had rent control, we would be doing great right now. We would have been able to save and we would have been able to take a vacation with our family for the first time - we've never been able to be able to afford that before. We need to repeal the state law in California that restricts rent control from homes like ours so we can stay in our homes and hold these huge Wall Street landlords accountable.

It is not okay for them to treat people like this!”



3. HOW DID WE GET HERE?

The Rise of Single-Family Rentals as an Investable Asset Class

In 2008, the whole world saw the result of the growing financialization of the housing market, together with the unregulated, reckless greed of Wall Street. Financiers and speculators took the global economy to the edge of collapse, while wreaking havoc on ordinary Americans like Richard and Vanessa Bulnes.

Now, casino-like gambling in the housing market is back in a new form: the Wall Street financialization of rental housing.

STAGE 1: THE INFLUX OF GLOBAL CAPITAL

After Wall Street crashed the global economy in 2008, leading to massive losses of wealth in low-income communities of color, private equity firms and other institutional investors created an array of new companies to acquire extremely discounted homes through auction, short sale, or the purchase of distressed loans. This was called the REO (Real Estate Owned home) to Rental business.

Blackstone, the world's largest private equity firm, created Invitation Homes in 2012 and spent over \$10 billion amassing a portfolio of more than 48,000 homes, at times spending over \$150 million a week. Similarly, Colony Capital, the world's fifth largest private equity firm, created Colony American Homes, the second largest single-family

14 How did we get here?

rental company, with \$550 million in initial investment. In 2016, Colony American Homes merged with Starwood Capital's Starwood Waypoint Residential Trust to become Colony Starwood Homes, and in August of 2017 the company announced a merger with Invitation Homes.

Figure 4: Largest Single-Family Rental Companies¹³

Company	Total Homes	Debt	Publicly Traded	Initial Institutional Backer	Total Corporate Investment
Invitation Homes	48,038	Yes	Yes	Blackstone	\$8.9 Billion
American Homes 4 Rent	48,000	Yes	Yes	Alaska Permanent Fund	\$9.6 Billion
Colony Starwood Homes*	30,844	Yes	Yes	Colony Capital, Starwood Capital	\$5.9 Billion
Progress Residential	17,333	Yes	No	Goldman Sachs ¹²	\$3.0 Billion
Tricon (post Silver Bay merger)	17,249	Yes	No	Tricon Capital	\$1.4 Billion
Main Street Renewal (Amherst)	9,231	Yes	No	Amherst Holdings/ Stone Point Capital	\$1.25 Billion
Cerberus Capital Management	5,700	No	No	Cerberus Capital Mgt Fund	\$615 million
Altisource Residential	5,414	Yes	Yes	Altisource Asset Mgt Corp	\$739 million
Home Partners of America	4,844	Yes	No	BlackRock and KKR	\$1.5 Billion
HavenBrook Homes	4,000	No	No	Pacific Inv. Mgt Co	\$600 million
StreetLane Homes	3,400	No	No	GTIS Partners and 643 Capital Mgt	\$445 million ¹³
Total Homes:	196,598			Total Investment:	\$35 billion

*Colony Starwood has now merged with Invitation Homes

STAGE 2: TURNING SINGLE-FAMILY RENTAL HOUSING INTO A COMMODITY FOR TRADING

Beginning in late 2013, the financial industry was able to take single-family rental housing one step further, turning it into a trading commodity by selling bonds backed by the future rent checks of thousands of single family homes, through the process referred to as securitization. Sound familiar? The process is very similar to the mortgage-backed securitization made infamous by the 2008 financial crisis. Invitation Homes issued the first single-family-rental-backed security for \$500 million in 2013. Since then ten more companies have entered into the market, generating 39 securitizations totaling \$19.2

¹³ Rahmani, Jade, Tomasello, Ryan and Brian Jones. Keefe, Bruyette & Woods. "Single-Family Rental Primer, 5th Edition". September 28, 2016. Accessed [here](#)

¹⁴ Based on information provided by Pintar Investment Company, Progress Residential's local operating partner in California. Accessed [here](#).

¹⁵ Business Wire. "GTIS Partners and 643 Capital Management Announce Launch of StreetLane Homes; Emerges as Top-10 Vertically-Integrated Provider of Single-Family Rentals to Millennial Marketplace". January 4, 2017. Accessed [here](#)

billion with \$17.5 billion still outstanding¹⁶

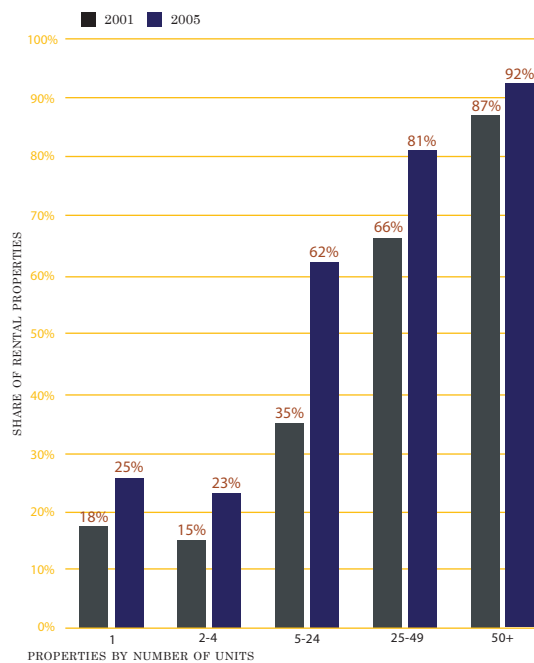
STAGE 3: BECOMING PUBLICLY-TRADED COMPANIES WITH SHAREHOLDERS

Single-family rental companies have taken their business into the stock market. Some of the largest of these companies are, or were, publicly traded, including Invitation Homes/ Colony Starwood and American Homes 4 Rent. When they go public, single-family rental companies become accountable to shareholders and face increasing pressure to deliver short-term financial returns, which often come at the expense of long-term productivity and social responsibility. Short-termism is a key byproduct of the modern financialized economy.

4. WALL STREET'S RENTAL EMPIRES PUT FAMILIES AND COMMUNITIES AT RISK

Tenants, first-time homebuyers, and local communities have been hurt by the rise of

Figure 5
Institutional Investor Share of Rental Properties



Source: Harvard Joint Center for Housing Studies
By The New York Times

these new Wall Street landlords and their business model of mass home rental. The damaging effects, like those of the predatory lending that led to the financial crisis, have fallen disproportionately on low and moderate income families and communities of color.

Diminished Opportunities for Homeownership

“The American Dream no longer requires homeownership,” the single-family rental industry argues.¹⁷ That is a debatable proposition. Homeownership remains the greatest source of wealth and security for millions of American families, and besides being an important financial investment, it’s a significant source of emotional stability as a place to raise children, create community and develop roots. Renter protection policies that prevent unjust evictions, exorbitant rent

increases and require habitability standards can provide this same level of financial and emotional stability for renter households. However, the NRHC and its’ affiliated Wall Street rental conglomerates have actively opposed including rental protections as part of their newly envisioned American Dream.

But the key point may be that while the industry portrays itself as responding to

¹⁶ Outstanding balance as of December 2016 based on data from the Securities Industry and Financial Markets “U.S. Securitization Year in Review 2016”. Accessed [here](#). The 39 securitizations includes 31 single-borrower and 8 multi-borrower deals as reported by Amherst Capital Market Update: “U.S. Single Family Rental - Institutional Activity in 2016/2017. August 2017. Accessed [here](#) and KBRA’s data reported in a press release “KBRA Assigns Ratings to CoreVest American Finance 2017-1”. October 31, 2017.

¹⁷ Hoya Capital Real Estate. “The American Dream No Longer Requires Homeownership”. Published on SeekingAlpha.com. Jun 28, 2017. Accessed [here](#).



Francine Orr/Los Angeles Times

“When I found my home I fell in love.

I’ve lived here for four years —

and while I love my home and make a decent salary as a city dispatcher — we just can’t afford it. My mother passed earlier this year who helped pay the rents and my husband has had two strokes - we have no other choice but to leave. When I first moved into this home, the rent was \$1850. Only four years later and my most recent increase notice stated to take my rent from \$2120 to more than \$3000 — a nearly \$800 rent increase all at once. That’s when I got involved with ACCE and joined with other tenants of Invitation Homes organizing together to start pushing back. We started sending letters, and protesting at Blackstone Group’s headquarters. That’s when my landlord sent a letter saying the rent increase was only \$2330 and that the initial increase was a mistake. Even so, my family can’t afford it. My husband and daughter will move in with relatives, and I plan to rent a room from a coworker until I get on my feet again. If companies like Invitation Homes keep these rent increases up — we’ll all end up on the street. We need rent control for single-family homes like mine to keep us in our homes!”

TENANT SPOTLIGHT

Renita Barbee

a market shift, it is also methodically creating that shift. These companies target neighborhoods with high job growth and limited housing supply - conditions that make it easier to set high rents and to impose high rent increases over time. This hurts renters and crowds out individual buyers. In what one Starwood Waypoint executive describes as industry “strike zones,” prospective home buyers often find it impossible to compete with cash-carrying Wall Street investors.¹⁸

18 Colony Starwood Homes, Transcript of 2016 4th Quarter Earnings Calls. Feb 28, 2017. Accessed through Seeking

Invitation Homes, for instance, focuses on “markets that we expect will exhibit lower new supply, stronger job and household formation growth, and superior NOI [net operating income] growth relative to the broader U.S. housing and rental market.”¹⁹ The company looks for houses with three or more bedrooms, two or more baths, and priced between \$100,000 to \$400,000²⁰ - the same kind of houses that many first-time home buyers are seeking. Starwood Waypoint has concentrated its recent acquisitions in what it calls its “subscale markets,” including Charlotte, Raleigh, and Nashville, where the company does not currently own enough homes to “fully optimize scale.” These are the same cities where Starwood Waypoint planned to spend much of a total 2017 acquisition budget of \$400 to \$500 million, or approximately \$30 million per month.²¹

Higher Rents

“For me to work 12-14 hour days and barely have enough to pay increasing rents to a multi-billion dollar Wall Street giant, *it's like sharecropping all over again*” said Merika Reagan, a Waypoint tenant and a member of ACCE. Merika and her family are not alone. To gain investor confidence, single-family rental companies promise to set competitive market rates for rent and to aggressively pursue evictions if

Alpha [here](#)

19 Invitation Homes Inc. “Form S-11: Registration Statement Under the Securities Act of 1933 of Securities of Certain Real Estate Companies.” United States Securities and Exchange Commission. Jan 6, 2017. Page 1. Accessed [here](#).

20 Colony Starwood Homes “Form 10-K.” United States Securities and Exchange Commission. Page 4. Accessed [here](#).

21 Colony Starwood, Transcript of 2017 1st Quarter Earnings Calls. May 9, 2017. Accessed through Seeking Alpha [here](#)

Invitation Homes / Starwood Waypoint

Institutional backer(s): Blackstone Group (will own 41% of the company post-merger), Starwood Capital, Colony Capital (exited)

Total Homes: 82,000 (post-merger)

Annual Revenue 2016: \$1.5 billion¹

Major Markets: South Florida, Southern California; Atlanta, Ga.

Invitation Homes started out as the single-family-rental arm of the Blackstone Group, the private equity firm founded by Peter G. Peterson and Stephen A. Schwarzman, two alumni of Lehman Brothers.² After the financial crisis, Blackstone's Invitation Homes acquired nearly 50,000 homes with the idea of renting them out until the moment seemed right to sell. Even before its merger with Starwood Waypoint, which was then the 3rd largest real estate investment trust, or REIT, Invitation Homes was itself one of the largest single family rental REITs.³

Blackstone is the biggest alternative asset management firm in the world with \$387 billion in assets under management.⁴ It is also the single largest investor in US housing through investments in single family homes, along with at least 46,000 apartments⁵ and tens of thousands of mortgages.⁶

Starwood Waypoint was known as Colony-Starwood Homes until July of 2017⁷, named after two other private equity firms, Colony Capital and Starwood Capital, that, like Blackstone, assembled portfolios of homes following the global financial crisis and took those portfolios public.⁸ When Colony Capital sold its stake earlier this year, Colony-Starwood changed its name to Starwood Waypoint, the former name of the Starwood Capital-backed company.⁹

Starwood Waypoint and its predecessors have bought, renovated, and leased over 30,000 homes across the United States.¹⁰

Invitation Homes announced a merger with Starwood Waypoint in August, 2017. With the closing of this transaction, Invitation Homes' stockholders will own approximately 59% of the combined company's stock, while Starwood Waypoint will own the remaining 41%.¹¹ Barry Sternlicht, the founder and CEO of Starwood Capital, and Jonathan Gray, the head of real estate for Blackstone, will both serve on the board of the combined company.¹² Its homes will be concentrated in Florida (26,000, 32%), California (15,600, 19%), Atlanta (10,600, 13%), Chicago (5,000, 6%), and Phoenix (5,000, 6%).¹³

1 INVH, SFR 2016 Forms 10K.

2 “Ex-Lehman Official Joins New Venture,” New York Times, Oct 22, 1985.

3 Single-Family Rental Primer, 5th Edition, Keefe, Bruyette & Woods, Sept 28, 2016.

4 Blackstone Group 3Q17 Presentation, Oct 19, 2017.

5 <http://www.livcor.com/company>, accessed Nov 9, 2017, “How Blackstone won Stuy Town,” The Real Deal, Aug 16, 2016.

6 Through Bayview. FHFA Enterprise Non-Performing Loan Sales Report, Dec 2016. Report to the Commissioner on Post Sale Reporting, Distressed Asset Stabilization Program, Mar 2017.

7 “Colony Starwood Homes to Change Name to Starwood Waypoint Homes,” Media Release, Jul 18, 2017.

8 Colony Starwood Homes Form 10K, Feb 28, 2016.

9 “Colony Starwood Homes rebranding as Starwood Waypoint Homes,” HousingWire, Jul 19, 2017.

10 US Single Family Rental – An Emerging Institutional Investment Class, Amherst Capital Management, Sept 2017.

11 Invitation Homes, Starwood Waypoint merger presentation, Aug 10, 2017.

12 “Welcome to the neighborhood: Blackstone, Starwood merger to create nation's biggest single-family landlord,” The Real Deal, Aug 10, 2017.

13 Invitation Homes. Starwood Waypoint merger presentation. Aug 10, 2017.

payments are even more than a single day late. The largest of these companies have similar track records when it comes to rent increases. In the first quarter of 2017, Starwood Waypoint reported a quarterly rent growth of 4.7% nationally for tenants renewing their leases,²² while Invitation Homes reported rent increases of 5.3% during the same period for tenants renewing their leases.²³ However, year over year growth nationally stands at roughly 2.7%²⁴ meaning that the big Wall Street single family rental companies charge nearly double the nation's average.

In California, rental increases are even higher. Starwood Waypoint, for example, reported 8% rent increases for tenants renewing their lease and 13%²⁵ rent increases for new tenants in Northern California properties.²⁶ Year over year rent increases above 5% are common in the hottest markets and in the second quarter of 2017, Starwood Waypoint reported a total rental increase (for both lease renewals and new tenants)²⁷ of 9.6% for Northern California and 6% in Southern California, Phoenix, and Atlanta²⁸ Likewise, Invitation Homes reported total rent increase of 7% in the Western states for the third quarter of 2017²⁹. Rental increases for the overall market are much lower than those reported by single-family rental companies, even in areas with the highest demand. For example, in Los Angeles and San Bernardino rents rose by 3.9% and in Riverside, Phoenix, and Vallejo rents rose by just over 4%. In Atlanta, the city with the most Wall Street investment, the overall rents grew by 2.4% - less than half of the rental increase reported by Starwood Waypoint³⁰. Additionally, based on an analysis of Zillow rental data, rents in the single-

When large corporate landlords acquire smaller portfolios of homes, tenants often face even more dramatic rent increases. For example, when Colony Starwood purchased thousands of homes from GI Portfolio, it promised investors it would raise rents on the newly acquired homes. Colony Starwood disclosed to investors that GI Portfolios had only raised rents each year by 4.8% for lease renewals, 1.9% for new tenants, and 3.3% overall. Colony Starwood promised their investors to increase that to its corporate average of 5.7%, 6.2% and 5.7% respectively³⁰.

22 Colony Starwood Homes, Transcript of 2017 1st Quarter Earnings Calls. May 9, 2017. Accessed through Seeking Alpha [here](#).

23 Invitation Homes, Transcript of 2017 1st Quarter Earnings Call. May 2017. Accessed through Seeking Alpha [here](#)

24 Salviati, Chris. "Apartment List National Rent Report." Apartment List. Nov 1st 2017. Accessed [here](#).

25 Refers to renewal rent growth. According to Starwood Waypoint, "Renewal Rent Growth" is defined as the percentage change in monthly contractual rent resulting from all lease renewals that became effective during a measurement period for an identified population of rental units and is calculated by dividing (a) the aggregate contractual first month rent (excluding rent concessions and incentives) on lease renewals executed during the applicable measurement period for an identified population of rental units by (b) the aggregate contractual last month rent for such identified population of rental units before renewal." Form 8-K. June 5, 2017

26 Colony Starwood Homes, Transcript of 2017 1st Quarter Earnings Calls. May 2017. Accessed through Seeking Alpha [here](#)

27 Total Rent Increase refers to same-store blended rent increase, which is defined by Starwood Waypoint as "the weighted average rent growth on all new leases (replacement leases) and renewals during a measured period, and is calculated by dividing (a) the aggregate contractual first month rent on all new leases and lease renewals executed during the applicable period for an identified population of occupied rental units by (b) the aggregate contractual last month rent for such identified population of rental units before renewal or new lease. This calculation does not include lease escalations or step-ups for multi-year leases." Form 8-K. June 5, 2017

28 Colony Starwood Homes. Transcript of 2017 3rd Quarter Earnings Call. November 2017. Accessed through Seeking Alpha [here](#)

29 Invitation Homes, Transcript of 2017 3rd Quarter Earnings Call. November 2017. Accessed through Seeking Alpha [here](#)

30 Overall rent data provided by Apartmentlist: Rentonomic. Accessed [here](#).

This means corporate consolidation of single family rentals led directly to substantial rent increases for tenants. For new tenants, the increase is even more dramatic as Colony Starwood promises to raise rents 6.2% each year. The GI Portfolio Colony Starwood purchased already had high rent levels to begin with. The average monthly rents for the over 3,000 homes were \$1,921 in Northern California (\$1.27/sq ft), \$1,735 in Miami (\$1.18/sq ft), \$1,794 in Southern California, (\$1.17/sq ft) and \$1,648 in Chicago (1.14/sq ft).

benefit from rent control protections in a number of cities, including Los Angeles and Oakland. But nowhere do such laws cover single-family homes, whose tenants are in fact left with very few legal safeguards.

Tenants with pets face even higher rents and rent increases since most of the company now charge additional rent (not just a security deposit) for tenants with animals. Invitation Homes reported that “pet rents” charged by the company are up 300% year-over-year and now account for \$1.5 million in additional corporate income³¹.

Single-family rental companies are also under pressure from rating agencies to develop systems for imposing “competitive” rents. If they don't, rating agencies threaten to downgrade their securitization deals. As Kroll Bond Rating Agency disclosed in its Single-Family Rental Rating Methodology, “KBRA will review a

family market have outpaced rents in multifamily housing in the areas most targeted by investors. In 2014, as the largest companies were becoming fully operational, the percent change in the price of rent for single-family homes was 50% higher than percent change in the price of rent for apartments in Sacramento, 38% higher in Denver, and 30% higher in Miami, San Antonio, Orlando, and Charlotte. While the rent differentials have evened out in the last two years, in 2016 single-family rental rates rose by 6% more than apartment rents in Los Angeles, 5% more in Denver and Tampa, and 4% more in Nashville and San Antonio. The fact that the highest rent increases occurred at the same time the mega-corporations began business suggests that these companies may significantly drive up rents in the markets where they operate. It is also important to note that apartment renters

American Homes 4 Rent

Institutional backer: Alaska Permanent Fund (sold stake in late 2016)

Total Homes: 46,026

Market Value: \$6.26 billion¹⁴

Annual Revenue 2016: \$878 million¹⁵

Major Markets: Texas, Georgia, North Carolina

American Homes 4 Rent is the second largest single-family rental REIT in the United States. The company was founded by Wayne Hughes, the founder and former CEO of Public Storage, one of the country's biggest self-storage companies.¹⁶ In 2012, the \$53-billion Alaska Permanent Fund made a \$600 million seed investment in American Homes 4 Rent that helped build its portfolio. Alaska sold its stake late last year for more than \$900 million, reaping a profit of more than 50%.¹⁷

Like Invitation Homes and Colony Starwood, American Homes 4 Rent has grown through acquisition. In February 2016, American Homes 4 Rent acquired American Residential Properties (ARPI) in the first public-to-public merger transaction in the single family rental sector. ARPI was founded in 2008 through the formation of American Residential Properties, LLC, a private investment firm focused on investing in REO to rental properties in the Phoenix area. At the time when it was acquired, ARPI's portfolio totaled 8,900 homes, primarily concentrated in Phoenix, Dallas, Houston, and Atlanta.^{18 19}

As of September 30, 2017, American Homes 4 Rent owned 46,026 single-family properties. American Homes 4 Rent's primary markets include Texas (15% of homes), Atlanta (8.7%), and Charlotte (6.6%).²⁰

14 <http://investors.ah4r.com/corporateprofile.aspx?iid=4392539>, accessed Nov 9, 2017.

15 AMH Form 10K, Feb 24, 2017.

16 “American Homes 4 Rent files for up to \$1.25 billion IPO,” Reuters, June 4, 2013.

17 “Permanent Fund makes winning bet on a startup,” Alaska Dispatch News, Nov 14, 2016.

18 “American Homes 4 Rent, American Residential Properties complete merger,” Housingwire, Mar 1, 2016.

19

20 AMH Form 100, Nov 3, 2017.

31 Invitation Homes, Transcript of 2017 1st Quarter Earnings Call, May 2017. Accessed through seeking alpha [here](#).



TENANT SPOTLIGHT

José Rivera

ACCE Member

"When I moved into my home I was told initially that I was in a program to buy it. However, after several years and after Waypoint merged with Colony Starwood, I learned they were just giving me the run around and that homeownership was never going to happen. In January I received a notice to renew the lease and I asked them to fix some serious issues with the property - including broken pipes which were causing serious sewage leakage in my home. After one of the major

leakages, we were forced to sit with raw sewage in my mother's bedroom breathing in mold and bacteria until they came to look at it three weeks later. Instead of fixing the pipes, their solution was to merely clean the carpet.

As anticipated, not too long after, there was a sewage leakage again.

So, I filed another complaint. Five days later, I received in the mail a 60-day notice to vacate.

Over the time I've lived there, I've paid them over \$90,000 in rent. I didn't think that fixing the pipes or a new carpet was too much to ask for. Families shouldn't have to face an eviction because they asked to live in a habitable home."

company's strategy for determining rental rates, including which concessions or rent reductions are appropriate... If a company lacks a comprehensive, strategic approach to setting rental rates, KBRA may reduce its gross potential rent forecast and increase its vacancy assumptions to account for the risk that the portfolio may be adversely impacted due to underperforming management."³³ The threat of downgrading forces single-family rental companies to systemize rent collection and minimizing "concessions," discounts or deferred payment plans for families in crisis. While increased accountability ensures reliable investor yield, it means it is far less likely that tenants will be able to negotiate with their landlords about the rent level or about late-fee forgiveness - a process that often leads to tenants of small landlords being able to stay in their homes when working with another human face that also resides in that same community. Similar to stories we heard of millions of homeowners getting the run around from big banks as an attempt to receive loan modifications on their predatory mortgages during the height of the foreclosure crisis, tenants of Wall Street landlords also have a hard time finding a real human to talk to in negotiating rent increases, maintenance issues and other problems.

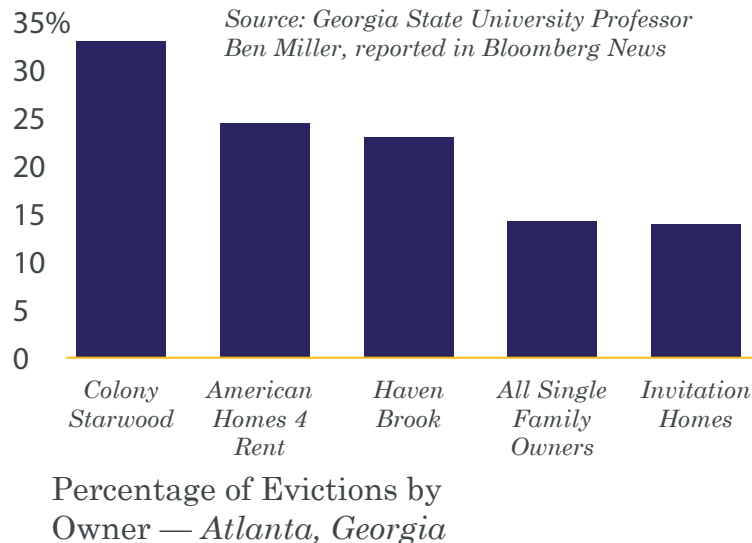
This inability of tenants to negotiate with their landlord is exacerbated by the growing practice by large companies to set rents at a national level rather than depend on local property managers. If rents and fees are established by national executives through data algorithms and strictly imposed upon lower-level staff, there are fewer opportunities for

32 Starwood Waypoint Homes. Form 8-K. United States Securities and Exchange Commission. June 5, 2017. Accessed [here](#).

33 Kroll Bond Rating Agency. "Single-Family Rental Securitization Methodology." Jan 4, 2017. Accessed [here](#).

tenants to contest rent increases or charges they regard as unfair. Invitation Home's recent move toward a "National Lease" with standardized fees is another example of greater central control over the property management process.

Figure 6



A Spike In Evictions

In order to maximize rental revenues, companies have pursued aggressive eviction policies, particularly where vacancy rates are low. Although tenant turnover costs companies an average of \$1,500³⁴, single-family rental companies have found that they can easily recover that cost through late fees, court fines, or retaining tenants' security deposits. Rating agencies and investors often pressure these companies into adopting strict eviction practices. According to Kroll Bond Rating Agency, "delinquent tenants should generally be contacted immediately following missed payment dates, and it is expected that the eviction process will begin shortly thereafter... KBRA will evaluate eviction strategies to determine whether adequate controls are in place to ensure compliance with local laws while providing for the timely removal of tenants."³⁵ If a company is unable to "remove" tenants in a "timely manner" and lacks a "detailed eviction plan," KBRA threatens to increase the loss assumptions in its risk model, which can result in a lower rating. The constant monitoring of rental rates, late payments, and "concessions" to tenants prevents local staff from negotiating with residents and forces them to initiate eviction processes.

Large single-family rental companies appear to be evicting tenants at a higher rate than "mom-and-pop" owners, according to a December 2016 analysis by the Federal Reserve Bank of Atlanta. Using publicly available parcel-level eviction data from Fulton County, researchers found that Starwood Waypoint, American Homes 4 Rent, and Havenbrook homes all had higher rates of eviction than other single-family rental owners. The largest

34 Green Street Advisors. "Single-Family Rental Primer." June 6, 2016. Accessed [here](#)

35 Kroll Bond Rating Agency. 2017. "Single-Family Rental Securitization Methodology." January 4, 2017. Page 11. Accessed [here](#).



TENANT SPOTLIGHT

Cecilia & Carlos Reyna

ACCE Members

“When we rented our small house from Waypoint Homes in Compton four years ago, we were excited about the opportunity to have a stable, decent place to live at a reasonable cost. That changed as Waypoint raised our rent over \$300 per month, and refused to pay for some basic

repairs which caused us to cover the cost ourselves. I work as a garment worker, my husband Carlos works in a furniture factory and together we work incredibly hard. But recently we were hit again with another \$400 per month rent increase for December - and we just can't afford it. It's impossible to find any comparable housing that is affordable around here - leaving us facing the possibility of having becoming homeless this year. *The stress is killing us.*

investors in single-family rental properties were 8% more likely to issue eviction notices than small firms, even when controlling for property and neighborhood characteristics. Starwood Waypoint was the worst offender - with nearly one third of all tenants given eviction notices in 2015 (see Figure 6). When researchers sought to understand the factors at work, the strongest predictor of whether a tenant would get an eviction notice turned out to be the concentration of African Americans in a given neighborhood³⁶.

In California, it is difficult to conduct a similar analysis since eviction data is not publicly accessible. However, a recent survey of tenants in Los Angeles County suggests that evictions by large single-family rental companies are common. Over a fifteen-day period, an MIT researcher visited over 300 homes and found four notices of eviction, including two court orders and two notices to pay or quit (see Appendix 2 for photos). At one home in the San Fernando Valley, Invitation Homes had posted a large “Keep Out” sign next to

36 Raymond, Elora, Richard Duckworth, Ben Miller, et al. “Corporate Landlords, Institutional Investors, and Displacement: Eviction Rates in Single- Family Rentals”. Federal Reserve Bank of Atlanta: Community and Economic Development Discussion Paper. No. 04-16. December 2016. Accessed [here](#)

a “pay or quit notice,” while covering the home in caution tape and placing a large construction cone in front of the door. Marking a home in this dramatic way may be a tactic used by such companies to shame or humiliate tenants. In a survey of 100 tenants, moreover, three reported receiving eviction notices due to late payments of just two or three days. One elderly woman, a Starwood Waypoint tenant, said she had had a three-day pay-or-quit notice posted on her door and a \$100 late fee imposed because of an outstanding rent balance of just \$40. This tenant, who lives in Los Angeles, told the company she would be able to pay the remaining \$40 on the third of the month, when she received her social security check. Nevertheless, she said, Starwood Waypoint refused to waive the \$100 charge. Another Starwood Waypoint tenant, living with three roommates, said that after falling just two days behind on the rent, his household received a three-day pay-or-quit notice taped to the door and a \$100 late fee.

Fee Gouging

These late-fee stories reflect a broader industry strategy of maximizing profits through the aggressive pursuit of “ancillary revenue opportunities” such as fees, tenant charge backs (when a landlord pays for a repair and charges the tenant later for the cost), or new service

charges for surveillance technology and other “smart home” features. In a pattern that mirrors the practices of payday lenders and other financial predators, single-family rental companies make a significant portion of their profits from hidden fees rather than by relying just on the “sticker price” of the official rent. Starwood Waypoint, according to the company’s former CEO, treats failure to harvest the “low hanging fruit” of ancillary revenues as “revenue leakage.” Employees, the former CEO told investors, are expected to impose every fee they can “legitimately do under the lease.”³⁷ These practices disadvantage the most vulnerable residents, particularly those with variable pay schedules that result in late rent payments or those who need to move suddenly and end their lease early.

In 2017, Invitation Homes attributed a 6% increase in property earnings to the implementation of a “national lease” which “standardizes rental fees across the

Tricon American Homes

Institutional backer: Tricon Capital

Total Homes: 16,800 homes

Annual Revenue 2016: \$111 million²¹

Major Markets: California, Arizona, Georgia, Canada

Tricon is a diversified real estate developer, investor, and property manager. Tricon American Homes was set up after the global financial crisis to acquire US homes. Many of Tricon’s properties were acquired through foreclosure or through purchase of overbuilt homes by developers that were common at the time.²²

Tricon American Homes is owned by Canadian asset manager Tricon Capital, which is publicly traded on the Toronto Stock Exchange. Tricon is a principal investor and asset manager focused on the residential real estate industry in North America with approximately \$3.0 billion (C\$4.0 billion) of assets under management.²³

Tricon has five main business segments: Tricon Housing Partners, Tricon American Homes, Tricon Lifestyle Communities, Tricon Luxury Residences, and Private Funds and Advisory. Tricon’s US single-family rental arm owns and operates roughly 16,800 homes in 16 markets across nine states, mostly located in the Sun Belt, including 10 markets with at least 500 homes each. Tricon American Homes is headquartered in Orange County and employs around 390 people.²⁴

In February 2017, Tricon acquired Silver Bay Real Estate Trust corporation. With this acquisition, Tricon ranks as the fifth largest publicly-traded single family rental owner.²⁵

21 Tricon Capital 2016 annual report.

22 Tricon Capital 2016 annual report.

23 Tricon Capital 2016 annual report.

24 Tricon Capital 2016 annual report.

25 “Massive single-family rental merger: Tricon Capital to acquire Silver Bay Realty Trust for \$1.4 billion.” *HousingWire*. Feb 28, 2017.



TENANT SPOTLIGHT

Merika Reagan

ACCE Member

“For me to work 12-14 hour days and barely have enough to pay skyrocketing rents to a billion dollar Wall Street landlord, is like share cropping all over again.”

“I was born and raised in San Francisco. Thanks to high rents, I was priced out of the city I was born and raised in. Four years ago, my wife and I moved into our current home as renters. When we moved into our home it was owned by a company called Waypoint Homes. It seemed so positive and promising. The company had a point system and even talked about working with us to one day own the property. After the first two-year lease was up, the only rent increase we received was for \$50. But after Colony Starwood merged with Waypoint in early 2016 things began to change, the point system disappeared and our path to eventually owning our home disappeared also.

When our last lease expired in May 2017 and we were not offered a 2-year lease, but instead were only given the option to go month-to-month with a \$1000 a month rent increase or sign another one-year lease with an increase of \$350 per month – neither of which we could come anywhere close to affording. I wanted to stay because I have no other options. When I have done housing searches for a home similar to the one I am in, the rent is way too high! My wife and I know that if we leave this home we would have to leave Oakland entirely – leave our home, my business, our community and our life. I have already been displaced from one city - and to be faced with the threat of being displaced from Oakland felt like a disaster.”

portfolio,”³⁸ and to a system designed to “track resident delinquency on a daily basis”³⁹ in order to continually assess late fees. In the 2017 first quarter earning call, Invitation Homes credited its national lease and automated tenant-charge system with driving a 22% increase in ancillary income, resulting in \$2 million of additional revenue.⁴⁰ These mechanisms, the company boasted to investors, guaranteed that “fees are being charged appropriately, so they are not at the discretion of our local folks but go through the process automatically.”⁴¹ For Invitation Homes, in short, the elimination of the human element a tenant would traditionally have with a mom-and-pop landlord is an important point of company pride.

Similarly, Starwood Waypoint reported a 90% revenue jump between 2015 and 2016, primarily through the acquisition of new homes, but also a result, the company said, of the enhanced implementation of “smart home service charges, tenant charge backs, late charges and early-termination charges.”⁴² Assessing late charges, collecting eviction fees, and withholding security deposits allow these companies to reduce the costs associated with tenant turnover and potentially even generate revenue by displacing residents. Starwood Waypoint reports a turnover cost per home of \$270⁴³, which is far less than its average one-month’s rent security deposit paid by tenants.⁴⁴

Shifting The Cost Of Maintenance

Under the terms of a 34-page lease provided by one Starwood Waypoint tenant, residents are responsible for all maintenance repairs that “do not constitute Major Repairs and are not Landlord’s obligation pursuant to Local Laws, including... routine insect control, replacement of light bulbs, checking and maintaining smoke and carbon monoxide detectors, maintenance of exterior landscaping... maintenance and repair of the appliances at the Premises, repair and maintenance of all sewer and sink backups and blockages... repair of any broken glass, [and] regardless of cause.” The lease goes on to say that “residents’ failure to maintain any item for which the resident is responsible will give the Landlord the right to hire a vendor of its choosing to perform such maintenance and charge the resident to cover the cost... Residents’ failure to maintain or repair any item for which the resident is responsible will also be deemed a default of lease” (see Appendix). Thus, according to the contract, residents are required to pay for routine maintenance and minor repairs with serious health and safety implications such as drainage, fumigation, and carbon monoxide or smoke detector replacements. Residents are also responsible for fixing appliances such as stoves and refrigerators - repairs that can be very expensive and sometimes pose health and habitability risks.

In another recent survey, tenants in Starwood Waypoint’s Los Angeles County homes said their contracts allowed only one or two fumigations and one pipe cleaning a year.

38 Invitation Homes Inc. “Form S-11: Registration Statement Under the Securities Act of 1933 of Securities of Certain Real Estate Companies.” United States Securities and Exchange Commission. January 2017. Pg 74

39 Invitation Homes Inc. “Form S-11: Registration Statement Under the Securities Act of 1933 of Securities of Certain Real Estate Companies.” United States Securities and Exchange Commission. January 2017. Pg 115

40 Invitation Homes, Transcript of 2017 1st Quarter Earnings call. May 2017. Accessed through seeking alpha [here](#)

41 Invitation Homes, Transcript of 2017 1st Quarter Earnings call. May 2017. Accessed through Seeking Alpha [here](#)

42 Colony Starwood Homes. Form 10-K. United States Securities and Exchange Commission. Filed Feb. 28, 2017. Page 47

43 Refers to the cost of Repairs and Maintenance required for re-renting homes. Invitation Homes, Transcript of 2017 1st Quarter Earnings call. May 2017. Accessed through seeking alpha [here](#)

44 Based on interviews and surveys,, tenants report that the average security deposit is one month’s rent.



TENANT SPOTLIGHT

Eva Jimenez & Ramon de la Rosa

ACCE Members

"My husband and I have lived in our home for 12 years - first as homeowners, but after we were hit with a predatory loan and foreclosed on, we became tenants of Waypoint in 2011. As time went by, our landlord refused to address increasing maintenance issues including a much needed roof repair. In 2016, despite their negligence to fix these issues, Waypoint said our rent was set to go up \$600.

We couldn't afford the rent increase and knew we would be forced out of our home if we couldn't pay it. That's when we got involved with ACCE and with other tenants of Waypoint in similar situations. Through letters, emails, calls, and organizing — after several months — we were able to get Waypoint to stop the rent increase altogether and were able to stay in our home!"

A tenant in Sylmar reported that after being charged \$240 to have his pipes snaked, he decided to do all future repairs himself. "They are hurting us financially... they are swindling us," he said. "It's ridiculous." A neighbor living in a house owned by Invitation Homes said the maintenance company "fixes [the property] enough to bring it up to standard, but you have to pay for that." In addition to home maintenance costs, many tenants have reported paying \$100 a month or more for landscaping and \$140 a year for rental insurance, upon penalty of eviction⁴⁵. These payments aren't going directly to the landlord, but are required by the rental contract, upon penalty of eviction.

Shifting maintenance responsibilities onto tenants can prove profitable and make such companies appear more attractive to investors. Starwood Waypoint's annual report cites a 51% increase (from \$17,167 million to \$25,844 million) in "other property income," which includes automated "smart home" features and other service charges, tenant charge backs, late charges and early-termination charges.⁴⁶ Similarly, American Homes 4 Rent reported in a fourth quarter earnings call to investors that its annual maintenance cost per house came to \$2,034, excluding a \$582 average cost per house billed directly to tenants as "tenant chargebacks." This suggests that tenants may be paying more than a fifth of overall maintenance costs.

Companies also boast to their investors about savings achieved through "better tenant

45 Abood, Meredith "Securitizing Suburbia: The Financialization of Single-Family Rental Housing and the Need to Redefine Risk". Master's Thesis submitted to Massachusetts Institute of Technology. June 2017

46 Colony Starwood Homes. Form 10-K. For the fiscal year ended December 31, 2016. Securities and Exchange Commission. Pg 47. Accessed [here](#)

education.” During a quarterly reporting call in February 2017, for example,

*Starwood Waypoint spoke of a nearly 9% reduction in operating costs that the company credited partly to educating residents about “their responsibility for maintaining their home” while providing them with “a wide ranging suite of self-help tools developed for driving down costs for us and our residents.”*⁴⁷

At American Homes 4 Rent, all maintenance calls are forwarded to a central call center where, according to the company, its representatives try to “resolve the problem over the phone” or “assist the tenant in fixing the issue.”⁴⁸ This kind of “education,” tenants say, pressures them into making and paying for repairs themselves.

These companies also use technological platforms to reduce ongoing maintenance and operating costs such as tenant selection and rent collection. Although the largest companies all have internalized management operations and district offices, they typically handle complaints and rent collection through online systems or centralized call centers. Such practices reduce staffing costs, they say; American Homes 4 Rent for example, reports just one paid staff person per 100 homes, while Colony Starwood has just 304 employees managing over 32,000 homes.

Increased Inequality through Financialization

It is important for us to understand that the sudden growth of Wall Street investors in the single-family rental market is not an isolated phenomenon, but is part of the growing “financialization” of the entire economy. Financialization, often defined as the growing dominance of financial institutions and tools, has led to an economy in which wealth accumulation increasingly occurs from financial channels rather than through trade of goods and services and commodity production.⁴⁹ 60 years ago, homes were predominantly owned by the people that lived in them or near them - where wealth was built locally for families to be handed down for generations. Recently however, with the decline in homeownership

Progress Residential

Institutional backer: Pretium Partners

Total Homes: 19,269 homes

Major Markets: Atlanta, Tampa, Phoenix, and Houston

Former Goldman Sachs partner Donald Mullen Jr and Curt Schade, a Bear Stearns high-yield and distressed sale and trading veteran, founded Progress in 2013.²⁶ A decade ago, as the head of Goldman Sachs’ mortgage and credit business, Mullen bet against the U.S. housing market in what became known as “The Big Short.”²⁷

The firm is managed by Pretium Partners, which Mullen and Schade founded as part of a broader distressed-mortgage strategy.²⁸ Pretium Partners has acquired at least 10,000 mortgages from HUD, Fannie Mae, and Freddie Mac.²⁹

On June 30, 2017, Pretium had \$3.4 billion in assets under management.³⁰ As of 2016, Progress Residential’s homes were concentrated in Atlanta (15%), Tampa (11%), Phoenix (9%), and Houston (8%).³¹

26 “Progress Residential bests Blackstone with new SFR bond,” Reuters, Jan 28, 2015.

27 “Former Goldman exec behind “The Big Short” looking to raise \$1B to buy up foreclosed homes,” The Real Deal, Oct 5, 2016.

28 “Progress Residential bests Blackstone with new SFR bond,” Reuters, Jan 28, 2015.

29 FHFA Enterprise Non-Performing Loan Sales Report, Dec 2016. Report to the Commissioner on Post Sale Reporting, Distressed Asset Stabilization Program, Mar 2017.

30 Pretium Form ADV brochure, Sept 20, 2017.

31 Single-Family Rental Primer, 5th Edition, Keefe, Bruyette & Woods, Sept 28, 2016.

47 Colony Starwood Homes. Transcript of 2016 4th Quarter Earnings call. Feb 28, 2017. accessed through Seeking Alpha [here](#)

48 American Homes 4 Rent. Transcript of 1st Quarter Earning. May 5, 2017. Accessed through Seeking Alpha [here](#)

49 Aalbers, Manuel. “The Financialization of Home and the Mortgage Market Crisis.” Competition & Change 12 (2): 148–66. 2008. Pg 151.

post foreclosure-crisis and the rise of corporate landlords, profit-making in housing is increasingly derived from the trade of housing debts and equity through financial markets controlled and profited by a few Wall Street elite.

This increasing dominance of finance as a means of wealth accumulation has resulted in windfall profits for financial elite, and led to unprecedented levels of wage and wealth inequality by redistributing tenants' rent payments to wealthy investors and redirecting the benefits of home price appreciation to private equity funds and corporate executives rather than homeowners.⁵⁰ For example, in June of this year, Thomas Barrack and his investment firm Colony NorthStar sold 11 million shares of Colony Starwood Homes, grossing nearly \$400 million.⁵¹

After the merger with Invitation Homes, John Bartling, President and CEO of Starwood Waypoint homes, was awarded a severance package of three times his base salary and a targeted bonus, according to disclosure documents.⁵² In the year prior to the merger, Bartling received a reported \$2.5 million in compensation with a base pay of \$875,000, bonuses of \$810,000 and stock options worth nearly \$800,000. As part of the merger, Fredrick Tuomi, who will remain CEO of the combined company was awarded a base salary of \$800,000 and annual performance bonus between \$600,000 and \$1.8 million depending on performance. He was also given an "annual long-term incentive award" worth an estimated \$3.5 million and a "special equity award" worth \$7 million⁵³.

The housing market has played a central role in both bolstering the financial sector and exacerbating economic inequality. Housing currently accounts for \$163 trillion, or nearly half of all global financial assets⁵⁴ and the financialization of homes is the foundation on which the precariously stacked cards of a financialized economy rests. As Leilani Farha, United Nations special rapporteur on the right to housing argues, "the 'financialization of housing... whereby housing is treated as a commodity, a means of accumulating wealth and often as security for financial instruments that are traded and sold on global markets.... disconnects housing from its social function of providing a place to live in security and dignity and hence undermines the realization of housing as a human right," she wrote in a recent report to the United Nations. Between 1980 and 2002, the finance sector's share of total U.S. profits tripled from 15% to 45%, while wage inequality increased by over 25%.⁵⁵

The vast majority of the wealth and profits generated by these firms derives from financialization itself, not the use of financialization to facilitate production new homes or rehabilitate. While wealthy investment firms redistribute incomes of the poor and working-class to line their own pockets, those same investors have less incentive to invest

50 For more See: Lin, Ken-Hou, and Donald Tomaskovic-Devey. "Financialization and U.S. Income Inequality, 1970–2008." *American Journal of Sociology* 118 (5): 1284–1329. doi:10.1086/669499. 2013; Corkery, Michael. "Wall Street's New Housing Bonanza." *New York Times*, January 29, 2014 and Palley, Thomas. "Financialization: What It Is and Why It Matters." PERI Working Papers. January 2007

51 Glanz, Aaron. "Trump Friend Thomas Barrack Cashes Out of Colony Starwood Homes." *The Nation*. June 11, 2017. Accessed [here](#)

52 Invitation Homes and Starwood Waypoint Homes. Joint Proxy Statement/Information Statement and Prospectus. October 16, 2017. Accessed [here](#)

53 Invitation Homes. Form 8-K. United States Securities and Exchange Commission. Sept 19, 2017. Page 2. Accessed [here](#)

54 Farha, Leilani. Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context. 2017.

55 Farha, Leilani. Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context. 2017.



TENANT SPOTLIGHT

Sheri Eddings

ACCE Member, Los Angeles

Sheri Eddings began renting her South LA house from Invitation Homes in 2013, shortly after Blackstone Group launched the company as a venture to take advantage of the massive discounts to large investors on foreclosed properties provided by banks and government entities like Fannie Mae. Sheri lives in the home with her daughter, and likes living there in part because it is close to another daughter and her grandkids. Sheri, who has worked for many years as a sales rep for a carpet company, began by paying \$1800 per month in rent. Over the next four years, Invitation Homes raised the rent by 22%, or \$400 per month, so Sheri now pays \$2200 per month - and it will go up to \$2300 per month next year. However, during the same period of time Invitation Homes had attempted to raise her rent by 56%, or \$1000 per month, and Sheri had to request that this outrageous increase be lowered.

Sheri has also had to deal with a number of communication problems with Invitation Homes. During her last contract renewal process, despite the fact that the company was aware that Sheri had a pet when she moved in, they tried to force her to pay a \$500 pet deposit for her dog; the pet deposit was removed after Sheri protested. And

on a repair visit, after a contracted maintenance employee tripped on a piece of uneven floor, Sheri says the employee was reprimanded by the company when they found out that he had commented to Sheri that the floor was in need of repair. "I have spoken with many tenants who have had the experience that

Invitation Homes maintenance staff is overwhelmed and can't handle the level of work assigned to them.

The last time I needed a repair I had to call multiple times over several days to get a response." Sheri likes living in her home but believes that Invitation Homes should eliminate the unfair rent increases.

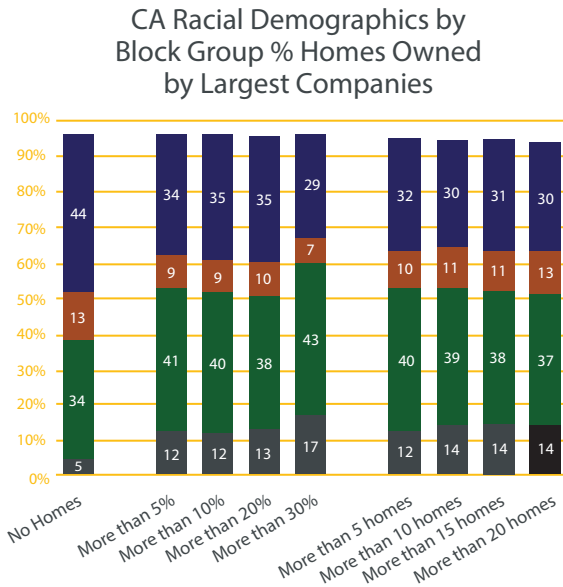


Figure 7

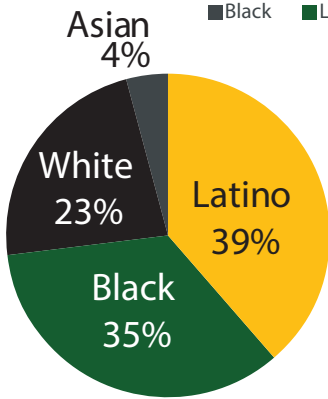
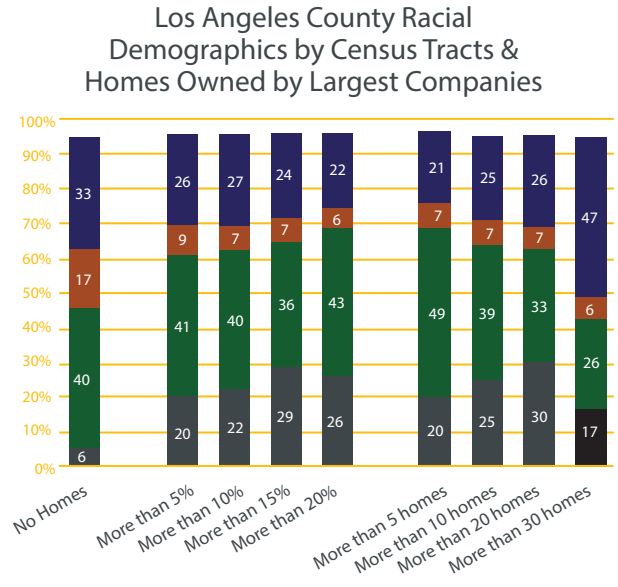


Figure 8

Wall Street Landlord's tenants by race

in sectors of the economy that would yield greater job growth for those same renters. The ability of financial companies and investors to use renters as a source of profit in the midst of a stagnant economy not only exacerbates income inequality, it threatens the right to housing itself.

Continued Racial Disparities

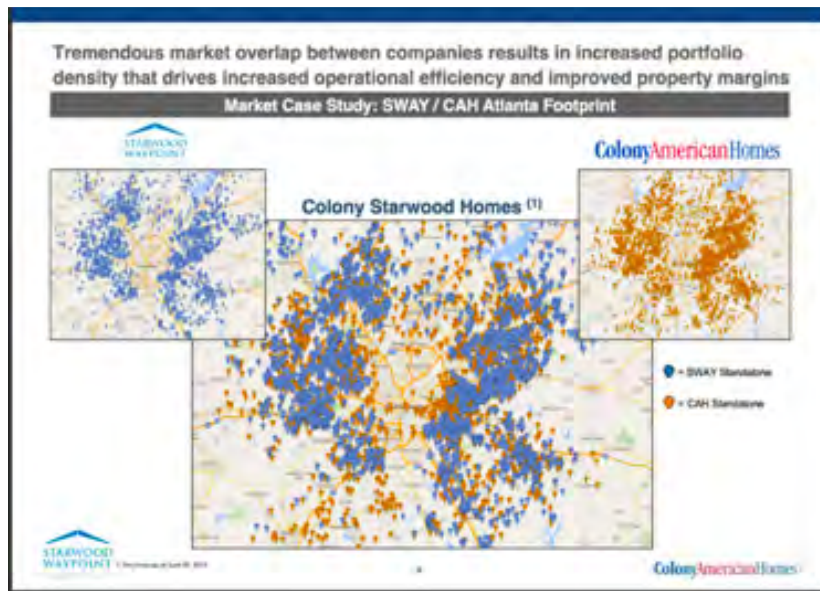
Like the Bulnes' neighborhood, Latino and African-American neighborhoods were hit the hardest by the foreclosure crisis. Historically, these are the same neighborhoods that were shut out of homeownership through redlining decades ago - a practice of denying mortgages and other financial services based on the racial or ethnic makeup of those zip codes. According to the website PropertyRadar,

on the Bulneses' six-block street alone, at least 35 properties were foreclosed between January 2006 and December 2012.⁵⁶ The Wall Street takeover over homes across the country often happens in neighborhoods that have higher levels of Latino and African American residents - stripping wealth and ownership from communities of color and putting it into the hands of large corporations while creating a continued barrier for those communities to rebuild the wealth lost from the foreclosure crisis.

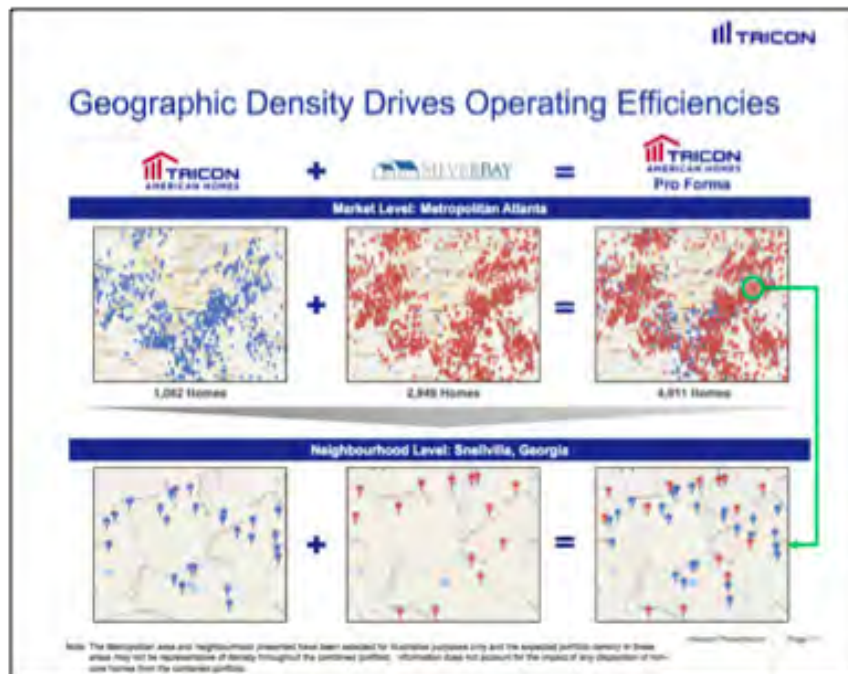
Shown in *Figure 8*, based on a survey conducted by a MIT masters student in urban planning, of 100 tenants of Invitation Homes and Starwood Waypoint tenants done in LA County in 2016, 78% of all tenants were families of color. An analysis done by this same student, found that in California census block groups without institutional investment are 5% African American compared with 15% African American for those with more than 15-20 homes owned by one of the largest companies. Similarly in LA County, census tracts with no homes owned by the largest landlords are 6% African American. Census

56 Stavelly, Zaidée. "From Foreclosure to Eviction: One Family's Struggle to Recover." July 7, 2017. KQED. Accessed [here](#).

Figure 10



Slides from investor presentations by Colony Starwood and Tricon showing the “market synergies” resulting from their respective mergers



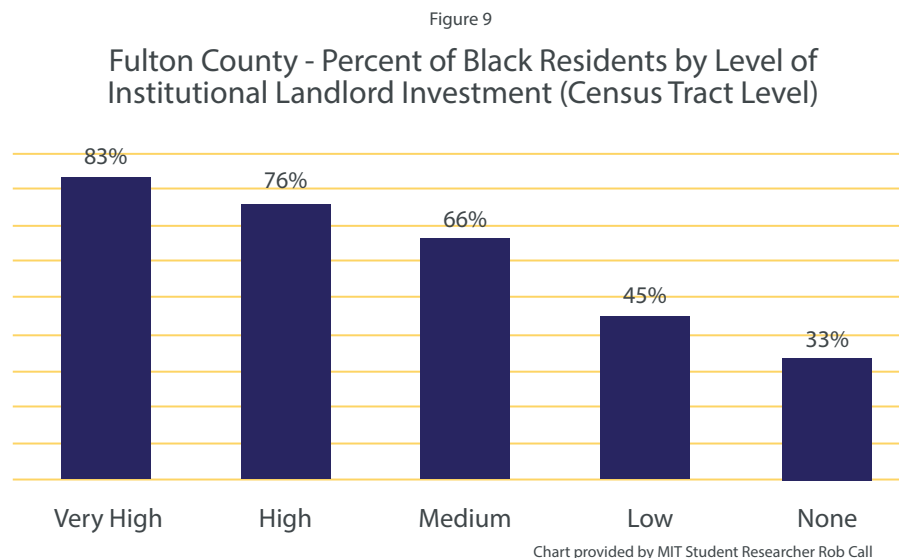
tracts with more than 20 homes owned by the largest companies, by comparison, are 30% African-American⁵⁷.

This trend is not only true in California. A similar analysis conducted by another MIT student researcher, Robert Call, found similar trends in Fulton County, Georgia. Census tracts with no institutional investment were 33% black, whereas neighborhoods with “very high” or “high” levels of investment were over 75% Black. Fulton County and the city of Atlanta, which are 44.3% Black and 54% Black, respectively, have received among the most institutional investment in single-family rentals in the nation⁵⁸. The

57 Abood, Meredith “Securitizing Suburbia: The Financialization of Single-Family Rental Housing and the Need to Redefine Risk”. Master’s Thesis submitted to Massachusetts Institute of Technology. June 2017

58 Call, Robert. “Post-Crisis Investment in Single-Family Homes in Fulton County, Georgia”. Master’s Thesis submitted to Massachusetts

concentration of institutional investment in Black communities will likely hinder wealth building and result in greater racial disparities.



5. MARKET MONOPOLIZATION & GROWING POLITICAL POWER

Market Monopolization

Having completed its merger with Starwood Waypoint, Blackstone's Invitation Homes now has a combined portfolio of 82,000 properties, making it one of the largest landlords in the country and the second largest residential real-estate company in the world. All told, one-fourth of the country's single-family rental homes are now owned by institutional investors, with more than 200,000 families paying their rent to just nine giant Wall Street-backed firms. According to a report by the Harvard Joint Center for Housing Studies, the majority share of all U.S. rental units (52.2 percent) are owned by institutional investors, and the investor-owned share of single-family homes increased by nearly 40% from 2001 to 2015.⁵⁹

Additionally, single-family rental companies like Starwood Waypoint and American Homes 4 Rent are increasingly partnering with developers to acquire newly constructed homes. In 2017, Starwood Waypoint reported that "new builds" account for 5% of the company's portfolio and about one in five of the homes the company purchases are from a developer.⁶⁰ Starwood Waypoint now has relationships with over 30 builders and plans to purchase at least 600 homes in the coming years.⁶¹

In order to decrease operating costs, single-family rental companies look for merger and acquisition opportunities that will lead to greater market share in selected geographies, helping them achieve economies of scale in the management of their properties. In its prospectus, Invitation Homes emphasizes the company's "disciplined market and asset selection," which increases "local density" and "drives "operational efficiency."⁶² Similarly,

Institute of Technology. February 2017.

59 Michael Kolomatsky. "Mom and Pop Own Fewer Rentals." August 17, 2017. New York Times. Accessed [here](#).

60 Colony Starwood, Transcript of 2017 3rd Quarter Earnings Calls. March 2017. Accessed through Seeking Alpha [here](#).

61 Colony Starwood, Transcript of 2017 3rd Quarter Earnings Calls. March 2017. Accessed through Seeking Alpha [here](#).

62 Invitation Homes. Form S-11. United States Securities and Exchange Commission. January 2017. Page 102. Accessed [here](#).

Starwood Waypoint highlights its focus on markets with the greatest opportunities for home price appreciation and strong rental demand, where it “can attain property operating efficiencies as a result of geographic concentration.”⁶³ When the two companies began discussing a potential merger with investors, they touted an 83% overlap between their portfolios.

Executives of Invitation Homes and Starwood Waypoint characterized the market impact of their merger as minimal, inasmuch as they would together account for only 1% of all single family rentals. In some parts of the country, however, their presence is far more conspicuous and influential. In Sacramento, Invitation Homes is the second largest property owner, after the City itself, and the largest single family home landlord, position them well to impact, if not set, rent prices. In a single zip code of the Northern California city of Fairfield, for example, California Invitation Homes and Colony Starwood own a combined 339 properties - 12.5% of the total single-family rentals in that particular area⁶⁴.

Increased market power through strategic mergers and acquisitions not only creates “economies of scale”; it also enables companies that enter a market early to maintain a permanent competitive advantage. New or emerging companies seeking to enter the single-family rental market cannot acquire the deeply discounted homes that were available during the foreclosure crisis, and thus face substantial barriers to entry. These barriers allow existing companies to retain market dominance, and thus increasing their impact on rent prices.

A Growing Political Force

Single-family rental companies are marshalling their collective political clout. In 2014, Starwood Waypoint launched the National Rental Home Council (NRHC), a non-profit trade association that seeks to combat negative press coverage and “communicate the industry’s value proposition, promote and defend the industry to stakeholders, policymakers and regulators, and reframe the existing stigma around renters.”⁶⁵ Members of the Council include Invitation Homes, American Homes 4 Rent, Tricon American Homes, Altisource Rental Homes, FirstKey Homes, Roofstock, National Rental Homes, and over a dozen others.

One big concern of the industry is that negative attention from community advocacy organizations or elected officials could hinder its business practices. “Numerous tenant rights and consumer rights organizations exist throughout the country and operate in our markets, and we may attract attention from some of these organizations and become a target of legal demands, litigation and negative publicity...” Such organizations, according to Invitation Homes’ prospectus, “might... attempt to bring claims against us on a class action basis for damages or injunctive relief and to seek to publicize our activities in a negative light... We cannot anticipate what form such legal actions might take, or what remedies they may seek.”⁶⁶

63 Colony Starwood Homes. Form 10-Q. For the quarterly period ended March 31, 2016. United States Securities and Exchange Commission. Page 32. Accessed [here](#)

64 Statistics based on property address data downloaded from propertyradar.com and the 2011-2015 American Community Survey.

65 National Rental Home Council. “NRHC Marketing.” Feb 5, 2014. Accessed [here](#).

66 Invitation Homes. Form S-11. January 2017. United States Securities and Exchange Commission. Page 27. Accessed [here](#).

34 Market Monopolization

“Consumer organizations have become more active and better funded in connection with mortgage foreclosure-related issues,” Silver Bay observed in a recent report to investors. “[S]ome of these organizations may shift their litigation, lobbying, fundraising and grassroots organizing activities to focus on landlord-tenant issues.” These companies are particularly worried that local advocacy groups will band together in a push for rent control rules that extend to single-family as well as multi-family residences; If that idea gained political traction, Silver Bay warned, its rental income could be negatively affected.⁶⁷

Some of the leaders of this burgeoning industry don’t necessarily need a trade association to have their voices heard at the highest levels of policy-making in the country. The CEO of Blackstone Group, the parent company of Invitation Homes, is Stephen Schwarzman, former chair of President Trump’s Economic Advisory Council and still a close Trump ally and advisor. The CEO of Colony Capital - and former part-owner of Starwood Waypoint

- is Thomas J. Barrack, another member of the Trump inner circle. Barrack helped found a political action committee, Rebuilding America Now, which raised \$23 million for the Trump campaign; he also chaired Trump’s inauguration committee, helping to raise an astonishing \$100 million - nearly twice the amount raised for the 2009 inauguration of President Obama. Thomas Barrack told the Washington Post that he and Trump began talking about the presidency as early as 1987, that the talk grew more serious in 1999, and that “fewer people are closer to Trump and that the two talk weekly.”⁶⁸



67 Silver Bay Realty Trust Corp. Form 10-k. For the fiscal year ending December 31, 2015. Page 22 United States Securities and Exchange Commission. Accessed [here](#).

68 Kranish, Michael. ‘He’s better than this,’ says Thomas Barrack, Trump’s loyal whisperer’. The Washington Post. Oct. 11, 2017. Accessed [here](#).



Blackstone CEO, Stephen Schwarzman, pictured right. Getty Images.

6. HOW GOVERNMENT ROLLED OUT THE RED CARPET FOR THE RISE OF WALL STREET LANDLORDS

The creation of the single-family rental asset class would not have been possible without explicit government support. Through an REO-to-rental pilot program, along with bulk sales of distressed loans and seemingly minor changes in the tax and regulatory environment, the federal government has been playing an active, central, and continuous role in facilitating the rise of single-family rental housing as an institutionalized and financialized investment vehicle.

Federal Agencies Open The Floodgates

In 2012, The Federal Housing Finance Agency (FHFA) joined a group of other federal agencies to create a “REO-to-Rental” pilot program that allowed investors to buy pools of foreclosed properties from the government if they agreed to maintain them as rental units. The initiative sold 2,500 properties located in Chicago, Riverside, Los Angeles, Atlanta, Las Vegas, Phoenix, and various cities in Florida; these remain the areas of the country with among the highest concentrations of large-scale investor ownership. According to Meg Burns, FHFA’s Associate Director for Housing and Regulatory Policy, the program was designed to “gauge investor appetite” for scatter-site single-family housing and to determine whether bulk sales could “stimulate housing markets” by “attracting large, well-capitalized investors.”⁶⁹ By creating a business model and actively seeking private-industry partners, the REO Pilot Initiative helped legitimize single-family rentals as a space for institutional investment and provided an initial portfolio for the emerging private-equity backed companies.⁷⁰

69 Burns, Meg. 2012. “An Examination of the Federal Housing Finance Agency’s Real Estate Owned (REO) Pilot Program.” presented at the U.S. House of Representatives Committee on Financial Services Subcommittee on Capital Markets and Government Sponsored Enterprises, May 7, 2012. Accessed [here](#)

70 Fields, Desiree. “Distressed-as-Desirable Assets: Post-Crisis Representations of Housing.” In Urbino, Italy. Aug 29, 2015 Accessed [here](#).



Eric Gay / Associated Press

As of October 2016, FHA had sold over 104,258 mortgage loans and transferred over \$17.7 billion in unpaid balances⁷² at a discount of 25-50%⁷³. According to HUD's post-sales reporting documents, large-scale private equity firms purchased over 98% of these distressed properties. Bayview Asset Management, part-owned by the Blackstone Group, bought nearly 28,000 home loans, accounting for 30% of total sales⁷⁴. If the distressed loans resulted in foreclosure or short sale, rental companies like Invitation Homes (Blackstone's other affiliate) could easily purchase the properties from their private-equity colleagues. According to HUD, less than 13% of the distressed mortgages resulted in a performing loan modification. Thus, the majority of the housing stock ended up in foreclosure (55%), short sale (13%) or deed-in-lieu (12%), or remained unresolved (33%).⁷⁵ As HUD and FHA auctioned off billions of dollars of discounted loans to Wall Street firms, while refusing to require principal reduction or offer a right of first refusal to non-profit developers, activists and politicians criticized the program as little more than a government-subsidized transfer of wealth to the 1%.⁷⁶

In June of 2016, responding to appeals from community groups across the country, and from Senator Elizabeth Warren, Representative Mike Capuano, and the US Conference of Mayors, FHA announced new rules that, at least on their face, required investors to

71 Bernanke, Ben. "Housing Market in Transition." presented at the 2012 National Association of Homebuilders International Builders' Show, Orlando, Florida. February 10, 2012. Accessed [here](#).

72 Department of Housing and Urban Development - Federal Housing Administration. "Report to the Commissioner on Post Sale Reporting FHA Single Family Loan Sale Program" prepared by HUD and FHA. Accessed [here](#)

73 Department of Housing and Urban Development - Federal Housing Administration. "Report to the Commissioner on Post Sale Reporting FHA Single Family Loan Sale Program". January 22, 2016. Accessed [here](#)

74 Department of Housing and Urban Development - Federal Housing Administration. "Report to the Commissioner on Post Sale Reporting FHA Single Family Loan Sale Program". January 22, 2016. Accessed [here](#)

75 Data based on October 2016 Report "Report to the Commissioner on Post Sale Reporting FHA Single Family Loan Sale Program" prepared by HUD and FHA

76 California Reinvestment Coalition. "CRC Survey of Community-Based Organizations on the Impact of REO to Rental". Jun 2015.

“consider” principal reduction first, while limiting interest rate increases, prohibiting investors from abandoning low-value properties, and created new opportunities for non-profit and government buyers⁷⁷. Despite the changes, however, only 2% of the 8,107 loans sold in 2016 went to non-profit investors, while nearly 60% were sold to Bayview⁷⁸. Government auctions of distressed loans and foreclosed properties continue to provide large corporate firms with a steady supply of homes⁷⁹ (see Appendix 4).

Backing The Billionaires

In 2017, Invitation Homes disclosed in its prospectus that the company had received a 10-year \$1 billion loan from Wells Fargo and that Fannie Mae would securitize and back the principal and interest⁸⁰. Essentially, Fannie Mae had agreed to provide a government-backed guarantee for a billion-dollar company’s loan. This federal backing allowed Invitation Homes to benefit from lower interest rates and more favorable loan terms than the single-family rental industry had ever received before, and appears to have been a result of sustained industry lobbying.

For years, single-family rental companies have argued that government guarantees for multifamily loans - available since the 1990s - “unfairly advantaged” apartment investors over companies owning “distributed apartments” in the form of scattered-site single-family rental properties.”⁸¹ In redefining single-family rental housing as an alternative form of multifamily, the industry successfully persuaded Fannie Mae and Freddie Mac to overlook regulations that prohibit the government-sponsored entities from investing in new or emerging asset classes.

Fannie Mae and Freddie Mac have thus far not publicly stated that they will continue to support the single-family rental industry, instead claiming that they are using the Invitation Homes deal to gather more “information.” “This transaction,” Fannie Mae told the Wall Street Journal, “helps us gather data and test the market to ensure we are delivering the right solutions that meet the increasing demand for single-family rental housing across all demographics.”⁸² Yet it seems unlikely that Invitation Homes competitors will support a federal decision to back the loans of one single-family rental company and not others.⁸³

In addition to government guarantees, the industry and some housing policy researchers have argued that single-family rental companies should be able to benefit from other government subsidies that support rental housing. For instance, the Urban Institute, a Washington, D.C.-based think-tank that has regularly co-published reports with the

77 Lane, Ben “FHA announces sweeping changes to non-performing loan sales program”. HousingWire. June 30, 2016. Accessed [here](#)

78 U.S. Department of Housing and Urban Development - Federal Housing Administration. “Single Family Loan Sale 2016-2 Sales Result Summary”. Bid date. Sept 14, 2016

79 California Reinvestment Coalition. “CRC Survey of Community-Based Organizations on the Impact of REO to Rental”. June 2015.

80 Olick, Diana. “Government’s Fannie Mae will back PE giant Blackstone’s rental homes debt”. CNBC. January 25, 2017. Accessed [here](#)

81 Davis, Cindy. 2017. “Fannie Mae Has Taken Step That Could Increase Single-Family Rental Expansion - Tampa Homes For Sale.” REMAX. Tampa Homes For Sale. February 18. Accessed [here](#).

82 Dezember, Ryan, and Nick Timiraos. 2017. “Blackstone Wins Fannie’s Backing for Rental Home Debt.” Wall Street Journal, January 24, sec. Markets. Accessed [here](#)

83 Swanson, Brena. “OwnAmerica CEO: What the Single-Family Rental Market Looks like under Trump Administration.” December 9, 2016. Accessed [here](#)

single-family rental industry, released a report in 2015 suggesting that single-family rental companies should be able to access the low-income housing tax credit (LIHTC) program to support their “multi-site multi-family” housing operation.⁸⁴ Allowing billion-dollar companies backed by multi-billion-dollar private equity funds to access additional real estate tax credits may result in a marginal increase in semi-affordable rental units, yet it will also provide unnecessary subsidies to an industry that has already received a federal transfer of discounted homes and discounted mortgages, as well as federal debt support.

The Regulated Deregulation of Tax Law

While the majority of government support for the single-family rental housing industry occurred after the crisis, the financialization of single-family rental housing also depended on existing regulations that had helped financialize other housing sectors such as multi-family and residential home mortgages. Minor adjustments in the tax codes and arcane financial regulations since the 1960s provided the foundation on which the single-family rental “revolution” could prosper.

Nearly all of the large institutionalized companies -- including Invitation Homes, Colony Starwood, and American Homes 4 Rent -- are organized as Real Estate Investment Trusts (REITs). REITs are credited as one of the major “innovations” that led to the financialization of the multi-family market in the 1990s. In the past, commercial real estate had been owned primarily by wealthy individuals, corporations, and institutional investors. REITs helped usher in a new era in which investors could purchase shares of real estate just as they might purchase shares of corporate stock. Perhaps most importantly for the likes of Invitation Homes and Colony Starwood, REITs are exempt from federal taxes (although shareholders pay individual income tax on the dividends). By enabling real estate companies to maintain greater profit margins, tax exemption creates a significant incentive for investors and investment funds to get into this market. Without government-sanctioned REIT status, single-family rental companies would be treated as ordinary domestic corporations, subjecting them to U.S. federal income tax at regular corporate rates.

Although REITs were created through tax laws in the 1960’s, more than two decades passed before they began to attract much investor interest. Beginning in the 1980s, several federal laws facilitated the expansion of REIT’s; including the Tax Reform Act of 1986 and the Omnibus Budget Reconciliation Act of 1993. Both measures

⁸⁴ Magder, Dan, and Laurie Goodman. “Single-Family Homes Can Help Address the Affordable Rental-Housing Crisis.” Urban Institute. Sept 28, 2015. Accessed [here](#).



Freddie Mac

removed restrictions on REIT ownership and investor structures and allowed REITs to operate and manage properties in addition to owning them. These acts of public policy “laid the groundwork for REITs to become actively managed, fully integrated operating companies and led to the IPO boom of the mid-1990s.”⁸⁵ In addition, the Omnibus Budget Reconciliation Act of 1990 made it easier for pension funds and other institutional investors to own REIT shares. With increased investor demand, REIT shares skyrocketed and multifamily housing became more integrated in the global financial markets. “It is easy to forget, but just 25 years ago the entire market for apartment REITs was only about \$100 million... Today, the sector exceeds \$100 billion,” Gary Beasley, former Co-CEO of Starwood Waypoint, pointed out in 2012.⁸⁶ Investors are now hopeful that single-family rentals will go through a similar financial revolution.

Another key factor in the rise of the single-family rental asset class was access to the securitization market – access made possible by a series of legislative and regulatory actions over the last twenty years. Although there has been no explicit legislation relating to this market, single-family rental securitization highly depends on a set of federal actions that expanded the market for mortgage-backed securities. The Secondary Mortgage Market Enhancement Act (SMMEA), for example, improved the marketability of mortgage-backed securities by declaring AA-rated mortgage bonds equivalent in risk to U.S. treasury securities and other government bonds, thereby spurring investment by banks and pension funds. The Tax Reform Act of 1986 also played a part, by authorizing the creation of Real Estate Mortgage Investment Conduits (REMICs), which are financial entities formed as part of securitization deals that have the legal power to assemble mortgages into pools or tranches and issue pass-through securities. The new single-family rental securities depended both on the ratings criteria established by SMMEA and the ability to form REMICs authorized by the 1986 Tax Reform Act.

While the legal and tax structures formed through government regulation are complicated and confusing, the primary purpose of these securitization and REIT laws was to spur investment by making real estate capital more “liquid.” Liquidity, in finance speak, refers to how easy it is to convert an asset into cash, and in the case of single-family rental, it describes the ability of investors to easily purchase and sell homes. Real estate has traditionally been fairly illiquid since selling property is typically a brokered process that takes time and has high transaction costs. REITs and securitization allowed investors to snap up pieces of real estate quickly and easily, but this liquidity had to be created by and through government regulation.

Thus far the federal government has actively propped up the single-family rental industry without imposing any restrictions on affordability or creating additional protections for tenants or prospective homebuyers. As evident from Chapter 2, the government’s role in further financialization housing put communities and tenants at risk.

The next chapter outlines strategies at the local, state, and federal level to protect tenants, stabilize communities and reassert the importance of housing as a locally-owned asset for community building rather than a globalized investment for wealth extraction.

⁸⁵ Barclays. “U.S. REITs: REITs 101. Jul 17, 2012 Accessed [here](#)

⁸⁶ Davis, Cindy. “Fannie Mae Has Taken Step That Could Increase Single-Family Rental Expansion - Tampa Homes For Sale.” REMAX. Tampa Homes For Sale. Feb 18, 2017. Accessed [here](#)



7. POLICY RECOMMENDATIONS

The following are broad policy recommendations for action at the Local, State and Federal level that would address a number of the specific problems raised by Wall Street ownership of single family rentals, as well as contributing to more affordable and sustainable rental housing and community development overall.



Local and State Policies

- Protect tenants and preserve housing affordability by establishing rent control and just cause eviction rules that cover occupants of single family rental housing as well as multi-family properties.
- Prohibit discrimination based on source of income – such as Section 8 vouchers and other types of rental subsidy or support- and ensure these protections apply to single-family as well as multi-family renters.
- Prohibit abusive and hidden fees and ancillary charges, require landlords to provide basic services required to make apartments habitable, and maintain a clear and level playing field on included operating and maintenance costs.
- Provide additional resources for local governments to maintain single- family rental housing when landlords fail to do so by imposing a modest additional fee on large scale purchasers / owners of such properties.
- Require public disclosure and reporting to city / county

government by large scale single-family rental property owners, including information on the business and financial plans for the operation and maintenance of the assets; on income and expenses each year; and on rent increases, evictions, and attempted evictions on a regular basis.

- Create a ‘right of first refusal’ if and when single-family properties are sold, so that tenants have the first opportunity to purchase, along with appropriate supports for low- and -moderate income tenants in particular, including housing counseling, and alignment of down-payment assistance and other funding programs. Mission-driven not-for-profit developers, community land trusts and tenant associations should have the second ‘right of first refusal’ if tenants do not purchase.

Federal Policy

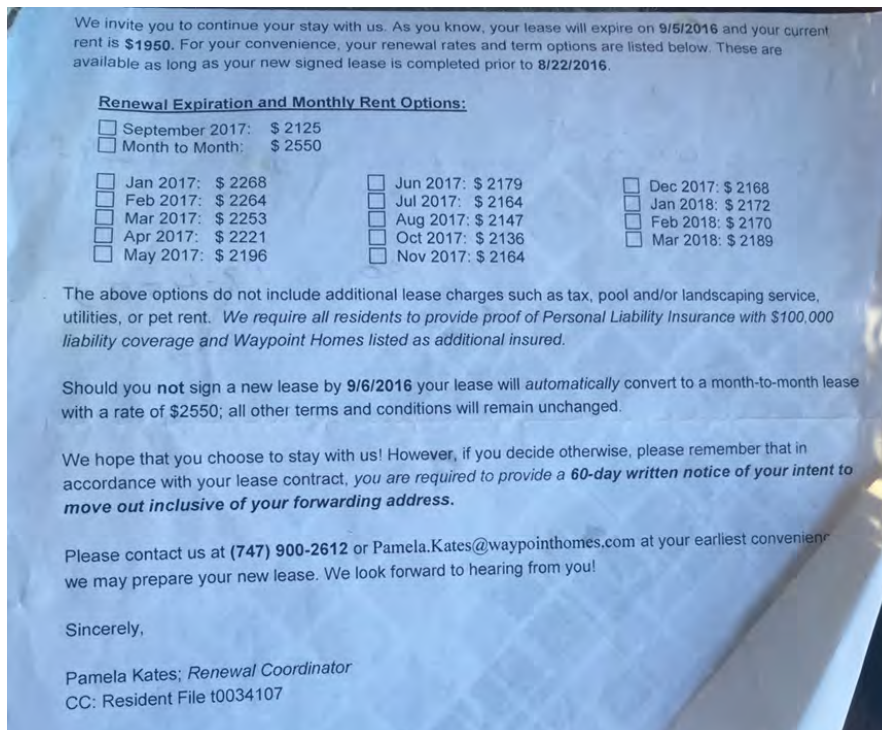
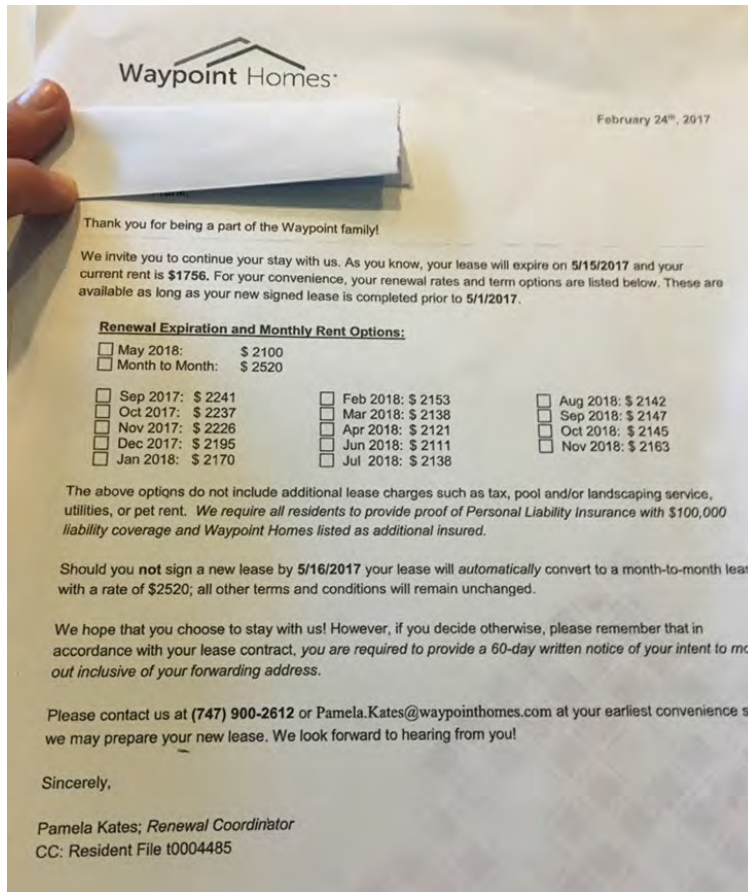
Many of the below policy recommendations are specific to GSE’s. GSE’s, or Government-Sponsored Enterprises, are financial services corporations created by the U.S. Congress. With respect to the below policy recommendations, the GSE’s in question are Fannie Mae (Federal National Mortgage Association) and Freddie Mac (Federal Home Loan Mortgage Corporation).

- The GSEs should only provide financing for large single-family rental portfolios if the units serve low- and -moderate income families earning under 60 percent AMI, if tenant protections are established, and if owners are prohibited from discriminating against tenants based on their source of income.
- Sales of non-performing loans (delinquent mortgages) and distressed properties (typically vacant properties), by the GSE’s and by the Federal Housing Administration (FHA), an agency within HUD, must not incentivize speculation, or act to favor Wall Street ownership of housing assets over other ownership structures. They should encourage both affordable homeownership and affordable rental housing, and make it

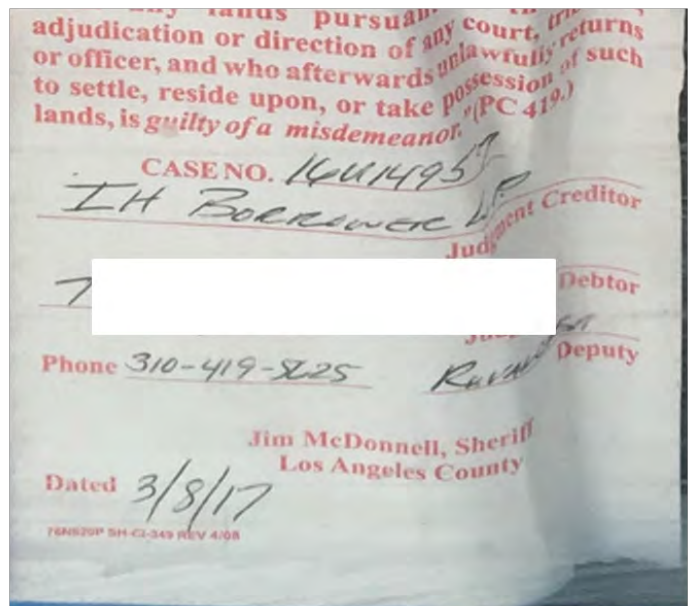
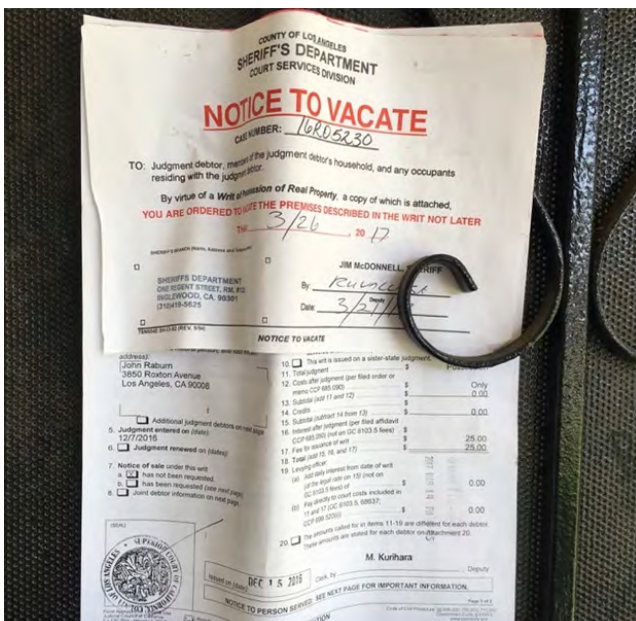
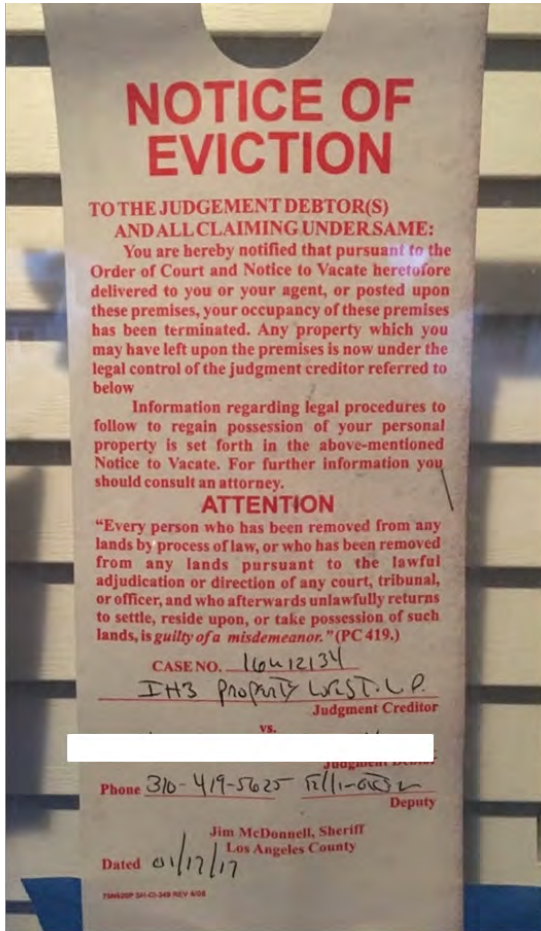
easier for low- and -moderate income people to pay sustainable housing costs and live in thriving communities.

- GSE and FHA sales of distressed mortgages and of single-family properties must have conditions to protect homeowners, tenants and communities, including s rigorous mortgage modification programs, rights of first refusal, rent control and just cause eviction protections and non-discrimination based on source of income (ie. Section 8 vouchers). These conditions must be enforced, including by refusing future sales to firms that violate them.
- The GSE's and FHA should prioritize and favor mission driven developers and CDFIs as purchasers of non-performing loans and distressed properties.
- Congress should establish national rent control and just cause eviction rules for the largest owners of single family and multi family properties.
- The SEC should require Private funds and other firms to provide more information about their portfolio companies, including their impact - including as a landlord - on the communities in which they do business.

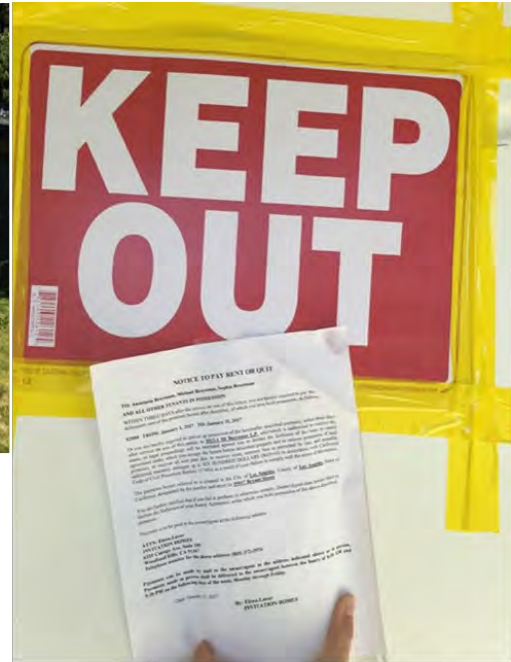
Appendix 1: Tenant Rent Increases



Appendix 2: Eviction Notices



Appendix 2: Eviction Notices



NOTICE TO PAY RENT OR QUIT

TO [REDACTED]
AND ALL OTHER TENANTS IN POSSESSION

WITHIN THREE DAYS after the service on you of this notice, you are hereby required to pay the delinquent rent of the premises herein after described, of which you now hold possession, as follows:

\$2888 FROM: January 1, 2017 TO: January 31, 2017

Or you are hereby required to deliver up possession of the hereinafter described premises, within three days after service on you of this notice, to **2013-1 IH Borrower L.P.**, who/which is authorized to receive the same, or legal proceedings will be instituted against you to declare the forfeiture of the lease or rental agreement under which you occupy the herein below described property and to recover possession of said premises, to recover all rent past due, to recover costs, attorney fees as permitted by law, and possible additional statutory damages up to SIX HUNDRED DOLLARS (\$600.00) in accordance with California Code of Civil Procedure Section 1174(b), as a result of your failure to comply with the terms of this notice.

The premises herein referred to is situated in the City of **Los Angeles**, County of **Los Angeles**, State of California, designated by the number and street as **19817 Bryant Street**

You are further notified that if you fail to perform or otherwise comply, Owner/Agent does hereby elect to declare the forfeiture of your Rental Agreement under which you hold possession of the above-described premises.

Payment is to be paid to the owner/agent at the following address:

**ATTN: Elena Lazar
 INVITATION HOMES
 6320 Canoga Ave, Suite 150
 Woodland Hills, CA 91367
 Telephone number for the above-address: (805) 372-2976**

Payments can be made by mail to the owner/agent at the address indicated above or in person. Payments made in person shall be delivered to the owner/agent between the hours of 8:30 AM and 5:30 PM on the following days of the week: Monday through Friday.

Date: January 11, 2017

By: **Elena Lazar**
 INVITATION HOMES

FILE COPY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number (if applicable))
 Chris Evans, SBN 202135
 Kimball, Tiry & St. John LLP
 555 South Flower Street, Suite 3400
 Los Angeles, CA 90071
 TELEPHONE NO.: (213) 337-0080

RECEIPT #: SM441803036
 DATE FILED: 12/15/16 03:31 PM
 PAYMENT: \$25.00 310
 RECEIVED: \$25.00
 CHECK # 1
 (805) 372-2976
 CA601

ATTORNEY FOR (Name) Plaintiff
 ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD
 SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
 STREET ADDRESS: 1725 MAIN STREET, RM102
 MAILING ADDRESS: SANTA MONICA, CA 90401
 CITY AND ZIP CODE: LOS ANGELES SUPERIOR COURT SANTA MONICA / WEST DISTRICT
 BRANCH NAME: CAH 2014-1 Borrower LLC
 PLAINTIFF: CAH 2014-1 Borrower LLC

DEFENDANT: John Rabum **W/ LOCKOUT PRIOR TO 2-9-17** ENTERED INTO CIVAS

WRIT OF EXECUTION (Money Judgment) POSSESSION OF Personal Property Real Property Limited Civil Case Small Claims Case SALE Unlimited Civil Case Other

1. To the Sheriff or Marshal of the County of **LOS ANGELES**
 You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accord with DCP 609.080 or CCP 715.040.

3. (Name): **CAH 2014-1 Borrower LLC**
 is the judgment creditor assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name, type of legal entity stated in judgment if not a natural person, and last known address):
**JOHN RABUM
 3850 Roxton Avenue
 Los Angeles, CA 90008**

5. Judgment entered on (date):
 12/7/2016

6. Judgment renewed on (date):

7. Notice of sale under this writ
 a. has not been requested.
 b. has been requested (see next page)
 c. Joint debtor information on next page

8. Additional judgment debtors on next page

9. See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

10. This writ is issued on a sister-state judgment.

11. Total judgment	\$	Possession
12. Costs after judgment (per filed order or memo CCP 685.006)	\$	Only
13. Subtotal (add 11 and 12)	\$	0.00
14. Credits	\$	
15. Subtotal (subtract 14 from 13)	\$	0.00
16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees)	\$	
17. Fee for issuance of writ	\$	25.00
18. Total (add 15, 16, and 17)	\$	25.00
19. Levying officer		
(a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of	\$	0.00
(b) Pay directly to court costs included in 11 and 17 (CC 6103.5, 68837, CCP 688.52000)	\$	0.00

20. The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

Issued on (date) **DEC 15 2016** Clerk by **M. Kurihara** Deputy

NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.

WRIT OF EXECUTION

Page 1 of 2
 Code of Civil Procedure, §§ 685.026, 715.040, 715.041
 Attachment Form 20 (1/15)

Appendix 3: Tenant Contract

The amount of \$1,756.00 per month for Base Rent
 The amount of \$20.00 per month for Pet Rent

Rent for any partial calendar months included in the Lease Term shall be prorated on a daily basis.

4.3. INITIAL PAYMENT. Upon Landlord's acceptance of this Lease, Resident shall pay as follows: (i) one (1) cashier's check or money order in the amount of the prorated Rent through the first day of the first calendar month after the commencement date, based on the amount designated as "TOTAL MONTHLY RENT" on Page 1 of this Lease (the "Initial Payment"), and (ii) one (1) separate cashier's check or money order in the amount of the Security Deposit. In the event that Resident's payment for the Initial Payment or Security Deposit is dishonored for any reason, at Landlord's option, Landlord shall be immediately released from all obligations under this Lease and shall have the immediate right to terminate this Lease, upon notice to Resident of such termination.

4.4. METHOD OF PAYMENTS. The Security Deposit and all Rent shall be paid to Landlord or such other agent of Landlord as Landlord may designate by written notice to Resident. Resident shall pay Rent in advance on the 1st day of each month without demand or offset and with no grace period. To the extent allowed by Local Laws, monthly installments of Rent must be paid in U.S. Currency by one of the various electronic payment methods provided below.

Electronic Payment On Landlord's Website: Subject to Local Laws, Rent may be paid directly on Landlord's website. To pay Rent on Landlord's website, log on to www.waypointhomes.com and follow the instructions for paying the Rent.

Moneygram®: Subject to Local Laws, Rent may be paid directly through Moneygram®. To pay Rent through Moneygram®, please log into the Resident Portal for further instructions.

4.5. LATE CHARGES AND OTHER COSTS OF LATE PAYMENT. If the total Rent is not received by the 5th day of the month, Resident agrees to pay a late charge of \$95.00 (the "Late Charge"). Resident acknowledges that late payment of Rent may cause Landlord to incur costs and expenses, including processing, enforcement and accounting expenses, and charges imposed on Landlord, the exact amounts of which are extremely difficult and impractical to determine. Resident agrees that the Late Charge represents a fair and reasonable estimate of the costs Landlord may incur by reason of late payment. The Late Charge, which shall be considered to be additional rent, does not establish a grace period; Landlord may serve a 3-Day notice to pay or quit if rent is not paid on its due date. If Landlord serves a written notice of non-payment of rent, Landlord may require that the payment called for by the notice be by Moneygram®, Money Order or certified cashier's check, in person, at the office location designated by Landlord.

4.6. RETURN OF PAYMENT FOR NON-SUFFICIENT FUNDS. If Resident's payment is rejected for non-sufficient funds, Resident understands and agrees that, in addition to the full Rent and Late Charges due, there will be an additional charge in the amount of \$25.00 for the first payment made on insufficient funds, and \$35.00 for each subsequent payment made on insufficient funds ("NSF Charge"). In the event that any payment of Rent during the Lease Term are returned due to non-sufficient funds, Resident may be "locked out" of the online payment system and prohibited from making payment by personal check, and shall be required to make such payments, together with any and all of Resident's outstanding balance, Late Charge, and any other amounts due to Landlord hereunder, by Moneygram®, Money Order or certified cashier's check, in person, at the office of the property manager or other Landlord representative, as designated by Landlord in connection with this Lease. Only upon personal receipt by the property manager or other Landlord representative of such payment by Moneygram®, Money Order or certified cashier's check shall Resident be able to make subsequent payments online or by personal check, as applicable.



Appendix 3: Tenant Contract

That Mrs Henzel is I. Fomen 50-74

result of an act or omission of Resident, Landlord shall have the right to charge Resident the reasonable cost of the Major Repair as additional rent, subject to Local Laws. Resident must be physically present on the day of scheduled repair work to grant access to Landlord's vendors. Resident will be charged a trip fee ("Trip Fee") if repair work or service has to be rescheduled due to Resident's failure to be present or grant access or it is determined that the necessary repair was resident caused or a repair that is Resident's responsibility.

Resident, at its sole cost and expense, shall be responsible for the performance of all maintenance and repairs in, around, and of the Premises that do not constitute a Major Repair and are not Landlord's obligation pursuant to Local Laws, including maintaining the Premises in a clean, sanitary condition; routine insect control; replacement of light bulbs; checking and maintaining all smoke and carbon monoxide detectors and replacing batteries as needed; replacement of air filters no less frequently than once every thirty (30) days; maintenance of exterior landscaping as set forth in the Landscaping Addendum or other specific requirements imposed by an applicable HOA; maintenance and repairs of equipment and appliances at the Premises; repair and maintenance of all sewer and sink backups or blockages, unless caused by defective plumbing parts or tree roots invading sewer lines (provided, however, that Landlord shall be responsible for such repair and maintenance of sewer and sink backups and blockages for the first thirty (30) days following the Commencement Date); repair or replacement of any broken glass, regardless of cause; and all repairs or replacements necessitated by Resident or Resident's family, pets or guests, excluding ordinary wear and tear. Any damage to the Premises caused by Resident's pets shall not be considered normal wear and tear.

In addition, Resident, at its sole cost and expense, shall be responsible for installation and maintenance of any items required for the protection of the Premises against extreme weather conditions, storms, and natural disasters. Resident agrees to protect pipes and water fixtures against freezing. If an official hurricane "warning" is issued, Resident also agrees to install hurricane shutters, if shutters are provided by Landlord, and prepare the Premises for a hurricane and to remove such protections when such warning is lifted or expires.

Resident's failure to maintain any item for which Resident is responsible will give Landlord the right to hire a vendor of its choosing to perform such maintenance and charge Resident to cover the cost of such maintenance. Resident's failure to maintain or repair any item for which Resident is responsible will also be deemed a default of the Lease. Landlord will have all remedies available to Landlord pursuant to this Lease and under applicable state law as a result of Resident's failure to cure such default within the timeframe determined by Landlord.

Except as specifically allowed by Local Laws, routine repairs and maintenance that may be necessary at the Premises shall NOT excuse Resident from the timely payment of Rent.

13.3. ALTERATIONS; REPAIRS. Other than as specifically outlined herein, Resident will not make any alterations, or improvements in or about the Premises, including painting, wallpapering, adding or changing locks, installing antenna or satellite dishes, placing signs, displays or exhibits, without the prior written consent of Landlord. Resident also is required to obtain any and all necessary permits required by Local Laws before commencing a Landlord-approved improvement. Any work performed on the Premises whether by Resident or other parties shall be as an independent contractor or agent of Resident and not an employee or agent of Landlord. Resident further warrants that he or she will be accountable for any mishaps and/or accidents resulting from such work and will defend, indemnify, and hold harmless Landlord and Landlord's agents for, from and against all claims, losses and damages including mechanics and other liens. At Landlord's election, all improvements to the Premises shall be the property of Landlord and shall remain attached to and be a part of the Premises when Resident vacates, subject to Local Laws.



14. MOLD. Mold consists of mold spores spread through growth. Resident shall clean

Appendix 3: Tenant Contract

14. MOLD. Mold consists of naturally occurring microscopic organisms which reproduce by spores. The mold spores spread through the air and the combination of excessive moisture and organic matter allows for mold growth. Reducing moisture and proper housekeeping significantly reduces the chance of mold and mold growth. Resident agrees to maintain the Premises free of dirt, debris and moisture that can harbor mold. Resident shall, at its sole cost and expense, (a) clean any mildew or mold that appears with an appropriate cleaner designed to kill mold; (b) clean and dry any visible moisture on windows, walls and other surfaces, including personal property as quickly as possible; (c) use all air-conditioning, if provided, in a reasonable manner and use heating systems in moderation; (d) keep the Premises properly ventilated by periodically opening windows to allow circulation of fresh air during dry weather only; (e) use reasonable care to close all windows and other openings in the Premises to prevent water from entering the Premises; (f) use exhaust fans, if any, in the bathroom(s) and kitchen while using those facilities and notify Landlord of any inoperative exhaust fans; (g) hang shower curtain inside bathtub when showering and only shower in bathtub; (h) immediately notify Landlord of any water intrusion, including roof or plumbing leaks, drips or "sweating" pipes; (i) immediately notify Landlord of overflows from bathroom, kitchen or laundry facilities; (j) immediately notify Landlord of any significant mold growth on surfaces in the Premises; (k) not leave clothes, towels, laundry, or other items comprised of fabric in wet or damp piles for an extended period of time; and (l) allow Landlord, with appropriate notice, to enter the Premises to make inspections regarding mold and ventilation.

Landlord reserves the right to terminate the tenancy and Resident agrees to vacate the Premises in the event Landlord in its sole judgment feels that either there is mold or mildew present in the Premises which may pose a safety or health hazard to Resident or other persons and/or Resident's actions or inactions are causing a condition which is conducive to mold growth. Resident acknowledges and agrees that Landlord and Landlord's employees, agents, successors, and assignees will not be responsible for damages or losses due to mold growth to the extent resulting from Resident, members of Resident's household or Resident's guests or invitees failure to comply with these requirements.

15. PEST CONTROL.

15.1. PEST CONTROL. Resident is responsible for keeping the Premises clean and free of all pests and, at its sole cost and expense, shall be responsible for all pest control. Subject to Local Laws, Landlord shall have no responsibility for any damage done to Resident or any other person or property at the Premises as a result of pests or pest control treatment.

Resident must notify Landlord in writing within one (1) week of the Commencement Date of any suspected pest infestation. Within thirty (30) days of such notice, Landlord shall arrange for treatment of the Premises a maximum of two (2) times at no cost to Resident. Resident hereby accepts and assumes all responsibility for all pest control thereafter, subject to Local Laws. Any pests, including insects and rodents, not reported to Landlord in writing within the first week of move-in will be presumed to have entered the Premises after the start of your residency.

15.2. BEDBUGS. "Bedbug" is the name given to a parasitic insect that feeds on the blood of warm-blooded animals, including humans. More information is available at the website for the U.S. Centers for Disease Control: www.cdc.gov/nceh/chs/topics/bedbugs.htm. Landlord has no knowledge of any bedbug infestation or presence in the Premises.

It is unlawful and a material breach of this Lease for Resident to allow any materials that are infested with bedbugs to be brought to the Premises. To reduce the risk of bedbugs, Resident should: (a) avoid used furniture, clothing, bedding (including mattresses) and luggage; (b) completely encase in a zippered cover any used mattress brought to the Premises; (c) carefully inspect and clean any luggage used in traveling or brought to the Premises by guests; and (d) avoid sharing vacuum cleaners with others and regularly empty and/or replace vacuum cleaner bags or canisters.



Appendix 4: 2016 Loan Sale Results

Single-Family Loan Sale 2016-2 Results

Pool Number	Purchaser	Homes
111	Bayview Acquisitions LLC	1310
217	Bayview Acquisitions LLC	227
219	Bayview Acquisitions LLC	465
220	Bayview Acquisitions LLC	536
221	Bayview Acquisitions LLC	1177
222	Bayview Acquisitions LLC	718
223	Bayview Acquisitions LLC	310
308	Community Loan Fund of New Jersey Inc	64
305	Hogar Hispano	137
109	Matawin Ventures Trust Series 2016-2	52
112	Matawin Ventures Trust Series 2016-2	738
107	Rushmore Loan Management Services LLC	1151
108	Rushmore Loan Management Services LLC	636
110	Rushmore Loan Management Services LLC	42
113	Rushmore Loan Management Services LLC	544

Total Sold	8107
Total Sold to Bayview	4743
Percent Sold to Bayview	59%

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE/SENATE BILL

By:

AS INTRODUCED

An Act relating to

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 12 O.S. 2011, Section 921.1, is amended to read as follows:

Section 921.1. A. The Attorney General shall allocate funds from the Legal Services Revolving Fund to provide legal representation to indigent persons in this state in civil legal matters to the extent that funds are available from the Legal Services Revolving Fund. The Attorney General shall be responsible for allocating these funds pursuant to contract with eligible regional or statewide organizations which ordinarily render legal services to indigent persons. The Attorney General may charge an administrative fee for administering the contracts. The funds shall be allocated for the benefit of indigent clients in all seventy-seven (77) counties of the state on a pro rata basis, utilizing an allocation formula that distributes funds according to the number of residents whose incomes

1 are less than the official United States federal poverty guidelines,
2 based on the United States census data, as a percentage of the total
3 number of these residents in this state and which reserves funds for
4 services for specialized areas of law.

5 B. As used in this section, "eligible organization" means an
6 entity that:

7 1. Is organized as a not-for-profit corporation that is tax
8 exempt pursuant to the provisions of paragraph (3) of subsection (c)
9 of Section 501 of the United States Internal Revenue Code of 1986,
10 as amended;

11 2. Has as its primary purpose the furnishing of legal
12 assistance to eligible clients;

13 3. Has a board of directors or other governing body the
14 majority of which is comprised of attorneys who are admitted to
15 practice in this state and who are approved to serve on such body by
16 the governing bodies of the state or county bar associations and has
17 at least one-third (1/3) of the membership who, when selected, are
18 eligible clients; and

19 4. Is incorporated pursuant to any applicable laws of this
20 state.

21 C. As a condition of the contract, the organization shall be
22 required to determine the eligibility of any person seeking legal
23 services pursuant to this section.

24

1 D. The Attorney General shall prepare annually and distribute
2 to the Judiciary committees of the Senate and the House of
3 Representatives and the Legal Services Committee of the Oklahoma Bar
4 Association a report detailing expenditures of funds for
5 representation to indigent persons in civil legal matters.

6 E. Each organization that contracts to provide legal services
7 pursuant to subsection A of this section shall maintain books and
8 records in accordance with generally accepted accounting principles.
9 The books and records shall account for the receipt and expenditure
10 of all funds paid pursuant to contract. Books and records shall be
11 maintained for a period of five (5) years from the close of the
12 fiscal year of the contract period. The State Auditor and Inspector
13 shall audit each organization annually. The necessary expense of
14 each audit, including, but not limited to, the cost of typing,
15 printing, and binding, shall be paid from funds of the organization.
16 In lieu of the audit by the State Auditor and Inspector, the
17 organization may submit an audit prepared by an independent auditing
18 firm for compliance with federal auditing requirements. A copy of
19 the audit prepared by or submitted to the State Auditor and
20 Inspector shall be submitted to the Attorney General.

21 F. Funds for representation of indigent persons in civil legal
22 matters shall be limited to family law legal services with priority
23 given to cases involving domestic and family violence and abuse and
24

1 to the defense of forcible entry and detainer actions. In no event
2 shall such funds ever be used for any of the following activities:

3 1. Provision of legal services in a fee-generating case unless
4 appropriate private representation is not available;

5 2. Provision of legal services in any criminal proceeding;

6 3. Provision of legal services collaterally attacking the
7 validity of a criminal conviction;

8 4. Provision of legal services which seek to procure an
9 abortion;

10 5. Provision of legal representation relating to the
11 desegregation of any school or school system;

12 6. Provision of legal services involving any proceeding derived
13 from the Military Selective Service Act;

14 7. Provision of legal services to advocate for or oppose any
15 altering of a legislative, judicial, or elective district at any
16 level of government; and

17 8. Provision of legal services to challenge a census of the
18 United States of America.

19 G. There is hereby created in the State Treasury a revolving
20 fund for the Office of the Attorney General to be designated the
21 "Legal Services Revolving Fund". The fund shall be a continuing
22 fund, not subject to fiscal year limitations, and shall consist of
23 all monies received by the Office of the Attorney General for
24 indigent legal services from funds appropriated to the fund, federal

1 funds, gifts, donations, and grants. Sixty-Five Dollars (\$65.00) of
2 the amount paid in fees in each case pursuant to Section 152 of
3 Title 28 shall be deposited in the Legal Services Revolving Fund for
4 defense of forcible entry and detainer actions for indigent persons
5 qualified under this section. All monies accruing to the credit of
6 said fund are hereby appropriated and may be budgeted and expended
7 by the Attorney General for the purpose of providing legal services
8 to indigent clients pursuant to the provisions of this section.
9 Expenditures from said fund shall be made upon warrants issued by
10 the State Treasurer against claims filed as prescribed by law with
11 the Director of the Office of Management and Enterprise Services for
12 approval and payment.

13 SECTION 2. AMENDATORY 28 O.S. 2011, Section 152, is amended
14 to read as follows:

15 A. In any civil case filed in a district court, the court clerk
16 shall collect, at the time of filing, the following flat fees, none
17 of which shall ever be refundable, and which shall be the only
18 charge for court costs, except as is otherwise specifically provided
19 for by law:

- 20 1. Actions for divorce, alimony without
21 divorce, separate maintenance, custody or
22 support.....\$183.00

23
24

- 1 2. Any ancillary proceeding to modify or
- 2 vacate a divorce decree providing for
- 3 custody or support.....\$43.00
- 4 3. Probate and guardianship.....\$135.00
- 5 4. Annual guardianship report.....\$33.00
- 6 5. Any proceeding for sale or lease of real or
- 7 personal property or mineral interest in
- 8 probate or guardianship.....\$43.00
- 9 6. Any proceeding to revoke the probate of a
- 10 will.....\$43.00
- 11 7. Judicial determination of death.....\$58.00
- 12 8. Adoption.....\$105.00
- 13 9. Civil actions for an amount of Ten Thousand
- 14 Dollars (\$10,000.00) or less, actions for
- 15 forcible entry and detainer and
- 16 condemnation.....\$150.00
- 17 10. Civil actions for an amount of Ten
- 18 Thousand One Dollars (\$10,001.00) or more\$163.00
- 19 11. Garnishment.....\$23.00
- 20 12. Continuing wage garnishment.....\$63.00
- 21 13. Any other proceeding after judgment.....\$33.00
- 22 14. All others, including but not limited to
- 23 actions for ~~forcible entry and detainer,~~
- 24

1 judgments from all other courts, including
2 the Workers' Compensation Court.....\$85.00

3 15. Notice of renewal of judgment.....\$23.00

4 B. In addition to the amounts collected pursuant to paragraphs
5 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of
6 Six Dollars (\$6.00) shall be assessed and credited to the Law
7 Library Fund.

8 C. In addition to the amounts collected pursuant to subsections
9 A and B of this section, the sum of Twenty-five Dollars (\$25.00)
10 shall be assessed and credited to the Oklahoma Court Information
11 System Revolving Fund created pursuant to Section 1315 of Title 20
12 of the Oklahoma Statutes.

13 D. In addition to the amounts collected pursuant to subsection
14 A of this section, the sum of Five Dollars (\$5.00) shall be assessed
15 and credited to the Oklahoma court-appointed special advocates
16 (OCASA).

17 E. In addition to the amounts collected pursuant to subsection
18 A of this section, the sum of Two Dollars (\$2.00) shall be assessed
19 and credited as follows:

20 1. One Dollar and fifty-five cents (\$1.55) of such amount shall
21 be credited to the Council on Judicial Complaints Revolving Fund;
22 and

23 2. Forty-five cents (\$0.45) of such amount shall be credited to
24 the State Judicial Revolving Fund to be used to reimburse district

1 courts for expenses related to services of interpreters and
2 translators. Vouchers for such expenses shall be submitted by the
3 district court and approved by the Chief Justice of the Supreme
4 Court or another justice designated by the Chief Justice.

5 F. In addition to the amounts collected pursuant to paragraphs
6 1, 3, 8, 9, 10 and 14 of subsection A of this section, each county
7 may assess, upon approval by the board of county commissioners, a
8 sum not to exceed Ten Dollars (\$10.00) per case to be credited to
9 the Sheriff's Service Fee Account in the county in which the action
10 arose for the purpose of enhancing existing or providing additional
11 courthouse security.

12 G. In any case in which a litigant claims to have a just cause
13 of action and that, by reason of poverty, the litigant is unable to
14 pay the fees and costs provided for in this section and is
15 financially unable to employ counsel, upon the filing of an
16 affidavit in forma pauperis executed before any officer authorized
17 by law to administer oaths to that effect and upon satisfactory
18 showing to the court that the litigant has no means and is,
19 therefore, unable to pay the applicable fees and costs and to employ
20 counsel, no fees or costs shall be required. The opposing party or
21 parties may file with the court clerk of the court having
22 jurisdiction of the cause an affidavit similarly executed
23 contradicting the allegation of poverty. In all such cases, the
24 court shall promptly set for hearing the determination of


1 eligibility to litigate without payment of fees or costs. Until a
2 final order is entered determining that the affiant is ineligible,
3 the clerk shall permit the affiant to litigate without payment of
4 fees or costs. Any litigant executing a false affidavit or counter
5 affidavit pursuant to the provisions of this section shall be guilty
6 of perjury.

7 H. Payments to the court clerk for fees and costs assessed
8 pursuant to this section may be made by a nationally recognized
9 credit or debit card or other electronic payment method as provided
10 in paragraph 1 of subsection B of Section 151 of this title.

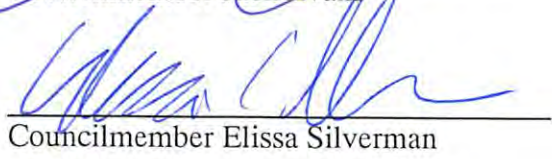
11 SECTION 3. This act shall become effective November 1, 2019.


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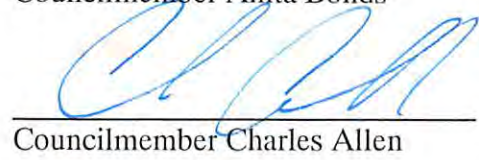
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Councilmember Jack Evans


Councilmember Kenyan R. McDuffie


Councilmember Elissa Silverman


Councilmember Anita Bonds


Councilmember Charles Allen

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To move toward a right to counsel for low-income eligible individuals or groups in civil cases involving fundamental human needs through the creation of civil right to counsel projects; to require the DC Bar Foundation to create and implement for purposes of such projects criteria, policies, and procedures for the provision of legal services, including full-scope and limited-scope representation, for eligible individuals or groups; to require that designated organizations provide legal counsel to eligible individuals or groups as part of such projects; to require the DC Bar Foundation to consult with designated entities in the creation of the plan for the provision of legal services under such projects; and to require the creation of a report that analyzes implementation and performance metrics in order to assess the continued needs of low-income residents and recommend adjustments to the criteria, policies, and procedures for the provision of legal services under the Act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Expanding Access to Justice Act of 2017”.

TITLE I— FINDINGS AND DEFINITIONS

45 Sec. 101. Findings.

46 (a) A right to counsel should attach in civil cases whenever fundamental human needs are
47 at risk. Fundamental human needs include preservation of liberty (incarceration and immigration
48 detention or deportation), housing, safety (protection from domestic violence), family integrity
49 (child custody and visitation), health care, nutrition, education, income (access to public benefits
50 and wages), and a meaningful opportunity to obtain employment.

51 (b) District of Columbia residents living in poverty or facing discrimination often lack
52 meaningful recourse to the legal system to protect their rights. As a result, too many District
53 residents are deprived of fundamental human needs.

54 (c) Representation in cases involving fundamental needs is essential to the fair functioning
55 of the justice system. The existing legal services and pro bono networks in the District are strong,
56 but they lack sufficient resources to meet the overwhelming need.

57 (d) In most civil cases involving fundamental human needs, assistance from a lawyer – and
58 typically full representation – is necessary to provide a complete and fair resolution of a legal issue.
59 Legal assistance can play a critical role in protecting rights and ensuring that all District residents
60 can enjoy the benefits of and fully contribute to the life of the District.

61 (e) Systemic reform to laws and policies and the functioning of judicial and administrative
62 tribunals is a vital strategy—along with representation in a wide array of cases—for empowering
63 low-income communities and achieving equal access to fundamental human needs.

64 (f) Safe, secure, and accessible housing is essential to achieving equal access to all other
65 fundamental needs. Without housing, individuals and families too often cannot preserve family
66 integrity, gain employment or other income, or enjoy access to healthcare, proper nutrition, and
67 education.

68 (g) A growing number of jurisdictions already have established projects to provide a right
69 to counsel in housing cases, including California, Massachusetts, and New York. Studies predict
70 that the provision of counsel in housing cases not only will result in more just and substantive
71 outcomes, but also has the potential to save public funds by avoiding homelessness and preserving
72 health, education, and employment.

73 (h) Demonstrating the empirical value of the provision of counsel to low-income people
74 will move the District toward the establishment of a full right to counsel in civil cases involving
75 fundamental human needs.

76 Sec. 102. Definitions.

77 For purposes of this section, the term:

78 (a) "Covered proceeding" means an actual or reasonably anticipated administrative or
79 judicial proceeding in the District of Columbia:

80 (1) To evict an eligible individual or group;

81 (2) Initiated by an eligible individual or group and relating to one or more housing
82 code violations as defined in Chapters 1 to 8 of Title 12G or §§ 400 to 900 of Title 14 of the District
83 of Columbia Municipal Regulations;

84 (3) To terminate an eligible individual or group from participation in any District
85 housing subsidy program;

86 (4) To increase the rent charged to an eligible individual or group pursuant to
87 sections 210, 211, 212, 214, or 215 of the Rental Housing Act, effective July 17, 1985 (D.C. Law
88 6-10; D.C. Official Code § 42-3401.01 *et seq.*);

89 (5) Initiated by an eligible individual or group pursuant to sections 208(a) or 216(a)
90 of the Rental Housing Act, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-
91 3401.01 *et seq.*); or

92 (6) Initiated by an eligible individual or group to enforce any rights or appeal any
93 adverse action pursuant to the Homeless Services Reform Act of 2005, effective October 22, 2005
94 (D.C. Law 16-35; D.C. Official Code § 4-175.01, *et seq.*).

95 (b) “Designated legal services provider” means a non-profit organization or clinical
96 program headquartered in the District of Columbia that provides legal services under this act.

97 (c) “Eligible individual or group” means a tenant or occupant, or group of tenants or
98 occupants, residing in a rental unit in a housing accommodation in the District of Columbia whose
99 gross household income(s) falls at or below two-hundred percent of the federal poverty guidelines
100 issued by the United States Department of Health and Human Services.

101 (d) “Housing accommodation” shall have the same meaning as defined in Section 103(11)
102 of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law
103 3-86; D.C. Official Code § 42-3401.03(11)).

104 (e) “Legal services” means representation of an eligible individual or group through the
105 provision of advice or brief services, or representation in a covered proceeding, including limited
106 scope representation.

107 (f) “Licensed legal professional” means a member of the District of Columbia Bar
108 authorized to practice law, a law student participating in an authorized, attorney-supervised clinical
109 program through an accredited law school in the District of Columbia, or a member of the Bar of
110 another jurisdiction who is legally permitted to appear and represent the specific client in the
111 particular proceeding in the court or other forum in which the matter is pending.

112 (g) "Rental unit" shall have the same meaning as defined in Section 103(16) of the Rental
113 Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C.
114 Official Code § 42-3401.03(16)).

115 TITLE II – CREATION OF CIVIL RIGHT TO COUNSEL PROJECTS.

116 Sec. 201. Civil right to counsel projects for eligible individuals or groups in covered
117 proceedings.

118 (a) The DC Bar Foundation ("Bar Foundation") shall adopt policies and procedures, issue
119 requests for proposals, and make grants to designated legal services providers for the purpose of
120 creating civil right to counsel projects.

121 (b) The projects shall be designed to demonstrate the value of the right to counsel in civil
122 cases involving fundamental human needs.

123 (c) The Bar Foundation shall adopt criteria allowing designated legal service providers to
124 limit representation to eligible individuals or groups in covered proceedings based on the type of
125 covered proceedings or other criteria established by the Bar Foundation.

126 (d) Nothing in this Act requires legal services providers to serve eligible individuals or
127 groups in covered proceedings beyond the provider's contractual commitment to the Bar
128 Foundation.

129 TITLE III – PLAN FOR THE PROVISION OF LEGAL SERVICES; AUDIT AND
130 REPORTING REQUIREMENTS.

131 Sec. 301. Plan for the provision of legal services.

132 (a) The Bar Foundation shall develop an annual plan that includes criteria, policies, and
133 procedures for the provision of legal services by designated legal services providers to eligible
134 individuals or groups in covered proceedings.

135 (b) The Bar Foundation shall identify one or more designated legal services providers
136 capable of providing legal services in covered proceedings.

137 (c) In identifying designated legal services providers, the Bar Foundation shall only
138 consider providers that:

139 (1) Are headquartered in the District of Columbia and maintain a practice of
140 furnishing free legal services to individuals who cannot afford the services of a licensed legal
141 professional;

142 (2) Possess expertise in housing law, landlord-tenant law, or related experience in
143 representing eligible individuals or groups in covered proceedings;

144 (3) Demonstrate expertise in recognizing and responding to the often multiple legal
145 issues facing low-income residents of the District of Columbia; and

146 (4) Possess adequate infrastructure and expertise to provide consistent, high-quality
147 oversight, training, evaluation, and strategic responses to emerging or changing needs in the client
148 communities served.

149 (d) In developing the plan under subsection (a) of this section, the Bar Foundation shall
150 consult with:

151 (1) Two designees appointed by the Chairman of the Council of the District of
152 Columbia;

153 (2) The Deputy Mayor for Public Safety and Justice or his or her designee;

154 (3) The Director of the Department of Housing and Community Development or
155 his or her designee;

156 (4) The Director of the District of Columbia Housing Authority or his or her
157 designee;

- 158 (5) The Chief Tenant Advocate or his or her designee; and
159 (6) The Attorney General for the District of Columbia or his or her designee.

160 Sec. 302. Financial audit and reporting requirements.

161 (a) The Bar Foundation shall provide the Council of the District of Columbia with:

162 (1) An annual financial audit of its activities prepared by a certified public
163 accountant licensed in the District of Columbia and carried out in accordance with generally
164 accepted auditing standards. The audit may be conducted as part of the Bar Foundation's annual
165 audit.

166 (2) Biannual reporting that includes information on the following:

- 167 (i) The gender, race, ethnicity, and age of eligible individuals served;
168 (ii) The election ward of residence of eligible individuals served;
169 (iii) The incomes of eligible individuals served;
170 (iv) Legal services provided by type of legal issue; and
171 (v) A list of designated legal services providers and the amount of funding
172 provided to each.

173 (3) Annual programmatic reporting that includes:

- 174 (i) An evaluation of the performance of each designated legal services
175 provider;
176 (ii) The legal outcomes for eligible individuals or groups;
177 (iii) An evaluation of implementation challenges and recommendations for
178 future improvements; and
179 (iv) An assessment of unmet legal needs in the provision of legal services
180 for covered proceedings.

181 Sec. 303. Other criminal and civil proceedings.

182 This act shall not be construed to negate, alter, or limit any right to counsel in any civil or
183 criminal action or proceeding otherwise provided by District or federal law or regulation.

184 Sec. 304. Establishment of the Civil Right to Counsel Innovation Fund.

185 (a) There is established as a nonlapsing special fund, the Civil Right to Counsel Innovation
186 Fund (“Fund”).

187 (b) The monies in the Fund shall only be used for the provision of legal services to eligible
188 individuals or groups in covered proceedings and for the administration of this act.

189 (c) The Fund shall not be used to supplant funds appropriated as part of an approved annual
190 budget for Access to Justice Initiative programming.

191 (d) All funds deposited into the Fund, and any interest earned on those funds, shall not
192 revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end
193 of the fiscal year, or at any other time, but shall be continually available for the uses and purposes
194 set forth in subsection (b) of this section without regard to fiscal year limitation.

195 TITLE IV. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE.

196 Sec. 401. Applicability.

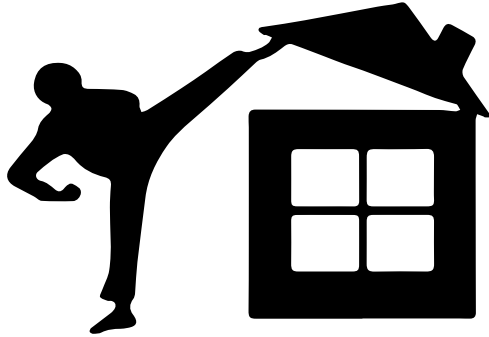
197 This act shall apply upon the inclusion of its fiscal effect in an approved budget and
198 financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in
199 a certification published by the Council in the District of Columbia Register.

200 Sec. 402. Fiscal impact statement.

201 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
202 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
203 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

204 Sec. 403. Effective date.

205 This act shall take effect following approval by the Mayor (or in the event of veto by the
206 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
207 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
208 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of
209 Columbia Register.



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The following 4 important resources:



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Oklahoma Summit on Access to Justice

Program Moderator: William H. Hoch, Crowe & Dunlevy

OBA Management Assistance Program
Jim Calloway, Director
Ramey McMurray, Assistant

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Oklahoma Summit on Access to Justice

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Program Agenda

7. **Oklahoma Free Legal Answers and the Work of the OBA Access to Justice Committee**
Rodney Ring, OBA Access to Justice Committee Chair
8. **Delivering Limited Scope Services Safely and Effectively**
Jim Calloway, Director, OBA Management Assistance Program

Oklahoma Summit on Access to Justice

October 11, 2018 - Oklahoma Bar Center

- 8:30 a.m. Registration and Continental Breakfast
- 9:00 a.m. Welcome OBA President Kimberly Hays (5 minutes)
- The Justice Gap – James J. Sandman, President of the Legal Services Corporation
- 9:50 a.m. Break
- 10:00 a.m. The Oklahoma Access to Justice Commission – A Report Card
- Hon. Douglas Combs, Chief Justice, Oklahoma Supreme Court; Hon. Rick Bozarth, Associate District Judge, Dewey County; Michael Figgins, Commission Chair, Executive Director, Legal Aid Services of Oklahoma, Inc. (LASO); Anna Carpenter, Commission Vice-Chair, Associate Clinical Professor of Law, University of Tulsa College of Law; M. David Riggs, Commission Past-Chair, Riggs, Abney, Neal, Turpen, Orbison & Lewis
- 10:35 a.m. **Keynote Address** Moving the Mountains on Access to Justice
- Hon. Jonathan Lippman, Latham & Watkins LLP, former Chief Judge of New York and Chief Judge of the New York Court of Appeals
- 11:15 a.m. There is Too Much Law for Those Who Can Afford It, AND FAR TOO LITTLE FOR THOSE WHO CAN'T! Michael C. Turpen, Riggs, Abney, Neal, Turpen, Orbison & Lewis
- 11:40 a.m. Networking Lunch (Included in registration)**
- 12:20 p.m. “Why Civil Justice Reform Matters for Oklahoma” Katherine Alteneder, Executive Director, Self-Represented Litigation Network
- 1:10 p.m. “What the Data Tell Us About Civil Access to Justice” Ryan Gentzler, Director, Open Justice Oklahoma, and Anna Carpenter
- 1:45 p.m. Break
- 1:55 p.m. The New Reality of Eviction and Homelessness -- Michael Figgins; William Hoch, Crowe & Dunlevy; Richard M. Klinge, Oklahoma City University School of Law; and Eric Hallett, LASO
- 2:25 pm Oklahoma Free Legal Answers and the Work of the OBA Access to Justice Committee – Rodney Ring, OBA Access to Justice Committee Chair
- 2: 35 pm Delivering Limited Scope Services Safely and Effectively
- Jim Calloway, Director OBA Management Assistance Program
- 3:30 p.m. Adjourn

Oklahoma Free Legal Answers

Authored By: Oklahoma Bar Association

Free Legal Answers is a national program developed by the American Bar Association where clients request brief advice and counsel about a specific civil legal issue from a volunteer lawyer. Qualifying users can post civil legal questions on the website and receive basic legal information and advice from approved volunteer attorneys. This Oklahoma site will serve Oklahoma residents. Oklahoma.freelegalanswers is an cooperative effort of the ABA, Oklahoma Access to Justice Commission and the Oklahoma Bar Association.

<https://oklahoma.freelegalanswers.org/>

Volunteer for Oklahoma Free Legal Answers



<http://oklahoma.freelegalanswers.org>

Practicing Limited Scope Services (aka Unbundled Services) **Safely and Effectively**

By Jim Calloway

Director, Oklahoma Bar Association Management Assistance Program

<http://www.okbar.org/members/MAP.aspx>

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Digital Edge Podcast <http://legaltalknetwork.com/podcasts/digital-edge/>

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Disclaimer: This is a continuing legal education paper and presentation. It should not be considered as stating any official policy of the Oklahoma Bar Association. The OBA Management Assistance Program has been serving Oklahoma Bar Association members for over twenty years. If we were going to set up a limited scope delivery process ourselves, in light of recently enacted [District Court Rule 33](#), this is the outline of the steps and procedures that we would consider to make this a positive experience

for clients and as risk-free as possible for the participating attorney. PLEASE NOTE THAT IN THE FORMS SECTION OF THESE MATERIALS WE HAVE INCLUDED SEVERAL SAMPLE FORMS FROM OTHER JURISDICTIONS TO GIVE THE READER MANY SAMPLES. NOT ALL MAY BE APPROPRIATE FOR OKLAHOMA.

What are limited scope legal services?

Several years ago the commonly used term for limited scope legal services was “unbundled services.” Those who spent time studying these types of services believe that the term “limited scope” better informs the public and so they have encouraged the use of that term. The following definition was contained in a [2015 American Bar Association publication](#):

“Limited scope representation, or ‘unbundling’ legal services, is an alternative to the traditional full-service model where an attorney can limit the attorney-client relationship to a specific task such as document assistance or procedural advice, or for such things as custody or pension issues in family law. Limited scope is not for every lawyer, nor for every client, nor for every legal issue. But it has proven to be cost-effective for the client, profitable for the attorney and transparent to the courts.”

Legal authority for the concept of limited scope or unbundled representation is found in [Rule 1.2 of the Oklahoma Rules of Professional Conduct](#), Scope of Representation and Allocation of Authority Between Client and Lawyer, adopted in 2008, which states in subparagraph (c)

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

There are likely few who would dispute that a lawyer could provide some unbundled services in regard to litigation, such as explaining how a particular court proceeding would work or advising that individual who had been served with process of his or her answer date and the necessity of filing an answer on a timely basis. Those actions would be considered a traditional method of dispensing legal advice. Such advice has often been provided as a courtesy to members of the public. But some cautious lawyers would decline to give even limited advice without a formal engagement because of concerns about professional liability.

Prior to the adoption of District Court Rule 33, the challenge occurred where a lawyer wanted to assist an individual with preparing documents that will be filed with the court as a *pro se* litigant.

Why was there a need for District Court Rule 33?

Self-represented individuals appearing in court with documents drafted using online services or paraprofessionals (both legally authorized and unauthorized) has been an area of growth over the last several years. Many Oklahoma lawyers have been hesitant to consider providing limited scope document preparation services because even though they were authorized since the 2008 adoption of ORPC 1.2(c).

But there still had been an antipathy in many courthouses over whether a lawyer preparing these “ghostwritten” pleadings or other court filings was appropriate or even ethical. In fact one Tenth Circuit Court of Appeals opinion held ghost writing to be a violation of legal ethics.

The new District Court rule provides a consistent procedure throughout all counties.

Rule 33. Limited Scope Representation

A lawyer providing limited scope representation under Rule 1.2 (c) of the Oklahoma Rules of Professional Conduct may draft pleadings or other documents for a pro se litigant to file with or present to a district court without the lawyer entering an appearance in the matter. A lawyer shall disclose such assistance by indicating their name, address, bar number, telephone number, other contact information and, optionally, a signature on said pleading or other document with the phrase "No appearance is entered as counsel of record."

General Principles of Safely Delivering Limited Scope Legal Services

1. The individual you meet with who pays for your attorney's fees is your client. You cannot represent opposing interests in a family law case or any other matter. With the client's informed consent, you may meet with both the client and an unrepresented party to discuss the documents being created. However, this should not be done unless the opposing party is willing to execute a Disclosure of Nonrepresentation.
2. Limited scope services are based on the concepts of informed consent to receiving less than full

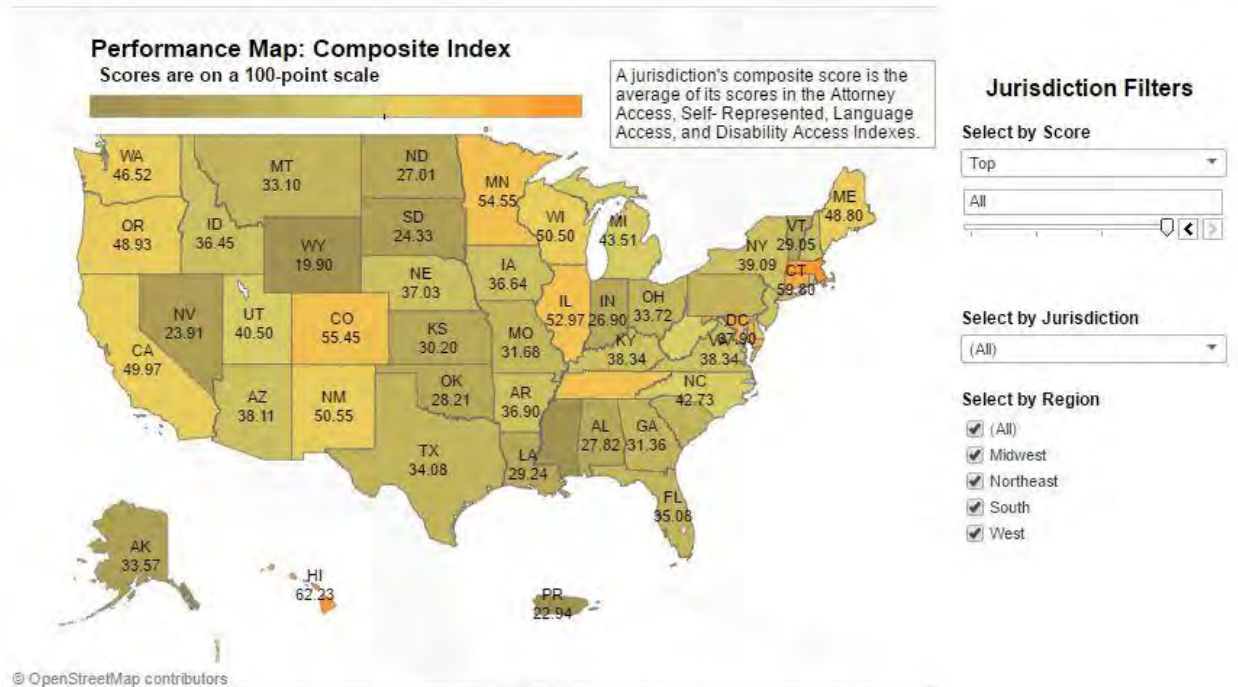
The Need for Limited Scope Legal Services in Oklahoma

The legal profession has a tradition of focusing on precedent to determine how the law will be applied prospectively. In today's world, with many changes fueled by technology advances, precedent is often not the surest guide. The current business development model is based on the principle of rapid change through experimentation.

Access to justice issues are also critically important for society and for the future of the legal profession.

While there might be disagreement on the exact statistics concerning the situation, no one really disputes that the lack of access to civil justice for lower income individuals is a problem. The National Center for Access to Justice at Cardozo Law School has compiled the Justice Index 2016. Oklahoma was among the states with the lowest ranking.

Access to Justice Issues in Oklahoma



Note: Not all state names and scores are displayed. Hover cursor over map or see other charts on page for all findings. The following states did not respond to requests for data: AK, IA, KS, MI, NH, NJ, SD. (See "Methodology").

According to the LawSites Blog:

States are scored across five indexes: number of attorneys for people in poverty, support for self-represented litigants, support for people with limited English proficiency, support for people with disabilities, and a composite of the other four.

The top-ranked state across all indexes is Massachusetts, followed by Hawaii, Maryland, Connecticut, Colorado, Minnesota, Tennessee, New Mexico and Wisconsin. The top ranking overall goes to the District of Columbia.

The lowest-ranked states, from the bottom up, are Mississippi, Wyoming, Puerto Rico, Nevada, South Dakota, Indiana, North Dakota, **Oklahoma** and Vermont.

<http://www.lawsitesblog.com/2016/05/new-data-companion-website-score-states-on-access-to-justice.html>

The report is [here](#) and a companion website uses data analytics and data visualization tools to present this data in several maps and graphs.

The current imbalance of supply, demand and affordability of legal services for individuals presents a unique opportunity for a law practice to expand into serving the underserved, especially since many of them can pay some fees for the legal services they need.

For those lawyers who currently have very busy “full service” practices with new client matters developing frequently, there is perhaps no case to be made for considering adding limited scope services to the workload.

But there are many others, such as the new lawyer in a small town wanting to build their practice, a lawyer who has recently lost a large client or seen a practice area began to wither away or a lawyer of a certain age who wants to slow down a little bit and focus on the less stressful matters.

For these lawyers, developing the office elements of “low bono” work may provide an opportunity to help clients who were previously underserved while generating a positive revenue stream and providing a great service to these individuals. It is also true that a lawyer who provides these services in a professional and efficient manner may find these former clients coming back to their law office for additional legal work, perhaps at this stage in their life where they can afford full scope representation and the resultant larger attorney fee.

Some General Principles of Delivering Limited Scope Services



For the purposes of today's presentation, we will focus on an in-person meeting with a client where documents can be executed and notarized in a traditional sense. This is not to say that limited scope services cannot be delivered in other ways such as via video conference.

A lawyer will want to provide good client service with clear explanations for the client who wishes

to receive limited scope services. But with limited scope services documentation is a key. Of course, documentation is a key in maintaining any client file, but is particularly important in the case of limited scope services where the relatively brief interaction with the client may be difficult to recall after time and the lawyer must rely heavily on the notes and other documents contained within the client file in the event there are any questions.

The challenge will be in quickly preparing accurate documents in a short amount of time. Ultimately, automated document assembly processes will be used by lawyers who regularly deliver these types of services.

The Basics

In a nutshell, the objectives of limited scope services (using the example of the in-office consultation model) are:

1. Delivering a brief but pleasant client experience in person
 - a. It is an important goal to connect with the individual in a way that assists the client in being confidently able to execute the steps they are handling.
 - b. Obviously, it is in the lawyer's best interests to leave a positive impression that might cause the client to return for additional services in the future.
 - c. Set expectations quickly "We have about 30 minutes to talk here. What questions do you have?"
 - d. Short videos featuring the lawyer might be viewed in advance at the office or after the meeting, either in the office or online behind a password-protected site. (This is a part of the client experience and should not be located on a public site, although certainly introductory videos to market the practice and the concept could be placed on YouTube.)
2. Documenting everything in a very efficient way in case there are concerns later.
 - a. Whether on a digital screen or on paper, the lawyer should use a checklist style system where the various steps are checked off or initialed by the

lawyer as they are done, both to ensure that they are done and to generate a written record.

- b. If the client or opposing party is conferencing in through Skype or Facetime, preserving a video recording of the entire conversation is an almost perfect method of documentation.
 - c. If the lawyer's staff is interacting with clients beyond welcoming and scheduling, they should be provided "scripts," checklists and bullet point lists to assist them with documentation.
 - d. Identity verification may be warranted.
3. Providing valuable assistance to the client
 - a. Quality legal advice and/or documents
 - b. Explaining the process and answering questions
 - c. Providing clear instructions and scripts for clients will be handling on their own.
 4. Assisting the administration of justice by enabling those who self-represent, whether through choice or necessity, to interact appropriately with and obtain results from Oklahoma courts.
 5. Embracing technology tools and reflective analysis to continually upgrade and improve the process so that better client services and document production do not require attorney time per individual matter.

Suggested Guidelines for Lawyers Doing Limited Scope Agreed Family Dissolution

(From the Oklahoma Bar Association Management Assistance Program. These guidelines are to assist lawyers in developing their own limited scope practice procedures, but have not been officially “adopted” by the OBA.)

The purpose of this outline is twofold.

First, to assist the lawyer complying with Oklahoma Rules of Professional Conduct, in particular Rule 1.2(c), which states:

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

Second, to outline a business process for these services that serves and protects the public and protects the lawyer from untrue or unfair claims about the lawyer’s conduct while simplifying and standardizing the lawyer’s work process with the ultimate goal of reducing the cost to the public for the service.

Guidelines

- 1) Limited scope services will typically be delivered on a flat fee basis. A lawyer wishing to deliver such services in a family law dissolution context should provide a clear schedule of various services and the various fees. This can be done on the lawyer’s website as well as by a handout with the fee schedule to those who visit the lawyer’s office seeking information. There should be no disputes about the fees and these fees will likely vary depending on provisions such as child support guidelines computation, joint custody plans and qualified domestic relations orders as needed. Clarity and simplicity are key considerations.
- 2) Prior to tendering payment and the commencement of legal services, the client/consumer should acknowledge the fee in writing, typically by signing an attorney-client fee agreement, which may or may not be combined with other disclosures to the client and agreements.
- 3) Unless the individuals are well-known to the lawyer prior to the representation, identity verification of the individuals should be done at that time and the lawyer should retain these records so that there can be no dispute as to who met with

the lawyer. Typically this would be done by making a photocopy of an Oklahoma driver's license or passport and retaining it in the permanent records of the transaction. Even though it may not be a traditional lawyer's first inclination, photographs taken with a cell phone or video recordings may also be used as documentation.

- 4) To obtain the needed facts for the document preparation and to be able to later verify what factual representations were made, a factual representation sheet should be prepared by both parties including a list of all assets and liabilities, both fixed and contingent. The best practice is for these separate documents to be signed and notarized by both the client and the unrepresented party. The factual representation sheet should contain a statement to the effect that the representations are true, and that in the event there is any false statement or material omission in these documents, this affidavit may be used to attempt to vacate any court order based on fraud in obtaining an order or judgment. (12 Okla. Stat. 1031).
- 5) The lawyer should verbally inquire about the factual representation sheet and the parties' agreed settlement proposal to determine that the parties competently understand and appreciate the significance of their actions.
- 6) Because some parties may need some time to complete their factual representation sheet, this process may involve two steps. It is appropriate to charge separate fees for additional meetings as long as these charges are made absolutely clear to the individuals in advance.
- 7) The lawyer should execute an affidavit of his or her findings and compliance with Oklahoma Rules of Professional Conduct Rule 1.2(c). Note that the rule contains a two-tier test.
- 8) While the lawyer may manually prepare the Petition for Dissolution of Marriage, Waiver, Decree and other pleadings, the use of some automated document assembly process is strongly recommended to assure a more error-free work product can be created utilizing much less of the lawyer's or staff's individual time.
- 9) The extra value that a lawyer can bring to this process is to provide very clear and simple instructions that a person unfamiliar with the process can use to be more comfortable. For example, don't just give them the address of the courthouse, but include a document with a map and photographs. And make suggestions for parking. Don't just tell them the courtroom number but give them a photograph of the courtroom door. You might even make a video of how the process in the court works and let them watch it in your office. Make certain they understand if there is a metal detector they have to go through and to allow time to do that. This is where you can provide greater value than a national document assembly service and can leave a favorable impression with

these individuals in case they need additional legal services in the future.

- 10) A lawyer cannot give advice to both parties and one person must be designated as the client. This should be clearly disclosed in writing and signed by the client. If the other party is participating with the lawyer in any way beyond showing up at the lawyer's office later to sign documents, that individual should also sign a document indicating that they are aware the lawyer does not represent them and they are proceeding without the advice of counsel.
- 11) Permanently store all of the information (including any videos that were made) in at least two secure locations and retain it for at least five years.

Resources

American Bar Association Limited Scope Representation page (includes free downloadable 149 page Handbook on Limited Scope Legal Assistance)
<https://www.americanbar.org/groups/legalaidindigentdefendants/initiatives/resourcecenterforaccesstojustice/limitedscopeunbundling.html>

American Bar Association, Standing Committee on the Delivery of Legal Services, An Analysis of Rules That Enable Lawyers To Serve Self-Represented Litigants (Aug. 2014, https://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/ls_del_unbundling_white_paper_2014.authcheckdam.pdf)

Trial Court of Massachusetts Limited Assistance Representation Training Manual <http://www.mass.gov/courts/docs/lar-training-manual.pdf> **(This 121 page resource is an excellent first read with forms and scripts of hypothetical discussions with clients.)**

California Judicial Branch page on Limited-Scope Representation <http://www.courts.ca.gov/1085.htm>

Unbundling Legal Services: A Guide for Lawyers, Institute for the Advancement of the American Legal System (2015), <http://iaals.du.edu/honoring-families/publications/unbundling-legal-services-guide-lawyers>

Illinois Supreme Court Access to Justice homepage.
<http://www.illinoiscourts.gov/civiljustice/accesstojustice.asp>

Colorado Bar Assn. Ethics Comm., Formal Op. 101 Unbundling/Limited Scope Representation (2016), http://www.cobar.org/Portals/COBAR/Repository/ethics/Opinions/FormalEthicsOpinion_101.pdf?ver=2017-03-31-144456-447

Timothy J. Pierce, Limited Scope Representation: Some Considerations (Rev. November 2010), http://inns.innsofcourt.org/media/69501/30172_november_2012_limitedscoperepresentationsomeconsiderations.pdf

Using Today's Technology Tools to Deliver Limited Scope Representation Efficiently

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Digital Edge Podcast <http://legaltalknetwork.com/podcasts/digital-edge/>

Website and Social Media

Many lawyers engaging in limited scope representation will not be giving up their current practice but rather will be expanding their practice to include both full service and limited scope representation. Because limited scope representation allows the client to select the services he/she wants and needs and allows the attorney to concentrate on providing

the limited services and spend less time providing the legal services less valued by the client, the cost of the representation is similarly reduced.

Marketing consistent with Oklahoma Rules of Professional Conduct

Notwithstanding the reduced cost, there will likely be a need to market the fact that the attorney provides limited scope legal services. Oklahoma RPC 7.2(a) permits a lawyer to “advertise services through written, recorded or electronic communication, including public media.” If a lawyer providing limited scope services elects to advertise that fact, he or she may do so as long as he or she ensures compliance with Oklahoma Rules of Professional Conduct (RPC) 7.2(b) – (c), which concerns the costs of advertising, referral agreements, and including the name and office address of at least one lawyer or law firm responsible for advertising content. Additionally, the lawyer’s advertisements or communications about the limited scope services must not be false or misleading. See Oklahoma RPC 7.1.

When describing limited scope legal services, the lawyer should be clear and accurate about what fees and costs may be charged and should avoid using terms that are likely to be misleading. Oklahoma RPC 7.1, Comment. 3 instructs that “an unsubstantiated comparison of the lawyer's services or fees with the services or fees of other lawyers may be misleading if presented with such specificity as would lead a reasonable person to conclude that the comparison can be substantiated...” However, the comment also states that “... The inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a statement is likely to create unjustified expectations or otherwise mislead the public.” As a result, characterizing limited scope representation and the attorney’s fees for such as ‘cut-rate,’ ‘lowest,’ and ‘cheap’ may be misleading if not accompanied by an appropriate disclaimer. Additionally, this is likely not the best method to enhance the individual lawyer’s reputation. Many lawyers provide limited scope services with the belief that they may be consulted for other legal services in the future by the client.

Further, a lawyer, who advertises online regarding the provision of limited scope services, should be clear about the jurisdiction the lawyer is licensed in so that he/she is not advertising services that cannot be performed because of the unauthorized practice of law (UPL) concerns. See Oklahoma RPC 5.5.

Oklahoma RPC 7.3(a) provides that a lawyer “shall not by in-person, live telephone, or real-time electronic contact solicit professional employment from a prospective client when a significant motive for the lawyer’s doing so is the lawyer’s pecuniary gain, unless the person contacted: (1) is a lawyer; or (2) has a family, close personal, or prior professional relationship with the lawyer.” A lawyer who provides, or intends to provide, limited scope services to clients, and communicates that intent to prospective clients, should take care to ensure compliance with Oklahoma RPC 7.3(a)-(c).

Marketing Using Social Media

Recent concerns about “fake news” have disclosed that many people consider “the web” to be social media sites such as Facebook. As a result, these individuals almost exclusively use social media as their source of news and information.¹ These individuals also use social media to “find out more about the people and places they buy from.”² In a poll conducted by FindLaw, “nearly 45 percent of respondents indicated they use social media to evaluate professional services. And roughly 40 percent of the respondents said they would be more likely to use a lawyer with the social media presence.”³

A 2016 Thomson Reuters survey similarly concluded that 84 percent of all US consumers are on social media and 40 percent of those consumers say they are more likely to use a lawyer with a social media presence.⁴ Why? Because “... consumers are drawn to social media because of several key qualities that ... [attorneys] can use to ... their

¹ FindLaw, From Novelty to Necessity: Pragmatic Social Media for Law Firms 2, download after providing name and email at <https://www.lawyermarketing.com/white-papers/from-novelty-to-necessity/>.

² *Id.*

³ *Id.*

⁴ Thomson Reuters, From Guesswork to Precision: How Paint Social Media Delivers for Your Firm 2, , download after providing name and email at <https://www.lawyermarketing.com/white-papers/from-guesswork-to-precision/>.

advantage.”⁵ Potential clients like the interactivity, immediacy, and informality of social media. Individuals seeking limited scope representation may particularly be drawn to attorneys who are authentic and engaged as evidenced in the attorneys’ social media. Thus, lawyers with these types of characteristics have an advantage in marketing accomplished through social media.⁶

In addition to “organic” social media a growing number of attorneys and firms are engaging in paid social media advertising. For example, for approximately \$10-\$15 an attorney or firm can get her name or the name of the firm in front of 1000 targeted users.⁷ Targeted users are those who “fit the age, income level, employment, family status, neighborhood and interests of the kind of people that need ...[attorney] expertise.” And 79 percent of legal consumers and social media users in one information gathering effort indicated that they were comfortable with or neutral about attorneys advertising to them on social media.

Based on these numbers and the user information gathered by social media platforms, many lawyers have concluded that paid advertising on such platforms offers “superb value and precision targeting” tools for marketing their practices. As the AttorneyatWork Blog reports, “Nearly everybody is now using [organic and/or paid] social media: 96 percent of responding lawyers [to the AttorneyatWork’s 2017 Social Media Marketing Survey] say they do. What’s more, 70 percent of this year’s respondents say it’s actually part of their overall marketing strategy (compare that with 60 percent just two years ago).” This is consistent with the information gathered by the ABA Legal Technology Survey.

Attorneys and law firms are using both organic and paid social media to connect with potential clients. Clients are responding well to social media efforts. Because of the precision targeting available with paid social media, attorneys are being encouraged to

⁵ From Novelty to Necessity: Pragmatic Social Media for Law Firms, *supra* note 27, at 3.

⁶ *Id.*, at 3, 5.

⁷ From Guesswork to Precision: How Paid Social Media Delivers for Your Firm, *supra* note 30, at 2.

“make a move now” because it is anticipated that the cost of this type of marketing will “inevitably” increase.

Attorneys interested in limited scope representation may find that their primary competition are national or local online document production services. Many of these services have been described as technology supported document assembly backed by significant advertising efforts. To compete with these concerns, an attorney or firm must expect to also commit to building a social media profile and developing a robust online presence.

Oklahoma FindaLawyer

One means of letting potential clients know that you provide limited scope services is by signing up for Oklahoma FindaLawyer and indicating that limited scope services is an area of practice. Oklahoma FindaLawyer is currently being redeveloped. Until the redevelopment is completed there is multistep process to sign up and list limited scope services as an area of practice. The Management Assistance Program has prepared instructions on how to complete this process. The instructions are available electronically at <http://bit.ly/OKFindaLawyer>.

Marketing Using your Website

No matter how people hear about you, they expect to find information about you online. What potential clients find (or don't find) will play a role in shaping their perception of you and your practice. For example, if they find a simple, well-designed website that does not include any social media links, potential clients may perceive that your practice is traditional and perhaps not well suited for limited scope representation. If they find a website that includes a blog that has not been updated, they may perceive that you do not have the time necessary even to provide limited scope services.

When considering website design, you should consider looking at the websites of other firms that are providing limited scope services to determine what will make your website stand out.

If an attorney is interested in providing limited scope representation, visitors to the site, at a minimum, should be able to understand what limited scope services are, how the attorney provides these services to reduce cost, ***the cost of specific limited scope services*** and the areas of law for which limited scope representation is available from the attorney or firm. The OBA has developed a simple explanation that may be useful in assisting potential clients understand what limited scope services are. This explanation is available at <http://bit.ly/LSSPublicEx>. In addition to understanding what limited scope services are, most potential clients looking online anticipate that they will find information about the cost of limited scope services. As such, while many firms have not traditionally posted online fee schedules, it is becoming a more common practice.

If a website needs to be redesigned to provide the minimum information discussed above, the question then becomes who should help you accomplish the redesign. Or, if your practice does not have a website, who should you have develop the initial design of your website. If you have a legal practice management solution (LPMS) or are looking to select one, there can be advantages to having the LPMS provider or a partner of the LPMS build your website.

The advantages include integration with PMS features, such as a client portal, which can be marketed in such a way as to emphasize the practice's focus on providing a client-centric approach to legal services. Advantageous pricing may also be a plus of utilizing a PMS website designer. Because firms work with their practice management solutions on a daily basis, a website designed by a provider that is familiar with the firm may more accurately reflect the unique personality of the practice. Additionally, because practice management solutions have developed an expertise in legal website issues such as confidentiality, disclaimers, etc., they will have additional expertise to address these concerns. Finally, because law firms are consumers of the practice management solutions primary products, the practice management solution will have an inherent interest in the success of the practice.

Even if you do not select a PMS or PMS partner to provide web design services for you, don't forget to take advantage of content you may want to include on your site. For instance, PracticePanther provides intake forms that may be embedded on the firm website. (See Practice Panther Adds Integrated Client Intake Forms, Saving Firms Data Input Time, LawSites, <http://www.lawsitesblog.com/2016/07/practicepanther-adds-integrated-client-intake-forms-saving-firms-data-input-time.html>). Clio also integrates with Lexicata and Intake 123 to provide intake forms. Some firms may also link to client service logins from the website. An example might include providing a link to a client portal or a secure file-sharing site such as Citrix ShareFile.

Conflict Checking

When providing limited scope representation, an attorney's ethical responsibilities, with limited exception, are the same as if he/she were providing full scope representation. One exception regarding conflicts is addressed in ABA Model Rule 6.5. Many states, including Oklahoma, have adopted rules which closely follow ABA Model Rule 6.5 regarding conflict checking when providing pro bono services. Comment 3 to Oklahoma RPC 6.5 explains that the exceptions are allowed because "a lawyer who is representing a client in the circumstances addressed by this Rule ordinarily is not able to check systematically for conflicts of interest."

While some attorneys interested in limited scope representation may desire to work in a non-profit or pro bono capacity as they become more familiar with this type of service, most attorneys will not be providing limited scope representation and in such a situation, systematic conflict checking will be an important component of limited scope representation. Additionally, because of the limited contact an attorney will likely have with many clients selecting limited scope representation, maintaining excellent records of representation so that potential conflicts may be checked is essential.

Conflict checking functions are common features of technology tools such as web-based practice management solutions, including CosmoLex. There are also standalone automated conflict checking programs such as Client Conflict Check (<http://www.client>

conflictcheck.com/) and RTG Conflicts (<https://www.rtgsoftware.com/online/cindex.htm>).

However, the disadvantage of the standalone systems is the manual input of information required.

Client Portals

When limited scope representation involves only consultation and/or document preparation, the duration of contact may be short. For example, a prepared client may set an appointment, and with the assistance of document assembly software, may leave the office with the necessary prepared documents and instructions for filing the pleadings and documents with the court. In such cases, it is unlikely that the client portal will be a necessary tool.

However, there may be instances in which limited scope representation involves an attorney – client relationship of a more extended duration and communication of a confidential or sensitive nature is required. In such a case, a client portal may be an essential tool to securely share information and create a digital record to incorporate into a digital client file.

Today, with heightened awareness of the insecurity of the basic email, providing a portal allows lawyers an opportunity to easily share documents with clients, or unrepresented opposing parties without succumbing to the temptation of simply attaching the file to a plain text email which then travels across the Internet completely open with no security. Some tools, such as Citrix ShareFile provide both encrypted email capabilities and secure document storage and access.

Many cloud-based practice management solutions targeting medium to small firms are cloud-based and include a client portal as a part of their basic package. This has the advantage of seamless training because the lawyers and law firm staff are using the practice management software on a daily basis anyway. It also reduces expense.

Because the portal must stand on its own in the marketplace, a freestanding portal will likely have more advanced features than a client portal incorporated as part of a practice

management solution. However, in a limited scope situation, additional features will not likely offer significant additional value to justify increased cost.

While we have not reached the point at which almost all law firms are utilizing client portals, there are numerous reasons, based on both ethical and practical considerations, for greater numbers of attorneys to utilize these tools. While a client portal may be less essential in limited scope representation, if an attorney is providing both full and limited scope representation, it makes sense to use available features for clients selecting both forms of representation.

Although the 2016 ABA Legal Technology Survey does not reflect that solo and small firm lawyers are utilizing client portals in large numbers, it is reasonable to conclude with the changes in technology, changes in the legal profession due to the impact of technology, and changes in the scope of representation options now available, there will likely be more attorneys adopting “standalone” client portal solutions and practice management solutions that provide client portal functionality.

Document Assembly

Document assembly allows attorneys providing limited scope representation to minimize data entry, reduce the time spent proof-reading, and reduce the risks associated with human error. Automated document assembly is of the absolute keys to successfully implementing a practice that includes limited scope representation.

Although there is an initial investment in learning how document assembly works and either automating one’s own documents or hiring someone to assist with that, the use of robust automated document assembly means that documents that used to take hours to draft (and then carefully and repeatedly proofread) can now be done in minutes. Online legal service providers use document assembly and lawyers who wish to compete in that marketplace must utilize this technology as well.

There are a number of software options that support document assembly. HotDocs is perhaps the industry leader. However, because of cost considerations, including the cost

of licensing and training, HotDocs may not be the best option for solo or small firm attorneys just beginning to provide limited scope services.

TheFormTool is a less expensive document assembly option. TheFormTool is a Microsoft Word add-on, and as such, it may be a good option for attorneys already familiar with using Word to prepare documents. While TheFormTool offers a number of powerful options, the \$89 lifetime license for TheFormTool will normally be more than adequate for the document assembly needs of most attorneys providing limited scope representation. However, if support staff provide some of the document assembly functions, more than one license may be required. At the 2018 ABA TECHSHOW, TheFormTool also announced a new product, Aurora, that is designed to perform document assembly through collection of data in an online environment. Additional information about Aurora is available at <http://bit.ly/TheFormTool-aurora>.

Another Microsoft Word add-on software is Pathagoras. Pathagoras uses plain text for the creation of variables and of optional text blocks.⁸ Pathagoras provides a purchase and subscription based access.

Finally, many practice management solutions are now offering document assembly features. For example, LEAP has a number of topic specific Oklahoma forms and templates. When setting up a matter, client and contact may be imported or imputed. Once this data is included in the LEAP system, the data can easily be incorporated into fields in LEAP forms and templates.

⁸ Pathagoras, Compare PATHAGORAS with . . ., <https://www.pathagoras.com/compare.html> (last visited Aug. 10, 2017).

IN THE DISTRICT COURT OF { MERGEFIELD CLIENT_ADDRESS_COUNTY \^ Upper} COUNTY
STATE OF OKLAHOMA

<p>In re the Marriage of</p> <p>{ MERGEFIELD PETITIONER__Full_name },</p> <p style="padding-left: 40px;">Petitioner,</p> <p>and</p> <p>{ MERGEFIELD RESPONDENT__Full_name },</p> <p style="padding-left: 40px;">Respondent.</p>	<p>Case No. { MERGEFIELD COURT__Case_number }</p> <p>Judge: { MERGEFIELD COURT__Full_name }</p>
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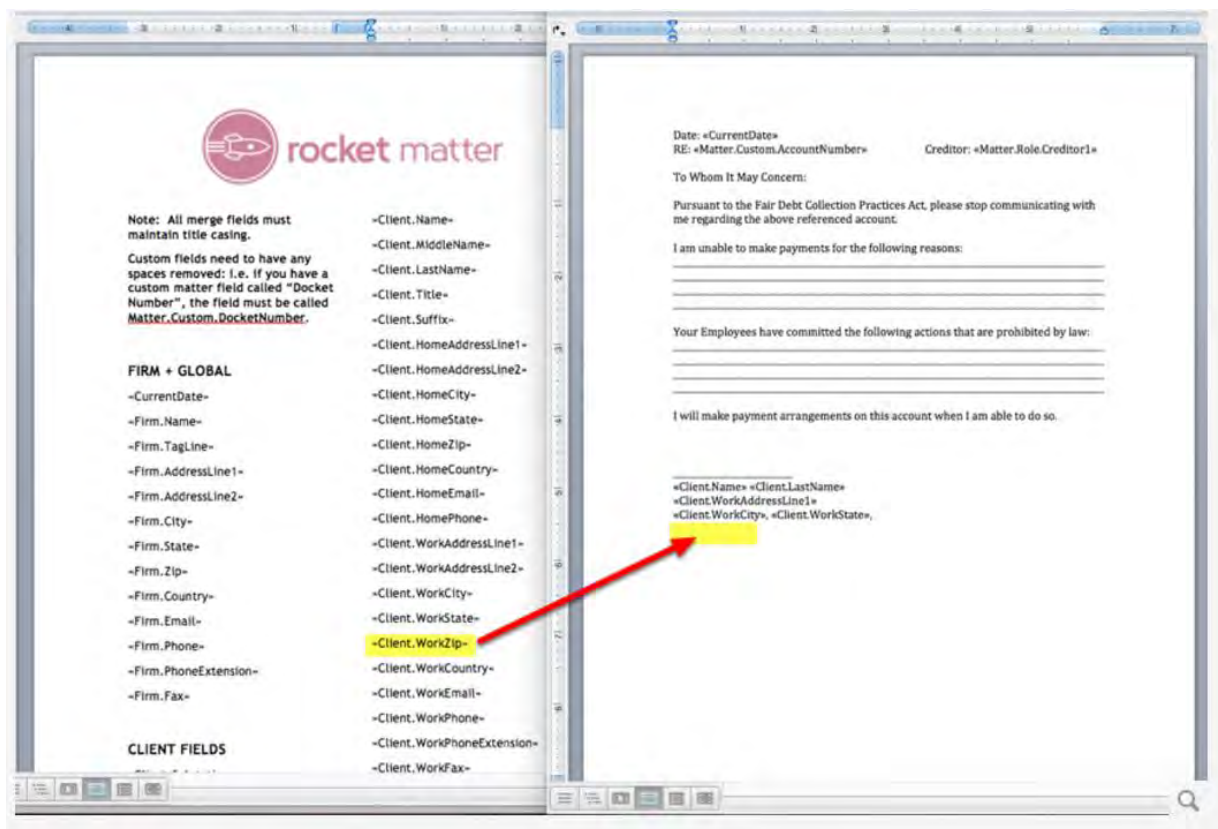
**PETITION AND
AUTOMATIC TEMPORARY INJUNCTION NOTICE**

COMES NOW the Petitioner, { MERGEFIELD PETITIONER__Full_name }, for { MERGEFIELD PETITIONER__His_or_her } cause of action against the Respondent, { MERGEFIELD RESPONDENT__Full_name }, alleges and states that:

{ LISTNUM LegalDefault \ 1 } Petitioner is now and has been for more than six (6) months preceding the filing of the Petition herein an actual resident, in good faith, of the State of Oklahoma, and a resident of { MERGEFIELD PETITIONER__Address_County } County, for thirty (30) days at the time this Petition was filed.

{ LISTNUM LegalDefault \ 1 } The parties were married on { MERGEFIELD MARRIAGE_DETAL__Date_of_marriage }, at { MERGEFIELD MARRIAGE_DETAL__City_of_marriage }, { MERGEFIELD MARRIAGE_DETAL__State_of_marriage }, and have been since that time and are at the present time husband and wife. { IF { MERGEFIELD CHILD__Card_count } = 0 }

LEAP automated document assembly feature included forms that have already had mergefields included to draw on data from the system.



Other practice management solutions are also offering document assembly features. However, in most cases the attorney must copy and paste mergefields into the template.

There are also electronic platforms, such as DirectLaw, that provide attorneys with a system which ties together “client facing legal document automation” to facilitate online legal service delivery. DirectLaw can also be integrated with a practice management solution such as Clio.

Conclusion

Attorneys offering limited scope services must find ways to function more efficiently. Using today’s technology tools to market and deliver limited scope representation is the primary means of increasing efficiency and allowing attorneys to provide lower cost legal services tailored to client needs. As such, limited scope services will help meet the access to justice demands of a growing population of potential legal services consumers.

Limited Scope Materials

These materials are designed to help you document your file and ensure that you and the client are in agreement on the limitations on the scope of your representation, which tasks you are going to perform, and just as importantly, which ones you are NOT going to perform. They are not official court forms but rather are designed as templates which should be tailored to your needs. Since limited scope representation arrangements can be fluid, it is essential that you document not only the limitations in scope but also ALL changes to the scope and the representation's ultimate conclusion. These materials include templates and checklists to document your limited assistance representation and to note any changes; they are designed to allow you and your staff to easily track these issues so nothing is overlooked.

Use your judgment in tailoring the forms. You may use some or all of them, modify others, and select which ones best suit a given limited scope representation arrangement. A brief overview of the materials and their intended use follows:

1. **Best Practices Tips.** These are designed to assist you in flagging the areas of special concern in limited scope representation. Read them carefully and add to them as new issues arise in your practice.
2. **Limited Assistance Representation Description (Client Handout).** This form was designed to educate the client about the options available for limited assistance representation. Modify it to reflect your practice. Many clients will initially be unfamiliar with the many ways in which they can participate in their own representation. This form, or a variation, will help you educate them on the ways you can assist them in a limited scope context. Use it as a basis for discussion as you do your intake and evaluate their legal needs. Give them a copy and note in your records the date on which you do so.
3. **Other Suggested Client Handouts.** You will do your clients a service if you collect or create other handouts that will assist them in performing their agreed-upon tasks. A list of suggested additional client handouts is included. Bar associations may make others available to their members. Consider gathering these materials and making them available to your clients. They augment others that you may have developed for internal use, such as directions to your office or to the courthouse or directions on preparing for a deposition.
4. **Sample Intake Sheet.** Tailor this form for use as an intake tool for every new limited assistance representation client. Note the topics discussed, include related topics about which you advised the client, and use it to document your discussions about the nature and scope of your representation. Before the client leaves, you should each initial the form and then give the client a copy. Do a new one each time a new issue comes up.
5. **Sample Fee Agreements.** Sample fee agreements are provided, each tailored to a different form of limited scope representation, from a single appointment/single task to coaching, ongoing consulting, document preparation. ***Do not perform services until you have a signed agreement limiting the scope of your involvement. If the scope changes, do a new agreement.***
[If the form of agreement you use includes a checklist to define the scope, do a new checklist to document the changed scope, sign, and date (both attorney and client). Don't just send a confirming letter to the client. If the scope changes, attach the tasks/issues checklists.]

6. **Sample Tasks/Issues to be Apportioned Checklists.** Use these forms to document the issues you discussed with the client, the apportionment of responsibility, and the areas where the client agrees you are not to assume responsibility. You should each initial the checklists, and the client should receive an initialed copy of each. *Do new checklists each time the scope of the limited scope representation changes*, initial and date it, give copies to the client, and note the date on which you did this. If you're defining the limited scope representation in an attachment to your fee agreement rather than in the body, use these checklists as attachments and modify them as needed. Attach these forms as the exhibits to the fee agreement here the limitation on scope of representation is in an attachment rather than the body of the agreement.
7. **Sample Change in Scope Letter.** This is a sample letter to send the client when the scope of representation changes. The change in scope usually occurs either when a new issue arises that was unanticipated in the initial allocation of tasks or the client finds that s/he is unable to competently perform the tasks s/he has undertaken and asks the attorney to take over.
8. **Sample Follow-Up & Revised Tasks/Issues Checklist.** This form is designed to keep track of who is responsible for performing which tasks in an ongoing limited assistance representation. Fill it out as you talk to your client about responsibilities, give a copy to the client, and retain one for your records. Use it as often as necessary.
9. **Sample Closing Letter.** It is as important to document your exit from the case as it is your entry into the case. When you have performed all the tasks for which you were engaged, tailor the Sample Closing Letter to clearly communicate that fact to the client. Invite the client to advise you immediately if s/he disagrees that all tasks for which you were engaged are completed.
10. **Sample Tickler Checklist.** This is the key to keeping track of all of the above. Tailor it to your specific needs. If you maintain non-digital client files, you may want to photocopy it on brightly colored file paper, keep it on top of your file. Note the dates on which you obtained each of the checklists, retainer letters, documentation of changes in scope, and file closing. Add other tasks and forms that you find recur in your practice, and train your staff to keep the checklist current. If you use a practice management solution, you may find the sample tickler checklist useful in preparing a workflow template that can be applied and tracked in a digital environment.

For Attorneys

Best Practices for Limited Assistance Representation

Limited Scope Representation (sometimes called unbundling) refers to matters in which a client hires an attorney to assist with specific elements of a matter, such as legal advice, document preparation or document review, and/or limited appearances in court. The client and the attorney agree on the specific discrete tasks to be performed by each. Depending on the nature of the attorney's involvement, the attorney may or may not enter an appearance with the court. The client represents him/herself in all other aspects of the case.

The special issues governing limited assistance fall into three general categories:

1. **The limitations on scope must be informed and should be in writing;**
2. **Changes in scope should also be documented;**
3. **An attorney has an affirmative duty to advise the client on related matters, even if not asked.**

The following guidelines are designed to assist attorneys in addressing and avoiding malpractice liability in a limited assistance representation. Limited Scope Representation does not differ substantially from the rest of your practice, and most of the suggestions that follow are equally applicable to full scope service. However, there are some specialized issues that require consideration.

It is important to note that limiting the scope of your representation does not limit your ethical obligations to the client, including the duty to maintain confidentiality, the duty to act competently, the duty not to communicate with another person known by you to be represented by legal counsel in the matter (absent written permission from counsel to do so), and the duty to avoid conflicts of interest. It is also important to note that limiting the scope of your representation does not limit your exposure to liability for work you have agreed to perform, nor is such a limitation permissible.

Deciding whether to take the case

1. **Work within your expertise.** As with full scope service, strongly consider rejecting a limited assistance matter in areas of law in which you or your firm have little or no experience. Taking a case for the gaining of experience is unwise in limited representation, or in any representation. Even where your representation is limited to particular tasks, you may still owe a duty to alert the client to legal problems outside the scope of your representation that are reasonably apparent and that may require legal assistance. Therefore, you should inform the client not only of the limitation of your representation, but also of the possible need for other counsel regarding issues you have not agreed to handle.
2. **Don't be pressured by emergencies.** Pay particular attention to prospective clients who have last-minute emergencies and seek limited assistance representation (LSR). LSR does not exempt you from providing competent assistance or zealous advocacy. For example, being pressured to conduct a quick document review because of an upcoming deadline is much riskier if you will only be involved in that brief transaction. Consider advice on ways to move the deadline, if possible, to allow adequate time for review or representation.
3. **Be wary of clients who take a musical chairs approach to finding legal help.** Consider carefully requests from prospective limited assistance clients who have involved multiple attorneys in the same case. Bouncing around may be an indicator that the client is searching for the "right answer" after being given what they believe are unsatisfactory responses to previous analyses of their situation. You should avoid helping to facilitate situations in which a client may blame you for his/her discontent with the outcome. On the other hand, you may find that previous attorneys were uncomfortable with taking a piece of the case and that your prospective client simply had trouble finding an attorney like yourself who was willing to work effectively with him or her on a limited scope basis. The client may have been viewed as difficult because s/he was seeking more of a partnership relationship than the traditional full scope representation envisions.
4. **Be wary of clients who have unrealistic expectations.** A prospective client may be unrealistic about what s/he can achieve alone or about the nature of your limited scope representation. Part of your obligation in offering limited assistance services is to teach the client about the legal system and the available remedies. Few non-attorneys will arrive on your doorstep with totally realistic expectations. Their beliefs are likely to have been shaped by what they have seen on TV, what they believe is fair, or what they have been told by neighbors or friends. You bring your knowledge and experience with the legal system to the relationship. If you believe that you will not be successful at reining in a client's unrealistic expectations, you should decline the representation. It is important that the litigant hear your advice in order to partner successfully with you in the representation and carry out a plan with your guidance. Not every client is temperamentally suited to representing him/herself.
5. **Clients with limited capacity or language barriers may not be good candidates.** Limitations on assistance by definition must be informed and in writing. Clients who lack the capacity to give informed consent or assist in their own representation should be avoided. If the client's limitation is mental or emotional, the client is probably not a good candidate. If the limitation is one of language (and many potential limited scope clients have limited English skills), special issues are presented. If you are not bilingual yourself, you should insist on a translator. It is your responsibility to ensure that the client understands our adversary civil legal system and the limitations on scope and has the capacity

to assist in the representation. This is an individualized assessment. If you cannot represent the client, look for sources of pro bono or low cost assistance for him or her.

6. **Identify those with hidden motives.** Be wary if the prospective client has trouble focusing on the legal outcome even after you have carefully explained the possible remedies available. Emotional needs may be driving the request for assistance. While many cases involve an emotional component, self-represented litigants who seek revenge are likely to be unhappy with the limited results that the legal system provides and even unhappier with limited scope services. Clients who require a lot of handholding are also unsuited to limited scope representation.

7. **Make sure the limited assistance of your services is reasonable.** Although you and your client have substantial latitude in limiting the scope of your representation, the limitation must be reasonable under the circumstances and the client must give you informed consent. If you conclude that a short-term limited representation would not be reasonable under the circumstances, you may offer advice to the client but must also advise the client of the need for further assistance of legal counsel.

8. **Identify those with a history of domestic violence seeking limited scope legal assistance in cases involving the batterer.** Survivors of domestic violence face special issues when considering self-representation. The power inequities and intimidation present in an abusive situation must be considered. These issues may raise serious questions about the client's ability to maintain the balance necessary to pursue an action against the alleged batterer. The client may not be seeking limited scope services primarily for financial reasons; the client may be looking specifically for someone who can provide the tools to successfully enforce the client's own rights. Discuss these issues openly with the client.

9. **Clearly address the fee structure and its relation to services.** If during your initial interview you find that the prospective client is reluctant to discuss or agree on fees, **be cautious.** It is critical that the client understands that limited scope services not only limit your fees but *also* limit the services that you will perform. If anything, your fee arrangement must be clearer in limited scope representation than in full service. You must ensure that there is no misunderstanding about what limited services you have agreed to perform. In limited scope representation, it is crucial to be on a pay-as-you-go basis, as you may never see the client again.

10. **A good diagnostic interview is critical.** It is critical to perform a good diagnostic interview to pick up all the salient issues in the case. Both experienced and inexperienced attorneys will find a checklist of issues in the relevant practice area to be extremely helpful in conducting a good diagnostic interview.

11. **Develop and use an intake form.** A good intake form should list the key issues and allow room to insert unusual ones. Give a completed copy to the client. It is a contemporaneous record that documents your file, reminds you to ask about related issues, memorializes the limitations on scope, and educates the client. Use and tailor the forms that appear in these materials to make them work for you.

12. **Advise the client of their right to seek advice on issues outside the scope of the limited assignment.** It is probably a good idea to include in your intake sheet or handouts a statement that the client has been advised of the right to seek counsel on other issues.

After you take the case

13. **Use checklists.** Checklists document who is going to do what before the next meeting. Give a copy to the client. Sample checklists have been included in these materials. Tailor them to your specific practice, fill them out while the client is present, and make sure that you and your client each have an initialed copy.
14. **Use a clear fee agreement detailing the scope of representation.** A good limited scope fee agreement will spell out exactly what you are doing for the client, and even more importantly, what you are *not* doing and will detail what responsibilities the client will assume. There should be no confusion about the scope of the representation. Sample fee agreements are included in these materials. Tailor them to each case and to your individual practice. A fee agreement which puts the limitations and checklist in an attachment is probably better suited to a case where you anticipate a change in scope.
15. **Create a support group of experienced colleagues.** Limited experience with handling LSR poses special challenges for newer attorneys or those new to a particular practice area. An experienced practitioner can confirm your analysis, suggest additional issues to explore, or divert you from a particular proposed course of action. You might want to locate colleagues who are interested in or experienced in offering limited scope representation, and consider creating a group, referral sources, general references for each other. Meet periodically to discuss common problems and solutions. Many of the issues which will come up in LSR are practical rather than ethical, and it can be immensely helpful to talk to other practitioners who have faced the issues and developed solutions.
16. **Practice defensively and document all decisions.** This is good advice in any type of legal work. It is particularly essential to document instances in which you offer advice on a particular path for the self-represented litigant to take. Use the Follow-Up Checklist in the materials to document your file and educate the client easily and efficiently.
17. **Memorialize any changes in the scope of your limited representation as they occur. Never** do work outside the scope of the original LSR agreement without a new limitation agreement signed by the client. Checklists that attach to the fee agreement are a simple and reliable way to remember to do this. A confirming letter that the client doesn't sign will probably be insufficient to effectively document the new limit in scope. Be sure that you and the client both sign off on any changes in scope.
18. **Use prepared handouts.** There are prepared handouts on common questions that arise in your practice. It is helpful to have one that describes limited scope representation and details the specific options available. Note on your intake sheet or in the notes of your practice management solution which handouts you gave to the client and on what date. A sample client handout on LRS is included in the materials.
19. **Explain.** Limited scope matters are pursued in partnership with the client. A client who understands the big picture and the tradeoffs will not only be more successful in self-representation but also less likely to blame you for unwanted outcomes.

20. **Making non-client laypersons part of your team is hazardous.** Limited scope representation may create an informal feeling in the attorney-client relationship. Remember that, despite the apparent informality, this is an attorney-client relationship. It is between you and your client, not you, your client, and others the client may want to have involved. Allowing third parties, including parents and other relatives to participate may destroy the attorney-client privilege. If the client insists on utilizing non-client laypersons clearly advise the client, in writing, in advance, of the risks involved.

21. **Refrain from providing forms with no assistance or review.** Some of the forms that will be required may be simply too complicated for a self-represented litigant to complete without assistance. Your expert assistance in the completion of these forms is not only a best practice, but will also reduce any potential liability.

22. **Do not encourage a self-represented litigant to handle a matter that is too technical or difficult.** Part of your responsibility as an attorney is to counsel a person *against* handling such a matter without assistance and to help litigants understand the cost/benefit analysis of using their litigation budget wisely to acquire expert assistance in the areas where they most need it. This responsibility depends on an individualized assessment of each litigant's situation.

23. **Discuss the possible outcomes if the client fails to provide an accurate accounting of the facts and situation. Have the client acknowledge that you have provided advice regarding possible sanctions.** A best practice is to satisfy yourself that the pleading you assist the client to prepare would withstand scrutiny if your name were on it.

Ending the relationship

24. **Let the client know when your involvement has ended.** There should be no surprises either to you or the client about when your involvement in the matter has ended and no unstated expectations of continued participation on your part. Send out a notice at the end of your involvement in a matter that involves a series of steps. See the sample closing letter in the materials. Notify the client that you believe you have completed your part and advise him/her to get in touch with you immediately if s/he disagrees.

25. **If you have entered an appearance, let the court know about ending the relationship as well.** However, don't attach your limited scope assistance representation agreement, since that is a confidential communication.

Use good judgment. Many of these suggestions apply equally to full service representation. Your LSR clients are likely to be as satisfied as your full service clients if you follow these simple practices. These practices don't take much effort and will document your file and educate your clients in ways that substantially increase the likelihood of a satisfactory relationship for each of you.

For Clients

Client Handout Limited Scope Representation

What is limited scope representation?

Limited scope representation (sometimes called “unbundling”) is a way that an attorney can help you with part of your case while you do the rest of your case. For example:

1. You can consult with an attorney to prepare or review your paperwork but attend the hearing yourself;
2. You can represent yourself through the whole case and periodically consult with an attorney who can coach you on the law, procedures, and strategy;
3. You can do the preparation yourself and hire an attorney just to make the court appearance for you;
4. You can do your own investigation of the facts (“discovery”) and ask the attorney to assist you in putting the information in a format which is useful to the court;
5. You can ask the attorney to be on “standby” while you attend the settlement conference yourself.

With limited scope assistance, you may be able to handle the whole case yourself, except for a few technical areas where the attorney can help you. It really is between you and the attorney to determine how much of your case you hire the attorney to do. If you choose limited scope representation, it is important to keep returning to the same attorney. Otherwise, you’re paying a new person to get up to speed on your case each time that you consult.

Some areas of the law are *extremely technical*, and it is rare for non-attorneys to effectively handle them. You will almost certainly need the assistance of an attorney if your case involves any of these issues.

Why it is important to discuss your case thoroughly with your attorney?

It is important to thoroughly discuss **all aspects** of your case (even those which **you** think are simple) with your attorney before deciding which parts you want to do yourself and which ones the attorney will assist you with. It is equally important to realize that there may be important issues presented by your case that you aren’t even aware of. You could be at serious legal risk about an issue you don’t even realize exists. If you don’t discuss the entire case with your attorney, how will you know if you are missing something important?

Never make assumptions about the law that applies to your case. **The law shows you’ve seen on TV are rarely accurate**, and just because you’ve “seen it on TV,” doesn’t mean it is correct or even “legal.” The **only** way to know the legal strengths and weaknesses of your case is to talk it over with a qualified attorney.

Sometimes new issues will pop up after your case is started. If they do, it is important to discuss them with your attorney, so that you know the potential legal consequences. Remember that your attorney can only advise you on matters you tell him/her about, so it is essential that you provide complete information about your case.

Remember, you and your attorney are working as a team. That means good communication and a clear understanding of each person's assignments is essential.

SUGGESTED CLIENT HANDOUTS

LIMITED SCOPE REPRESENTATION

There are many handouts that you may wish to have available to assist your limited assistance clients. Consider having some or all of the following available:

1. Driving and public transportation directions to your office, the local courts, law library, etc.
2. A list of websites with information for self-represented litigants, such as online forms and information sources, self-help sites, and the like.
3. Referral information for legal assistance programs for which they may qualify, including pro bono and low fee panels.
4. Handouts with suggested methods for dividing personal property, terminating tenancies, securing money judgments, or other matters relevant to your area(s) of practice.

For The File

SAMPLE INTAKE SHEET

Initial Interview Checklist		
I met with _____ on _____, 20__ regarding:		
I performed a conflicts check on:		
We discussed the following issues:		
Advised client of right to seek counsel on issues outside the scope:		
Other:		
We discussed the following coaching options:		
I gave the client the following materials:		
Issues Checklist:	Task Checklist:	Fee Agreement #
Book/pamphlet:		
Handout re:	Handout re:	
Blank court forms:		
Other:		
Attorneys initials:		Clients initials:

Sample Limited Scope Practice Forms

Provided by

Oklahoma Bar Association Management Assistance Program

These are sample forms, not official forms. Oklahoma lawyers should do their own independent research before using any form.

August, 2017

Your standard **Client Contact Information Form** may be combined with the Lawyer's Note form. However a separate form may be preferable because it can be completed by someone other than the lawyer, either law firm staff or perhaps the potential client will be given that attached to a clipboard for them to complete.

LAWYER'S NOTES

Date: _____

Client First name	Middle Name	Last Name	Date of Birth

Nature of Legal Services or Documents Desired

Appropriateness of limited Scope

Lawyer believes that the client understands the nature of an agreed marital dissolution and the orders that will be entered. The client understands that he/she will be appearing before the judge without counsel appearing.

Other/Additional Notes: _____

Limited Scope Disclosure and Attorney Fee Agreement Executed by Client

Copy provided to client

Payment processed \$ _____ Flat fee or Other fee _____

Attorney client confidentiality & privilege explained

Client will take all documents for execution by opposing party

Opposing party to execute documents here within the next 10 days

Client asks that opposing party meet with us during interview and drafting.

Opp. Party signs Disclosure of Nonrepresentation.

Identity Verification Copies provided

Client reviews and approves Statement of Material Facts

Opp. Party (if present) reviews and approves Statement of Material Facts
Decree of Dissolution Provisions

Child custody, visitation, medical insurance & support

Optional videos viewed by client Court procedures Parenting after divorce Your name change

Completed court documents given to client

Court procedures and driving directions given to client

Final post-decree checklist given to client

Additional Attorney tasks remaining? None or

FINAL CHECKOUT

All work completed.

Scan all signed documents. Either convert to PDF or scan all other documents (those without a signature). Combine into one PDF. Store both in a secure cloud storage and on the office network, backed up.

Administratively close client file

Determination Regarding Limited Scope Representation

In accordance with Oklahoma Rules of Professional Conduct 1.2 (c): A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

Limited scope representation is/is not reasonable in the matter of _____. In making this determination I have consider the following factors.

- a. Complexity of the matter. (child-snatching, physical abuse, and issues such as division of pension plans and valuations of businesses may be matters involving issues too complex for limited-scope representation,)

- b. Characteristics of the client (degree of emotional detachment, absence of emotional and mental disorders, willingness and ability to handle some completion of legal documentation, some capacity to gather and analyze financial information, basic intelligence and educational level, willingness and ability to make reasoned decisions, willingness and ability to handle details and follow through on commitments and responsibilities, necessary time and opportunity to perform tasks associated with limited scope representation)

- c. Potential communications difficulties that may be encountered and means of dealing with such difficulties (This includes language barriers, literacy and limited vocabulary;

physical and mental barriers, including hearing or speech issues and attention deficits.)

d. Other. (Miscellaneous issues observed. Lack of transportation, unwillingness to maintain confidentiality and attorney-client relationship) _____

Engagement Agreement for Legal Services

This agreement (Agreement) is made between Client, _____ (Client), and Attorney, _____ (Attorney). Attorney only represents Client. Attorney does not represent any other person in this matter.

- 1. The Client's Goals.** Client has engaged Attorney to help them achieve certain goals. Client's goals in this case include:

- a. _____
- b. _____
- c. _____

- 2. The Scope of the Representation.** To accomplish Client's goals, Attorney will provide legal services that are limited to the following (describe scope of representation – be specific):

_____.

Client and Attorney have discussed the difference between full representation and limited scope representation and agree that limited scope representation is an appropriate option for Client at this time based on Client's case, abilities, goals, and budget.

- 3. Attorney Responsibilities.**

- a. **Assigned Services.** Client and Attorney have completed the Attorney and Client Task Assignment Checklist (Checklist) and attached it to this document. Attorney is only responsible for completing the services marked "Yes" in the "Attorney To Do" column of the Checklist. Client is responsible for completing all other tasks, including, but not limited to, those tasks marked "Yes" in the "Client To Do" column of the Checklist. *[Note: It is a best practice to complete the Checklist and append it to the Agreement. If an attorney chooses not to do this, the attorney should outline in the Agreement which tasks they will and will not be responsibility for during the engagement.]*
- b. **Additional Services.** If Attorney is requested or required to provide additional services, Attorney and Client will complete and sign a new Checklist and Engagement Agreement for Legal Services. Client will pay additional fees (to be agreed upon by Client and Attorney) for additional services.

4. Client Responsibilities and Control. Client will handle all parts of the case except those that are assigned to Attorney in the Checklist. Client will be in control of the case and will be responsible for all decisions made during the case. Client agrees to:

- a. Cooperate with Attorney and Attorney's staff by promptly giving them all information they reasonably request about the case.
- b. Promptly tell Attorney anything they know about the case, including any concerns they have, and to update Attorney as new information or concerns arise.
- c. Promptly provide Attorney with copies of all court documents and other written materials that Client receives or sends out about the case.
- d. Immediately provide Attorney with any new court documents, including pleadings or motions, received from the other party or the other party's attorney.
- e. Keep all documents related to the case together and organized in a file for Attorney to review as needed.
- f. Maintain an active phone number and email address by which Attorney can communicate with Client about the representation and where Client can receive documents and notifications from Attorney and the circuit clerk's office in litigated matters. Client will check their voicemail and email account at least once every couple of days. If there are circumstances that prevent Client from doing this, Client will decide what the best way for Attorney to communicate with Client is and will provide written notice to Attorney of their decision.

5. Method of Payment for Services.

- a. **Legal Fees.** In exchange for the legal services provided by Attorney, Client agrees to pay a fee of \$_____. Client has initialed the payment option below that works best for them.

_____ Client will pay the entire flat fee listed above when this Agreement is signed.

_____ Client will pay a partial fee of \$_____ when this agreement is signed. Client will pay the remaining \$_____ by or before_____.

_____ Client will pay off the flat fee listed above in installments as described here:

*A best practice is to offer flat fee and other pricing options that provide potential clients with predictability and certainty. Attorneys have the option of offering other fee arrangements to clients, including, but not limited to, offering their services pro bono, and if they do so, they should customize this provision to reflect that pricing model.

b. **Costs.** The fee does not include costs and expenses incurred to provide those services. In addition to the fee above, Client agrees to pay any costs and expenses including, but not limited to, fees associated with filing the case, private investigators, expert witnesses, court reporters and transcripts, service of subpoenas, and travel expenses which Attorney considers necessary and proper for the preparation and execution of the Attorney's commitments. Attorney will seek Client's approval before incurring these costs and explain why these costs are necessary to accomplish Client's goals. Client agrees to pay costs within thirty (30) days of receiving an associated invoice.

6. **Right to Seek Advice of Other Counsel.** Client has the right to ask another attorney for advice and professional services at any time during or following this Agreement.
7. **No Guarantees.** Client agrees that Attorney has not made any promises or guarantees that their involvement in the case will cause a certain outcome or result.
8. **Termination.** Client and Attorney have entered into a voluntary relationship and may end that relationship at any time. Client may end the relationship for any reason. Attorney may end the relationship if Attorney learns that Client has misrepresented or failed to disclose material facts to Attorney, if Client fails to follow Attorney's legal advice, if Client fails to cooperate in the representation, if Client fails to make the agreed upon payment(s), or for any other reason allowed by the [Illinois Rules of Professional Conduct](#). If the relationship ends, Client has a right to request a copy of their file, which includes all of the information given by Client to Attorney and any legal work completed by Attorney on Client's behalf.

Client is responsible for payment of all outstanding costs and expenses incurred prior to termination and attorney shall have a right to keep an appropriate proportion of the fees paid or due based on the legal services provided to Client. In the event there is a disagreement over the fees owed to Attorney, Illinois law provides attorneys with the right to seek judicial relief for outstanding fees, including a retaining lien to enforce payment of the bill, *after* an attorney's withdrawal or a client's request for the attorney to withdraw.

9. **Withdrawal of Attorney.** Attorney's obligation to Client is over once Attorney has completed all of the services identified in the attached Checklist. If Attorney has made a limited scope appearance on behalf of Client, that appearance should be terminated or withdrawn in a timely manner. In addition, Attorney may withdraw from the representation at any time as permitted under [Illinois Rule of Professional Conduct 1.16](#). Even if Attorney withdraws, Client must pay Attorney for all services provided and must reimburse Attorney for all out-of-pocket costs incurred prior to the withdrawal.
10. **Release of Client's Papers and Property.** Once all of Attorney's services are performed, Attorney will return all original documents to Client. If Client requests that all paper and property be returned, Attorney will release all of Client's papers and property to Client within a reasonable period of time. If Client does not make this request or give other direction, Attorney may dispose of the papers and property after seven (7) years following completion of services.

11. Client has carefully read this Agreement and understands all of its provisions. Client agrees with the following statements by initialing each one:

- a. Attorney has accurately described my goals in Paragraph 1.
- b. I am responsible for my case and will be in control of my case at all times as described in Paragraph 4.
- c. The services that I want Attorney to perform in my case are identified by the word “YES” in the “Attorney To Do” column of the Checklist that is attached to this Agreement. I take responsibility for all other aspects of my case, including, but not limited to, those tasks assigned to me under the “Client To Do” column in the Checklist.
- d. Attorney discussed the difference between full representation and limited scope representation and I understand and accept the limitations on the scope of Attorney’s responsibilities identified in Paragraphs 2 and 3.
- e. I will pay Attorney for services as described in Paragraph 5.
- f. I understand that any amendments to this Agreement must be in writing as described in Paragraph 3.
- g. I acknowledge that I have been advised by Attorney that I have the right to consult with another independent attorney to review this Agreement and to advise me on my rights as a client before I sign this Agreement.

Client Signature _____

Date: _____

Attorney Signature _____

Date: _____

LIMITED SCOPE REPRESENTATION AGREEMENT

TO THE CLIENT: THIS IS A LEGALLY BINDING CONTRACT. PLEASE READ IT CAREFULLY AND MAKE CERTAIN THAT YOU UNDERSTAND ALL OF THE TERMS AND CONDITIONS. YOU MAY TAKE THIS CONTRACT HOME WITH YOU, REVIEW IT WITH ANOTHER ATTORNEY IF YOU WISH, AND ASK ANY QUESTIONS YOU MAY HAVE BEFORE SIGNING.

EMPLOYMENT OF A LAWYER FOR LIMITED SCOPE REPRESENTATION REQUIRES THAT THE LAWYER AND CLIENT CAREFULLY AND THOROUGHLY REVIEW THE DUTIES AND RESPONSIBILITIES EACH WILL ASSUME. ANY LIMITED REPRESENTATION AGREEMENT SHOULD DESCRIBE, IN DETAIL, THE LAWYER'S DUTIES IN THE CLIENT'S INDIVIDUAL CASE.

To help you in litigation, you and a lawyer may agree that the lawyer will represent you in the entire case, or only in certain parts of the case. "Limited representation" occurs if you retain a lawyer only for certain parts of the case. When a lawyer agrees to provide limited scope representation in litigation, the lawyer must act in your best interest and give you competent help. However, when a lawyer and you agree that the lawyer will provide only limited help,

- the lawyer DOES NOT HAVE TO GIVE MORE HELP than the lawyer and you agreed.
- the lawyer DOES NOT HAVE TO help with any other part of your case.

Date: _____

1. CLIENT, _____, retains LAWYER, _____, to perform limited legal services only in the following matter:
_____.

2. Client seeks only the following services from Lawyer (check appropriate box):

- Legal advice: office visits, telephone calls, fax, mail, e-mail
 - This is a one-time consultation.
- Advice about availability of alternative means of resolving the dispute, including mediation and arbitration, including helping you prepare for mediation or arbitration.
- Evaluation of Client self-diagnosis of the case and advising Client about legal rights and responsibilities.
- Guidance and procedural information for filing or serving court documents.
- Review pleadings and other documents prepared by Client.
- Review pleadings and other documents prepared by opposing party/counsel.
- Suggest documents for you to prepare.
- Draft pleadings, motions, and other documents.

List the documents to be prepared: _____

- Factual investigation: contacting witnesses, public record searches, in-depth interview of Client.
If not checked, Client understands that Lawyer will not make any independent investigation of the facts and is relying entirely on Client's limited disclosure of the facts given the limited services provided.
- Assistance with computer support programs.
List the programs to be used: _____
- Legal research and analysis.
List the issues to be researched and analyzed: _____
- Evaluate settlement options.
- Prepare discovery documents, such as interrogatories and requests for document production.
List the discovery documents to be prepared: _____
- Help you prepare for depositions.
- Planning for negotiations.
- Planning for court appearances.
- Standby telephone assistance during negotiations or settlement conferences.
- Referring Client to expert witnesses, other counsel, or other service providers.
- Counseling Client about an appeal.
- Procedural assistance with an appeal and assisting with substantive legal argument in an appeal.
- Provide preventive planning and/or schedule legal check-ups.
- Representing you in court but only for the following specific matters: _____
- Other: _____

3. Client shall pay the Lawyer for those limited services as follows (check agreed options):

- Hourly Fee. Client agrees to pay Lawyer for the agreed limited services at an hourly rate. The current hourly fee charged by Lawyer or Lawyer's law firm for services under this agreement is as follows:
 - i. Lawyer: \$ _____
 - ii. Associate: \$ _____
 - iii. Paralegal: \$ _____
 - iv. Law Clerk: \$ _____

Unless a different fee arrangement is established in clause "b" of this paragraph, the hourly fee shall be payable at the time of the service. Time will be charged in increments of one-tenth of an hour, rounded off for each particular activity to the nearest one-tenth of an hour.

- Flat Fee. Client will pay Lawyer a flat fee for the limited services listed of \$_____.
- Retainer/Payment from Deposit. Client will pay to Lawyer a retainer/deposit of \$_____, to be received by Lawyer on or before _____, and to be applied against attorney fees and costs incurred by Client. This amount will be deposited by Lawyer in attorney trust account. Client authorizes Lawyer to withdraw funds from the trust account to pay attorney fees and costs as they are incurred by Client. The deposit is refundable. If, at the termination of services under this agreement, the total amount incurred by Client for attorney fees and costs is less than the amount of the deposit, the difference will be refunded to Client. If the deposit is not enough to pay for the services provided by the attorney, Client shall pay any additional costs within thirty days of billing.
- Costs. Client shall pay Lawyer all out-of-pocket costs incurred in connection with this agreement, including long distance telephone and fax costs, photocopy expense, postage, filing fees, investigation fees, deposition fees, and the like unless paid directly by Client.

Lawyer will not advance costs to third parties on Client's behalf and Lawyer will not pay filing fees, court costs, or other costs to any court unless specifically requested by Client and agreed upon in advance by Attorney. Advances will be repaid to Lawyer in addition to any attorney's fee charged as set forth above. Lawyer may request that the amount to be advanced or paid on behalf of Client be paid to Lawyer before any payment is made to a third party.

4. Lawyer representation begins with the signing of this Agreement and it terminated at the completion of the services requested and identified above or _____, whichever happens first.
5. Additional Services/Representation: Lawyer and Client may later determine that the Lawyer should provide additional limited services or assume full representation. Lawyer has no further obligation to Client after completing the above described limited legal services unless and until both Lawyer and Client enter into another written representation agreement. Lawyer may decline to provide additional services.
 - a. If Lawyer agrees to provide additional services, those additional service should be specifically listed in an amendment to this agreement, signed and dated by both the Lawyer and Client.
 - b. If Lawyer and Client agree that Lawyer will serve as Client's attorney of record on all matters related to handling Client's case, Client and Lawyer should indicate that agreement in an amendment to this agreement, signed and dated by both the Lawyer and Client.
 - c. **NEITHER LAWYER NOR CLIENT SHOULD RELY ON VERBAL DISCUSSIONS OR VERBAL AGREEMENTS WHEN CHANGING THE TERMS OF THE LAWYER'S RESPONSIBILITY FOR REPRESENTATION.**
6. If any dispute between Client and Lawyer arises under this agreement concerning the payment of fees, Client and Lawyer will submit the dispute for fee dispute resolution.
7. Client has read this Limited Scope Representation Agreement and understands what it says. Client agrees that the legal services specified above are the only legal help Lawyer will provide. Client understands and agrees that:
 - the Lawyer who is helping me with these services is not my lawyer for any other purpose and does not have to give me any more legal help;
 - Lawyer is not promising any particular outcome;
 - because of the limited services to be provided, Lawyer has limited his or her investigation of the facts as set out in specifically in this agreement; and
 - if Lawyer goes to court with me, Lawyer does not have to help me afterwards, unless we both agree in writing.

Client understands that it is important that Lawyer, the opposing party, and the court handling my case be able to reach me at this address. I therefore agree that I will inform Lawyer or any Court and opposing party, if applicable, of any change in my permanent address or telephone number.

WE HAVE EACH READ THE ABOVE AGREEMENT BEFORE SIGNING IT.

Client:

Lawyer:

Printed Name: _____

Address: _____

Phone: _____

Firm: _____

Address: _____

Phone: _____

Limited Scope Representation Agreement

This Agreement is made between ---(name)---, the “Client” and (lawyer name), the “Lawyer”. The Client wishes to hire Lawyer to assist in connection with: (the matter- spell out the legal issue/case in detail), the “matter.”

Client and Lawyer agree that Lawyer is not engaged for to represent the client generally in the matter, but rather, that Lawyer will limit the scope of representation to only provide certain specific legal services in connection with the matter for a short time or for a particular purpose.

The lawyer must act in your best interest and give you competent help. Because Client and Lawyer have agreed that Lawyer will provide limited help:

- Lawyer does not have to give more help than agreed in this contract, and
- Lawyer does not have to help Client with any other part of the matter.

While performing the limited legal services, Lawyer:

- Does not promise any particular outcome.
- Relies entirely on Client’s disclosure of facts and will not make any independent investigation unless expressly agreed to in writing in this document.
- May advise you that limited representation is not reasonable, and advise you that you need more services or another lawyer.

Lawyer and Client agree that the Lawyer’s services are identified below and are limited to the specific services identified and do not include any other services:

[INSTRUCTIONS: Check every item either Yes or No - do not leave any item blank. Delete all text that does not apply.]:

YES NO

- a) Give legal advice in office visits, telephone calls, facsimile, mail or e-mail
- b) Advise about alternate means of resolving the matter including collaboration, mediation and arbitration
- c) Evaluate Client's analysis of the case and advise as to legal rights and responsibilities.
- d) Review pleadings and other documents prepared by Client.
- e) Provide guidance and procedural information regarding filing and serving documents
- f) Suggest documents to be prepared
- g) Draft pleadings, motions and other documents
- h) Perform factual investigation including contacting witnesses, public record searches, in-depth interview of Client.
- i) Perform legal research and analysis
- j) Evaluate settlement options

- k) Perform discovery by interrogatories, deposition and requests for admissions and requests for production of documents
- l) Plan for negotiations
- m) Plan for court appearances
- n) Provide standby telephone assistance during mediation, negotiations or settlement conferences
- o) Refer Client to expert witnesses, special masters or other attorneys
- p) Provide advice about an appeal
- q) Provide procedural assistance with an appeal
- r) Provide substantive legal arguments in an appeal
- s) Appear in court for the limited purpose of _____
- t) Provide preventative planning and/or schedule legal check-ups
- u) Other: _____

Lawyer will not represent, speak for, appear for or sign papers on Client's behalf. Further, Lawyer will not provide any services that are not identified above and will not make decisions for Client about any aspect of the matter.

Client agrees to pay for such services as follows:

Client agrees to pay for any of the following costs incurred by Lawyer:

Lawyer (name)

Date: _____

(Lawyer Signature)

CLIENT'S CONSENT

I have read this Notice and Consent form and I understand it. I agree that the legal services listed above are the only legal services to be provided by the Lawyer. I understand and agree that the lawyer who is helping me with these services is not my Lawyer for any other purpose and does not have to give me more legal help. If the lawyer is giving me advice or is helping me with legal or other documents, I understand the lawyer will stop helping me when the services listed above have been completed. The address I give below is my permanent address where I can be reached. I understand that it is important that the court handling my case and other parties to the case be able to reach me at the address after the Lawyer ends the limited representation. I therefore agree that I will inform the Court and other parties of any change in my permanent address. In exchange for the lawyer's Limited representation, I agree to pay the attorney's fee and costs described above.

Sign your name: _____

Print your name: _____

Print your address: _____

Phone number: _____ FAX: _____

Message Phone: _____ Name: _____

Email address: _____

SINGLE CONSULTATION AGREEMENT

On _____, 20____, _____ (Client) consulted with _____ (Attorney), who performed a conflicts check on _____ for limited scope assistance and advice. At that time, attorney provided the following service:	
	Review of court documents (describe):
	Information about document preparation:
	Assistance with document preparation:
	Advice regarding Client's rights and responsibilities
	Advice about the law and strategy relevant to issues as identified by Client
	Preparing calculations/ Advising regarding proposed calculations
	Information about fact gathering and discovery
	Guidance about procedural information and filing and service of documents
	Advice about negotiation and the preparation and presentation of evidence
	Advice about law and strategy related to an ongoing mediation/negotiation or litigation
	Legal Research
	Advising on trial or negotiating techniques
	Advising on Settlement Agreement
	Review and analysis of Client's case or trial strategy
	Other (specify):
	Client has paid Attorney for his/her time. All tasks which Client requested of Attorney have been completed and no further services are requested or expected from Attorney. Neither Client nor Attorney contemplates or expects a further professional relationship. Client acknowledges that he/she has been advised of the Client's right to seek separate legal advice from other counsel of Client's choice with regard to all legal matters that are outside the scope of the specific limited services provide by Attorney under this agreement.
Date:	Date:
CLIENT'S SIGNATURE:	ATTORNEY'S SIGNATURE:

CONSULTING SERVICES AGREEMENT

Identification of Parties: This Agreement, executed in duplicate with each party receiving an executed original, is made between _____, hereafter referred to as “Attorney,” and _____, hereafter referred to as “Client.”

Nature of Case: Client consulted Attorney in the following matter: _____

1. Client Responsibilities and Control: Client will remain responsible for and in control of his/her own case at all times. This means that Client will be responsible for understanding the issues, resolution options, and potential consequences of those resolution options. In addition, Client agrees to:
 - a. Cooperate with Attorney or his/her office by complying with all reasonable requests for information in connection with the matter for which Client is requesting services.
 - b. Inform Attorney of the specific parts of the case that Client requests Attorney’s assistance with.
 - c. Review and evaluate all information provided by Attorney.
 - d. Keep Attorney or his/her office advised of Client’s concerns and any information pertinent to the Client’s case.
 - e. Provide Attorney with copies of all correspondence to and from Client relevant to the case.
 - f. Notify Attorney of any pending negotiations, hearings, contractual deadlines, or litigation.
 - g. Keep all documents related to the case in a file for review by Attorney.
 - h. Sign all relevant papers, agreements, or findings relative to the case.
 - i. Immediately notify Attorney of any changes of work or home addresses or telephone numbers of the Client.
 - j. Immediately notify Attorney if the Client receives any new pleading, motion, letter, or other documents from the other party, the other party’s lawyer, any expert, appraiser, or evaluator hired by either party or appointed by the Court, or any Special Master, or any documents

from the Court, and provide the Attorney with a copy of the item received, as well as the date it was received by the Client.

2. Scope of Services: Client requests Attorney to perform or *not to perform* the following services related to the issues identified here or attachment hereto:

Write “Yes” if the task is assigned to the Attorney and “No” if it is not.

a.		Advice about law and strategy related to an ongoing mediation, negotiation, or litigation
b.		Information about document preparation
c.		Assistance with document preparation
d.		Information about fact gathering and discovery
e.		Assistance with drafting discovery requests
f.		Assistance with computer support programs
g.		Guidance and procedural information regarding filing and serving documents
h.		Advice about negotiations and the preparation and presentation of evidence
i.		Legal research
j.		Coaching on trial or negotiating techniques
k.		Review and analysis of Client’s trial strategy
l.		Advice about an appeal
m.		Procedural assistance with an appeal
n.		Assistance with substantive legal argument
o.		Other:

3. Limitation of Attorney’s Responsibilities: Attorney will perform the specific legal tasks identified by the word “Yes” in paragraph 2 above consistent with Attorney’s ethical and professional responsibilities, including observing strict confidentiality, and based on the information available to Attorney. In providing those services, Attorney *will not*:

- a. Represent, speak for, appear for, or sign papers on Client’s behalf.
- b. Provide services in paragraph 2 which are identified with the word “No.”

- c. Make decisions for Client about any aspect of the case.
- d. Litigate Client's case on Client's behalf.

Attorney will NOT perform any services identified by the word "No" in paragraph 2 above. The Client may request that Attorney provide additional services. If Attorney agrees to provide additional services, they will be specifically listed in an amendment to this Agreement and initialed by both parties. The date that both the Attorney and the Client initial any such list of additional services to be provided will be the date on which the Attorney becomes responsible for providing those additional services. If the Client decides to retain the Attorney as the Client's Attorney of record for handling the entire case on the Client's behalf, the Client and the Attorney will enter into a new written Agreement setting forth that fact and the Attorney's additional responsibilities in the Client's case.

4. Method of Payment for Services:

- a. Hourly Fee: The current hourly fee charged by the Attorney for services under this Agreement is \$_____. The hourly fee will be payable at the time of the service unless a different fee arrangement is established in clause 4b below. Attorney will charge in increments of one-tenth of an hour, rounded off for each particular activity to the nearest one-tenth of an hour. ****CF

: || YX: YY. H YWfYbZl YZYWUf[YXVnh Y5hcfbYmZf gJf JWgi bXf'h lg5[fYá Ybhi
 'lg~ SSSSSS" H YZYk]` VYdUhbVYUhh Yha YcZh Yg[b]b['cZh lgU fYá Ybhi b YggU
 XZZfYbZyUfUbl Yá Ybhlg YdW'g' XWYck"

- b. Payment from Deposit: For a continuing consulting role, Client will pay to Attorney a deposit of \$ _____ to be received by Attorney on or before _____ and to be applied against Attorney's fees and costs incurred by Client. This amount will be deposited by Attorney in Attorney's trust account. Client authorizes Attorney to withdraw the principal from the trust account to pay Attorney's fees and costs as the Client incurs them. Any interest earned will be paid to the C_Uca U6Uf: ci bXUfcb" H YXdcg'hlg' refundable. At the termination of services under h'lg5[fYá Ybzh Yfá Ublb[VUUBW of the deposit, if any, will be refunded to the Client.
- c. Costs: All costs payable to third parties in connection with Client's case including filing fees, investigation fees, deposition fees and other fees shall be paid directly by Client. Attorney will not advance costs to third parties on Client's behalf.
- d. Client acknowledges that Attorney has made no promises about the total amount of Attorney's fees to be incurred by Client under this Agreement.

- 5. Discharge of Attorney: Client may discharge Attorney at any time by written notice effective when received by Attorney. Attorney will provide no further services after receipt of this notice unless specifically agreed to by Attorney and Client. Notwithstanding the discharge, Client will remain obligated to pay Attorney at the agreed rate for all services provided prior to such discharge.

6. Withdrawal of Attorney: Attorney may withdraw at any time as permitted under the C_ Uca U Rules of Professional Conduct. Notwithstanding Attorney's withdrawal, Client will remain obligated to pay Attorney at the U fYXfUYZfU`gfj Wgdfcj [XX'5hh YHfa]Ujcb`cZgfj]Mgi bXf'h]g5[fYá Ybz 5hcfbYrk]` release promptly to Client, on request, all of Client's papers and property.
7. Disclaimer of Guarantee: Although Attorney may offer an opinion about possible results regarding the subject matter of this Agreement, Attorney cannot guarantee any particular result. Client acknowledges that Attorney has made no promises about the outcome and that any opinion offered by Attorney in the future will not constitute a guarantee.
8. Arbitration of Fee Dispute: If a dispute arises between Attorney and Client regarding Attorney's fees or costs under this Agreement, Client agrees to submit the arbitration to the SSSSSSSSSSSS Bar Association for resolving the dispute.
9. Entire Agreement: This Agreement is the complete Agreement between Attorney and Client. If Attorney and Client decide to amend this Agreement, in any way, the amendment must be in writing, signed by both parties, and attached to this Agreement.
10. Effective Date of Agreement: The effective date of this Agreement will be the date when, having been executed by Client, one copy of the Agreement is received by Attorney and Attorney receives the deposit required by Paragraph 4b above. Once effective, this Agreement will also apply to services provided by Attorney on this matter prior to the effective date.

The foregoing is agreed to by:

(Print Client Name)	(Print Attorney Name)
(Client signature)	(Attorney Signature)
Date:	Date:

ONGOING CONSULTING AGREEMENT

Identification of Parties: This Agreement, executed in duplicate with each party receiving an executed original, is made between _____, hereafter referred to as “Attorney,” and _____, hereafter referred to as “Client.”

Nature of Case: Client consulted Attorney in the following matter: _____

1. Client Responsibilities and Control: Client will remain responsible for the conduct of the case and understands that he/she will remain in control of and be responsible for all decisions made in the course of the case except for those specific aspects assigned to Attorney. Client agrees to:
 - a. Cooperate with Attorney or his/her office by complying with all reasonable requests for information in connection with the matter for which Client is requesting services;
 - b. Keep Attorney or his/her office advised of Client’s concerns and any information pertinent to the Client’s case;
 - c. Provide Attorney with copies of all pleadings and correspondence to and from Client regarding this case;
 - d. Immediately provide Attorney with any new pleadings or motions received from the other party; and
 - e. Keep all documents related to the case in a file for review by Attorney.

2. Scope of Services to be Performed by Attorney: Client and Attorney have agreed that Attorney will provide the following services, indicated by a YES or NO next to each item. Client understands Attorney *will not perform* any services indicated with the word NO.

Write “Yes” next to the letter if the task is assigned to the Attorney and “No” if it is not.

a.		Legal advice by office visit, phone call, fax, mail, and/or email;
b.		Evaluation of Client’s self-diagnosis of the case and advising Client about legal rights and responsibilities;

c.	Advice about availability of alternative means to resolving the dispute, including mediation and arbitration;
d.	Advice about law and strategy related to an ongoing mediation, negotiation, or litigation;
e.	Suggest documents to be prepared;
f.	Assistance with drafting pleadings and motions;
g.	Guidance and procedural information for filing or serving documents;
h.	Information about fact gathering (contacting witnesses, public record searches);
i.	Assistance with drafting discovery requests (interrogatories, depositions, requests for document production);
j.	Assistance with computer support programs;
k.	Evaluate settlement options;
l.	Advice about negotiations (including role-playing with Client);
m.	Advice about planning for court (preparation and presentation of evidence, including role-playing with Client);
n.	Legal research and analysis;
o.	Review and analysis of Client's trial strategy;
p.	Refer Client to expert witnesses, special masters, or other counsel;
q.	Advice about an appeal;
r.	Procedural assistance with an appeal;
s.	Assistance with substantive legal argument in an appeal;
t.	Provide preventive planning; create legal check-up schedule;
u.	Other:

3. Limitation of Attorney's Responsibilities: Attorney will perform the specific legal tasks identified by the word "Yes" in paragraph 2 above consistent with Attorney's ethical and professional responsibilities, including observing strict confidentiality, and based on the information available to Attorney. In providing those services, Attorney *will not*:
- a. Represent, speak for, appear for, or sign papers on Client's behalf.
 - b. Provide services in paragraph 2 which are identified with the word "No."
 - c. Make decisions for Client about any aspect of the case.
 - d. Litigate Client's case on Client's behalf.
 - e. Protect Client's property by means of restraining orders while discovery and/or negotiations are in progress.

Attorney will NOT perform any services identified by the word “No” in paragraph 2 above. The Client may request that Attorney provide additional services. If Attorney agrees to provide additional services, they will be specifically listed in an amendment to this Agreement, and initialed by both parties. The date that both the Attorney and the Client initial any such list of additional services to be provided will be the date on which the Attorney becomes responsible for providing those additional services. If the Client decides to retain the Attorney as the Client’s Attorney of record for handling the entire case on the Client’s behalf, the Client and the Attorney will enter into a new written Agreement setting forth that fact and the Attorney’s additional responsibilities in the Client’s case.

4. Right to Seek Advice of Other Counsel: Client is advised of the right to seek the advice and professional services of other counsel with respect to those services in Paragraph 3 which are identified with the word “No” at any time during or following this Ongoing Consulting Agreement.

5. Method of Payment for Services:

a. Hourly Fee: The current hourly fee charged by the Attorney for services under this Agreement is \$_____. The hourly fee will be payable at the time of the service unless a different fee arrangement is established in clause 5b below. Attorney will charge in increments of one-tenth of an hour, rounded off for each particular activity to the nearest one-tenth of an hour.

If, while this Agreement is in effect, Attorney increases the hourly rate(s) being charged to clients in general for Attorney’s fees, that increase may be applied to fees incurred under this Agreement provided the Client receives written notice of the increase thirty (30) days in advance of such increase. If Client chooses not to consent to the increased rate(s), Client may terminate Attorney’s services under this Agreement by written notice, effective upon receipt of notice by Attorney.

b. Payment from Deposit: For a continuing consulting role, Client will pay to Attorney a deposit of \$ _____, to be received by Attorney on or before _____ and to be applied against Attorney’s fees and costs incurred by Client. This amount will be deposited by Attorney in Attorney’s trust account. Client authorizes Attorney to withdraw the principal from the trust account to pay Attorney’s fees and costs as the Client incurs them. Any interest earned will be paid to the Client. The deposit is refundable. At the termination of services under this Agreement, the remaining balance of the deposit, if any, will be refunded to the Client.

c. Costs: All costs payable to third parties in connection with Client’s case including filing fees, investigation fees, deposition fees, and other fees shall be paid directly by Client. Attorney will not advance costs to third parties on Client’s behalf.

6. Discharge of Attorney: Client may discharge Attorney at any time by written notice effective when received by Attorney. Attorney will provide no further services after receipt of this notice unless specifically agreed to by Attorney and Client. Notwithstanding the discharge, Client will remain obligated to pay Attorney at the agreed rate for all services provided prior to such discharge.
7. Withdrawal of Attorney: Attorney may withdraw at any time as permitted under the Oklahoma Rules of Professional Conduct.
Notwithstanding Attorney's withdrawal, Client will remain obligated to pay Attorney at the agreed rate for all services provided. At the termination of services under this Agreement, Attorney will release promptly to Client, on request, all of Client's papers and property.
8. Disclaimer of Guarantee: Although Attorney may offer an opinion about possible results regarding the subject matter of this Agreement, Attorney cannot guarantee any particular result. Client acknowledges that Attorney has made no promises about the outcome and that any opinion offered by Attorney in the future will not constitute a guarantee.
9. Resolving Disputes between Client and Attorney:
 - a. Notice and Negotiation: If any dispute between Attorney and Client arises under this Agreement regarding the payment of fees for Attorney's professional services rendered to or for Client, and any other disagreement, regardless of the nature of the facts or legal theories involved, both Attorney and Client agree to meet and confer within ten (10) days of written notice by either Attorney or Client that the dispute exists. The purpose of this meeting and conference will be to negotiate a solution short of further dispute resolution proceedings.
 - b. Mediation: If the dispute is not resolved through negotiation, Attorney and Client will attempt to agree on a neutral mediator whose role will be to facilitate further negotiations. If the Attorney and Client cannot agree on a neutral mediator, they will request that the _____ Bar Association, American Arbitration Association or similar organization select a mediator. The mediation shall occur within fifteen (15) days after the mediator is selected. The Attorney and Client shall share the costs of the mediation, provided that the payment of costs and any attorney's fees may be mediated.
 - c. Litigation: Should it be necessary to institute legal action for the enforcement of this Agreement, the prevailing party shall be entitled to receive all court costs and reasonable attorney fees incurred in such action from the other party.

10. Entire Agreement: This Agreement is the complete Agreement between Attorney and Client. If Attorney and Client decide to amend this Agreement, in any way, the amendment must be in writing, signed by both parties, and attached to this Agreement.

11. Effective Date of Agreement: The effective date of this Agreement will be the date when, having been executed by Client, one copy of the Agreement is received by Attorney and Attorney receives the deposit required by Paragraph 4b above. Once effective, this Agreement will also apply to services provided by Attorney on this matter prior to the effective date.

The foregoing is agreed to by:

(Print Client Name)	(Print Attorney Name)
(Client signature)	(Attorney Signature)
Date:	Date:

LIMITED SCOPE REPRESENTATION AGREEMENT INCLUDING COURT APPEARANCE

Identification of Parties: This Agreement, executed in duplicate with each party receiving an executed original, is made between _____, hereafter referred to as “Attorney,” and _____, hereafter referred to as “Client.”

Nature of Case: Client consulted Attorney in the following matter: _____

1. Client Responsibilities and Control: Client will remain responsible for the conduct of the case and understands that he/she will remain in control of and be responsible for all decisions made in the course of the case. Client agrees to:
 - a. Cooperate with Attorney or his/her office by complying with all reasonable requests for information in connection with the matter for which Client is requesting services;
 - b. Keep Attorney or his/her office advised of Client’s concerns and any information pertinent to the Client’s case;
 - c. Provide Attorney with copies of all pleadings and correspondence to and from Client regarding this case;
 - d. Immediately provide Attorney with any new pleadings or motions received from the other party; and
 - e. Keep all documents related to the case in a file for review by Attorney.

2. Services to be Performed by Attorney:
 - a. Client seeks the services from Attorney as set forth in the Tasks and Issues to be Apportioned checklist (See Appendix 9) attached as Exhibit A. Attorney and Client shall designate the services to be rendered by Attorney by writing “yes” in the column labeled “Attorney Shall Do” next to the services they agree Attorney will do. Attorney and Client shall designate the services Client shall undertake him/herself by writing the word “yes” under the column labeled “Client to Do” next to those services. If a service is to be rendered by another attorney or some other third person, the word “Other Attorney” or other similar designation shall be written in the blank opposite the service. Attorney and Client shall each retain an original of this Agreement and the designation of services in Exhibit A attached.

- b. The Client may request that Attorney provide additional services. If Attorney agrees to provide additional services, those additional services will be specifically listed in an amendment to this Agreement and initialed and dated by both parties. The date that both Attorney and Client initial any such list of additional services to be provided will be the date on which the Attorney becomes responsible for providing those additional services. If Client decides to retain Attorney as Client's Attorney of record for handling the entire case on Client's behalf, Client and Attorney will enter into a new written Agreement setting forth that fact and Attorney's additional responsibilities in Client's case.
3. Right to Seek Advice of Other Counsel: Client is advised of the right to seek the advice and professional services of other counsel with respect to those services in Paragraph 2 and Exhibit A and successor exhibits detailing the scope of representation which are identified with the words "no" or "client to do" at any time during or following this Limited Representation Agreement.
4. Attorney of Record: It is the intention of Attorney and Client that Attorney shall only perform those services specifically requested of Attorney. Some of those services may require Attorney to become attorney of record or make a court appearance in Client's case in order to perform the service requested. Attorney and Client specifically agree that Attorney's becoming attorney of record for such purposes shall not authorize or require Attorney to expand the scope of representation beyond the specific services designated. In the event that any court requires Attorney, as attorney of record for one or more authorized issues or tasks, to assume the responsibility for other tasks or issues reserved to Client or a third party professional, Attorney may, at his/her option, elect to withdraw from representation and Client agrees to execute any forms reasonably requested by Attorney.
5. Method of Payment for Services:
- a. Hourly Fee: The current hourly fee charged by the Attorney for services under this Agreement is as follows:
- (1) Attorney \$_____.
 - (2) Associate \$_____.
 - (3) Paralegal \$_____.
 - (4) Law Clerk \$_____.

Unless a different fee arrangement is established in Paragraph 5b of this Agreement, the hourly fee shall be payable at the time of the service. Attorney will charge in increments of one-tenth of an hour, rounded off for each particular activity to the nearest one-tenth of an hour. If, while this Agreement is in effect, Attorney increases the hourly rate(s) being charged to clients in general for Attorney's fees, that increase may be applied to fees incurred under this Agreement provided the Client receives written notice of the increase thirty (30) days in advance of such increase. If Client chooses not to consent to the increased rate(s), Client may terminate Attorney's services under this Agreement by written notice, effective upon receipt of notice by Attorney.

- b. Payment from Deposit: For a continuing consulting role, Client will pay to Attorney a deposit of \$ _____, to be received by Attorney on or before _____ and to be applied against Attorney's fees and costs incurred by Client. Attorney will deposit this amount in Attorney's trust account. Client authorizes Attorney to withdraw the principal from the trust account to pay Attorney's fees and costs as Client incurs them. Any interest earned will be paid to the Oklahoma Bar Foundation. The deposit is refundable. At the termination of services under this Agreement, the remaining balance of the deposit, if any, will be refunded to Client.
 - c. Costs: All costs payable to third parties in connection with Client's case including filing fees, investigation fees, deposition fees and other fees shall be paid directly by Client. Attorney will not advance costs to third parties on Client's behalf.
 - d. Client acknowledges that Attorney has made no promises about the total amount of Attorney's fees to be incurred by Client under this Agreement.
6. Discharge of Attorney: Client may discharge Attorney at any time by written notice effective when received by Attorney. Attorney will provide no further services after receipt of this notice unless specifically agreed to by Attorney and Client. Notwithstanding the discharge, Client will remain obligated to pay Attorney at the agreed rate for all services provided prior to such discharge.
7. Withdrawal of Attorney: Attorney may withdraw at any time as permitted under the Oklahoma Rules of Professional Conduct.
8. Disclaimer of Guarantee: Although Attorney may offer an opinion about possible results regarding the subject matter of this Agreement, Attorney cannot guarantee any particular result. Client acknowledges that Attorney has made no promises about the outcome and that any opinion offered by Attorney in the future will not constitute a guarantee.
9. Resolving Disputes between Client and Attorney:
 - a. Notice and Negotiation: If any dispute between Attorney and Client arises under this Agreement regarding the payment of fees for Attorney's professional services rendered to or for Client, and any other disagreement, regardless of the nature of the facts or legal theories involved, both Attorney and Client agree to meet and confer within ten (10) days of written notice by either Attorney or Client that the dispute exists. The purpose of this meeting and conference will be to negotiate a solution short of further dispute resolution proceedings.
 - b. Mediation: If the dispute is not resolved through negotiation, Attorney and Client will attempt to agree on a neutral mediator whose role will be to facilitate further negotiations. If the Attorney and Client cannot agree on a neutral mediator, they will request that the _____ Bar Association, American Arbitration Association or similar organization select a mediator. The mediation shall occur within fifteen (15) days after the mediator is selected. The Attorney and Client shall share the costs of the mediation, provided that the payment of costs and any attorney's fee may be mediated.

- c. Litigation: Should it be necessary to institute legal action for the enforcement of this Agreement, the prevailing party shall be entitled to receive all court costs and reasonable attorney fees incurred in such action from the other party.
10. Entire Agreement: This Agreement is the complete Agreement between Attorney and Client. If Attorney and Client decide to amend this Agreement in any way, the amendment must be in writing, signed by both parties, and attached to this Agreement. If Client wishes to obtain additional services from Attorney as defined in Paragraph 2b, a photocopy of Paragraph 2b and the amendment which clearly denotes which extra services are to be provided, signed and dated by both Attorney and Client and attached to this Agreement, shall qualify as an amendment.
11. Severability in Event of Partial Invalidity: If any provision of this Agreement is held in whole or in part to be unenforceable for any reason, the remainder of that provision and of the entire Agreement will be severable and remain in effect.
12. Effective Date of Agreement: The effective date of this Agreement will be the date when, having been executed by Client, one copy of the Agreement is received by Attorney and Attorney receives the deposit required by Paragraph 4b above. Once effective, this Agreement will also apply to services provided by Attorney on this matter prior to the effective date.
13. I have carefully read this Agreement and believe that I understand all of its provisions. I signify my agreement with the following statements by initialing each one:
- a. _____ I have accurately described the nature of my case in Paragraph 1.
 - b. _____ I will be responsible for the conduct of my case and will be in control of my case at all times as described in Paragraph 1.
 - c. _____ The services that I want Attorney to perform in my case are identified by the word “yes” in Exhibit A. I take full responsibility for all other aspects of my case.
 - d. _____ I will pay Attorney for services as described in Paragraph 6.
 - e. _____ I will resolve any disputes I may have with Attorney under this Agreement in the manner prescribed in Paragraph 9.
 - f. _____ I understand that any amendments to this Agreement will be signed and in writing, as described in Paragraph 10.
 - g. _____ I acknowledge that I have been advised by Attorney that I have the right to consult with another independent attorney to review this Agreement and to have that attorney advise me on my rights as a client *before* I sign this Agreement.

The foregoing is agreed to by:

(Print Client Name)	(Print Attorney Name)
(Client signature)	(Attorney Signature)
Date:	Date:

Limited Scope Representation Agreement

This Agreement is made between --(name)--, the “Client” and (lawyer name), the “Lawyer”. The Client wishes to hire Lawyer to assist in connection with: (the matter- spell out the legal _____ issue/case in detail)_____, the “matter.”

Client and Lawyer agree that Lawyer is not engaged for to represent the client generally in the matter, but rather, that Lawyer will limit the scope of representation to only provide certain specific legal services in connection with the matter for a short time or for a particular purpose.

The lawyer must act in your best interest and give you competent help. Because Client and Lawyer have agreed that Lawyer will provide limited help:

- Lawyer does not have to give more help than agreed in this contract, and
- Lawyer does not have to help Client with any other part of the matter.

While performing the limited legal services, Lawyer:

- Does not promise any particular outcome.
- Relies entirely on Client’s disclosure of facts and will not make any independent investigation unless expressly agreed to in writing in this document.
- May advise you that limited representation is not reasonable, and advise you that you need more services or another lawyer.

Lawyer and Client agree that the Lawyer’s services are identified below and are limited to the specific services identified and do not include any other services:

[INSTRUCTIONS: Check every item either Yes or No - do not leave any item blank. Delete all text that does not apply.]:

YES NO

- a) Give legal advice in office visits, telephone calls, facsimile, mail or e-mail
- b) Advise about alternate means of resolving the matter including collaboration, mediation and arbitration
- c) Evaluate Client's analysis of the case and advise as to legal rights and responsibilities.
- d) Review pleadings and other documents prepared by Client.
- e) Provide guidance and procedural information regarding filing and serving documents
- f) Suggest documents to be prepared
- g) Draft pleadings, motions and other documents
- h) Perform factual investigation including contacting witnesses, public record searches, in-depth interview of Client.
- i) Perform legal research and analysis
- j) Evaluate settlement options

- k) Perform discovery by interrogatories, deposition and requests for admissions and requests for production of documents
- l) Plan for negotiations
- m) Plan for court appearances
- n) Provide standby telephone assistance during mediation, negotiations or settlement conferences
- o) Refer Client to expert witnesses, special masters or other attorneys
- p) Provide advice about an appeal
- q) Provide procedural assistance with an appeal
- r) Provide substantive legal arguments in an appeal
- s) Appear in court for the limited purpose of _____
- t) Provide preventative planning and/or schedule legal check-ups
- u) Other: _____

Lawyer will not represent, speak for, appear for or sign papers on Client's behalf. Further, Lawyer will not provide any services that are not identified above and will not make decisions for Client about any aspect of the matter.

Client agrees to pay for such services as follows:

Client agrees to pay for any of the following costs incurred by Lawyer:

Lawyer (name: _____)

Date: _____

(Lawyer Signature)

CLIENT'S CONSENT

I have read this Notice and Consent form and I understand it. I agree that the legal services listed above are the only legal services to be provided by the Lawyer. I understand and agree that the lawyer who is helping me with these services is not my Lawyer for any other purpose and does not have to give me more legal help. If the lawyer is giving me advice or is helping me with legal or other documents, I understand the lawyer will stop helping me when the services listed above have been completed. The address I give below is my permanent address where I can be reached. I understand that it is important that the court handling my case and other parties to the case be able to reach me at the address after the Lawyer ends the limited representation. I therefore agree that I will inform the Court and other parties of any change in my permanent address. In exchange for the lawyer's Limited representation, I agree to pay the attorney's fee and costs described above.

Sign your name: _____

Print your name: _____

Print your address: _____

Phone number: _____ FAX: _____

Message Phone: _____ Name: _____

Email address: _____

CONSENT TO LIMITED REPRESENTATION

Limited Representation

To help you in litigation, you and a lawyer may agree that the lawyer will represent you in the entire case, or only in certain parts of the case. "Limited representation" occurs if you retain a lawyer only for certain parts of the case.

When a lawyer agrees to provide limited representation in litigation, the lawyer must act in your best interest and give you competent help. However, when a lawyer and you agree that the lawyer will provide only limited help,

-- the lawyer DOES NOT HAVE TO GIVE MORE HELP than the lawyer and you agreed.

-- the lawyer DOES NOT HAVE TO help with any other part of your case.

If you and a lawyer have agreed to limited representation in connection with litigation, you should complete this form and sign your name at the bottom. Your lawyer will also sign to show that he or she agrees. If you and the lawyer both sign, the lawyer agrees to help you by performing the following limited services:

1. ___ Provide you general advice about your legal rights and responsibilities in connection with potential litigation concerning:

which advice shall be provided as:

___ consultation at a one-time meeting, or

___ consultation at an initial meeting and further meetings, telephone calls or correspondence as needed, or as requested by you.

2. ___ Assist in the preparation of your court or mediation matter regarding

by:

[Case name]

_____ explaining court procedures

_____ legal research and analysis regarding

_____ reviewing court papers and
documents prepared by or for you

_____ preparation for court hearing other
regarding _____

_____ suggesting court papers for
you to prepare

_____ preparation for mediation

_____ drafting the following court
papers for your use:

_____ other: _____

3. _____ Representing you in Court regarding _____,
[Case name] but only for the following specific matter(s):

_____ Motion for _____

_____ Temporary hearing

_____ final hearing

_____ trial

_____ other:

4. _____ Other limited service:

Consent

I have read this Consent to Limited Representation Form and I understand what it says. As the lawyer's client, I agree that the legal services specified above are the only legal help this lawyer will give me. I understand and agree that:

-- the lawyer who is helping me with these services is not my lawyer for any other purpose and does not have to give me any more legal help;

-- the lawyer is not promising any particular outcome;

-- because of the limited services to be provided, the lawyer has limited his or her investigation of the facts to that necessary to carry out the identified tasks with competence and in compliance with court rules;

-- if the lawyer goes to court with me, the lawyer does not have to help me afterwards, unless we both agree in writing.

I agree the address below is my permanent address and telephone number where I may be reached. I understand that it is important that my lawyer, the opposing party and the court handling my case, if applicable, be able to reach me at this address. I therefore agree that I will inform my lawyer or any Court and opposing party, if applicable, of any change in my permanent address or telephone number.

A separate fee agreement (____ was / ____ was not) also signed by me and my lawyer.

[print or type your name] Client's Name

[print or type your full mailing street/apartment address]

[sign your name]

[print or type City, State and Zip Code]

Date

[print or type your Phone Number]

[print or type your name]

Lawyer's Name [print or type name of law firm]

[sign your name]

[print or type Street, City, State and Zip Code]

Date [print or type your Phone Number]

[print or type your Phone Number]

SAMPLE TASKS/ISSUES TO BE APPORTIONED

Two checklists follow. They address the two ways in which limited assistance representation arrangements may be apportioned. In the first, the client and the attorney agree which tasks are to be performed by each of them. This is by far the most common arrangement. In the other model, the attorney handles one or more discrete issues from start to finish, with the client assuming responsibility for the other issues.

The checklists should be tailored to your practice and to each case and may be used in two ways:

1. Use them as part of your intake to memorialize your discussions with the client regarding the limitations on scope, and do a new one each time the scope changes (as it frequently does).
2. Use them as exhibits to the fee agreement of your choice, and replace them each time the scope changes.

Tasks to Be Apportioned May Look Like This:

- ___ Client instructs attorney not to do discovery and undertakes the information gathering role;
- ___ Client asks attorney to draft motions or responsive pleadings for a hearing the client attends alone;
- ___ Client consults with attorney on strategy and tactics;
- ___ Client appears at the hearing and asks the attorney to draft the order;
- ___ Client asks attorney to review correspondence or pleadings that the client has drafted;
- ___ Client asks attorney to prepare subpoenas;
- ___ Client asks attorney to write a brief to be filed by the client in client's own name; but with attorney information as set forth in Rule 33 of the Rules for District Courts of Oklahoma.
- ___ Client asks attorney to run computer calculation program for her or review and analyze calculations proposed by the opposing party;

Issues to Be Apportioned May Look Like This:

- _____ Attorney represents client in connection with [X] and [Y] events or issues in court; client self-represents on [Z] events or issues in court;
- _____ Attorney collects any remunerations due from opposing party;
- _____ Attorney obtains preliminary injunction and client self-represents on all other issues;
- _____ Attorney prepares a form [dividing pension, dissolving corporation, etc.], while client self-represents on other issues.

Note: Each limited assistance arrangement is different, and *must* be tailored to the client, case, events, and issues presented. These checklists are designed to be flexible and should be tailored to each case.

ATTACHMENT TO LIMITED ASSISTANCE FEE AGREEMENT - TASKS TO BE APPORTIONED

Tasks to be Apportioned	Assigned to Attorney	Assigned to Client	Date Completed
Draft papers to start case			
File and serve papers			
Draft motions			
Draft affidavits and declarations			
Analyze case and advise of legal rights			
Procedural advice			
Formulating strategy and tactics			
Investigate facts: which issues?			
Obtain documents; which ones?			
Draft correspondence			
Review correspondence and pleadings			
Appear in court			
Run computer programs			
Prepare subpoenas for documents			
Take depositions			
Review depositions and documents obtained from others			
Legal research and analysis			
Contact witnesses			
Draft or analyze settlement proposals			
Contact expert witnesses			
Draft orders and judgments			
Outline testimony			
Trial or negotiation preparation			
Review orders and judgments drafted by client			
Draft disclosure documents			
Advice regarding appeal			
Enforce orders			
Draft other papers as necessary:			
Other:			
Signatures: Attorney _____ Date: _____	Client _____ Date _____		

SAMPLE CHANGE IN SCOPE LETTER

Re: Limited Scope Representation

Dear _____:

Per our [telephone] conversation of _____, 20__, you have asked me to perform additional tasks that are not included in our original Agreement for Limited Scope Representation dated _____ [and modified _____] (copies enclosed).

You have requested and I have agreed to do the following:

1. [Enumerate the specific tasks/issues that you have agreed to undertake for the client.]
2. [e.g. to prepare _____ in response to the motion recently filed.]

I understand that you wish to continue handling all other matters yourself as set forth in our original Agreement.

It is essential that we both have the same understanding of our respective responsibilities in connection with your case. I have prepared and enclosed two copies of a new Checklist, which I believe covers the changes to the prior Agreement for Limited Scope Representation. I am unable to begin work on the new task[s] until one copy of the signed Revised Checklist has been returned to me. Please review the Checklist carefully and, if you agree, initial/sign BOTH copies and return one to me. The other copy is for you and should be attached to your copy of Agreement for Limited Scope Representation.

[If applicable] Some of the tasks you want me to undertake have significant time constraints that could seriously impact your legal rights. It is therefore extremely important that you complete and initial this new Tasks/Issues Checklist to memorialize the new scope of my involvement in your case. Because time is of the essence in taking the necessary steps to protect your rights in this new area, you should consider either coming to my office to sign the Checklist or securely transmitting a signed copy (through the client portal) so I can start work.

I encourage you to seek the advice of other counsel in connection with tasks that I have not undertaken. Also, please feel free to consult with another attorney of your choice regarding this Revised Checklist before initialing/signing and returning it to me.

I look forward to working with you on this new matter.

Very truly yours,

Enclosures: Two copies of Revised Tasks/Issues Checklist

SAMPLE REVISED TASKS/ISSUES CHECKLIST

FOLLOW-UP CHECKLIST	
Client:	
Attorney and Client consulted on	(fill in date)
By	(fill in date) Client will:
Obtain the following documents:	
Contact the following witnesses:	
Complete the following forms:	
Prepare the following information for coaching:	
By	(fill in date) Attorney will:
Draft the following documents:	
Prepare the following forms:	
Contact the following witnesses:	
Research the law/procedure on:	
Review the following documents:	
Other:	
Attorney initials/signature: _____	
Client initials/signature: _____	

SAMPLE CLOSING LETTER

Re: Limited Scope Representation

Dear _____:

I have now completed all of the tasks that we agreed I would do in our Agreement dated _____ [and modified on _____]. I know of no other matters on which you have requested my assistance. If you believe that I am incorrect, and you are relying on my assistance for some additional task, please contact me *immediately*.

[Use only if attorney has appeared of record with the court] If I do not hear from you within the next week, I will file the Notice of Withdrawal of Limited Appearance with the court and the opposition notifying them that my representation of you is concluded.

[If applicable] Do not forget that there is still a hearing on _____ at which time you will be representing yourself. Your opposition paperwork must be served and filed on _____. You also agreed to contact _____ at ()____-____ to do the following: _____.

The following items, on which you have declined my assistance, are still pending:

1. _____
2. _____

I am enclosing the following original documents. Please be sure to keep them in a safe place in the event you need to refer to them in the future.

1. _____
2. _____

I would like to take this opportunity to thank you for allowing me to assist you in this matter. If you need further assistance in the future, I hope you will not hesitate to contact me.

Very truly yours,

Enclosures

Informed Consent and Disclosure of Nonrepresentation

I understand that attorney John Smith represents my spouse _____ in what we anticipate will be an agreed dissolution of marriage proceeding. I wish to participate with my spouse as the necessary documents are prepared to dissolve our marriage, which may involve discussions with him and attorney John Smith.

As the attorney for my spouse, **John Smith cannot represent my interests** as he represents my spouse's opposing interests, which are adverse to mine. I understand that I cannot rely on him for independent legal advice and I am free to withdraw and seek independent counsel at any time or I can have another lawyer review any documents before I sign them. Simply put, a lawyer cannot represent opposing parties in a lawsuit and even though everything may be agreed, a marriage dissolution proceeding is a lawsuit.

This does not mean that the three of us cannot work together to reach an agreement that we can all approve. In fact, we intend to do just that.

Signature

Printed name

Date signed

[REDACTED]
333 West Street
Norman, OK 73072
Notices should be sent to this address
only.

**No appearance is entered as counsel
of record.**

Document drafting assistance provided
for Petitioner by
Jim Fastfiler, Attorney at Law
OBA #XXXX

[REDACTED]
123 Main Street
Norman, OK 73070
(555) 555-5555
(555) 555-5556 Fax

Factual Representation Form

1. Please provide the following personal information:

Full name: _____

Address: _____ County: _____

City _____ State: _____ Zip Code _____

SSN: _____ Driver's license number: _____

Race: _____ Maiden Name: _____

Home Phone: _____ Cellular: _____

Work Phone: _____ Email address: _____

2. Do you have an account with any of the following social media websites?

Facebook _____ MySpace _____ Twitter _____ Other (specify) _____

3. If you moved out of the marital home and currently reside in new address, please state:

Address: _____

City: _____ County: _____ State: _____ Zip: _____

Home phone: _____ Mobile phone: _____

Work Phone: _____ E-mail address: _____

4. At what address do you wish to receive mail from this office?

5. How would you like your documents sent to you? U.S. Mail _____ or E-mail _____

6. How do you prefer that we contact you? Home _____ Work _____

List an emergency number of someone who can always reach you:

Name: _____ Telephone: _____

7. Have you consulted or retained any other attorney on this matter before coming to this office?

Yes/No _____ If yes, please state who and when: _____

EMPLOYMENT INFORMATION

8. Your Employer: _____
Job title: _____
Address: _____
City, state, and zip code: _____
Telephone number: _____
Gross salary per month: \$ _____ Length of employment: _____
Education: _____

SPOUSE'S INFORMATION

9. Please give your spouse's full name, date and place of birth, and SSN.
Full name: _____
Birth date: _____ City and State where born: _____
SSN: _____ Driver's license number: _____
Race: _____
10. Where is your spouse living now, and what is his or her contact information?
Address: _____
City: _____ County: _____ State: _____ Zip: _____
Home phone: _____ Work phone: _____
Mobile phone: _____
11. Please complete the following information concerning your spouse's employment.
Employer: _____
Job title: _____
Address: _____
City: _____ County: _____ State: _____ Zip: _____
Telephone number: _____

Gross salary per month \$ _____ Length of employment: _____

Education: _____

CHILD(REN)'S INFORMATION

12. How many children do you have with your spouse: _____

Are you (or your spouse) pregnant this time? No ____ Yes ____

13. While you are still married to your spouse, did you have any child(ren) with any other man?

No ____ Yes ____ How many: _____

If so, please state the name(s) and age(s) of child(ren) fathered by someone other than your current spouse during this marriage:

Who is the biological father? _____

14. Please give the biological father's full name, date and place of birth, and SSN.

Full name: _____

Birth date: _____ City and State where born: _____

SSN: _____ Driver's license number: _____

Race: _____

15. Where is the biological father living now, and what is his contact information?

Address: _____

City: _____ County: _____ State: _____ Zip: _____

Home phone: _____ Work phone: _____

Mobile phone: _____

CHILDREN'S PERSONAL INFORMATION

16. Please give the full name, date and place of birth, sex, and SSN of each child born during the marriage:

a. Name: _____

Sex: _____ Date of birth: _____ Age: _____ SSN: _____

Place of birth: _____ Name of Father _____

b. Name: _____

Sex: _____ Date of birth: _____ Age: _____

SSN: _____

Place of birth: _____ Name of Father _____

c. Name: _____

Sex: _____ Date of birth: _____ Age: _____ SSN: _____

Place of birth: _____ Name of Father _____

d. Name: _____

OTHER INFORMATION

I understand that in accordance with Title 12, Section 1031 of the Oklahoma Statutes, if the court renders a judgment based on pleadings containing untrue or fraudulent information produced in reliance on information provided in this factual representation form, I will be accountable for failure to provide accurate and truthful information. I further understand that a judgment that relies on any misrepresentation of the facts that I have provided may be modified or vacated to remedy any advantage resulting from the misrepresentation or fraud.

Signature of client Date

Signature of additional Date
parties completing this form

Delivering Limited Scope Services Effectively and Safely

with your OBA Management Assistance Program team,
Jim Calloway and Darla Jackson



You may have heard Limited Scope Representation called “unbundled” services. Experts believe that the label LSR better informs the public.



Individuals appearing *pro se*
is not new; and neither is the idea of
lawyers assisting them.



Many of you would prefer to only little deliver your services in the traditional way and not offer limited scope services. Many of the trial court judges agree with that. The main control that a judge has on litigants is through the attorneys of record. But times are changing and even though you have your wants and the judges have their wants. Let me refer you to the great legal philosopher Keith Richards:







You can't always get what you want
You can't always get what you want
You can't always get what you want
But if you try sometimes you might find
You get what you need




What is *relatively* new is Internet-based businesses that are not regulated in any way providing legal services including drafting of pleadings to consumers.



October 23, 2014 at 8:39 am • Posted in [Avvo](#) by [Avvo](#) • 0 Comments



A vvo is excited to announce the launch of [Avvo Advisor](#), the first app and online service to deliver fast, affordable legal help from experienced lawyers anytime, anywhere.


On-demand legal advice for just \$39

SHAKE

Shake – Create Contracts, Legal Documents, NDAs and more [View More by This Developer](#)

By [Shake Inc. USA](#)

Open iTunes to buy and download apps.



Description
Shake simplifies legal contracts. Create, sign, and send documents right from your phone.

– “Say goodbye to expensive legal fees and pages of uninterpretable jargon. Shake makes the legal process simple.”


[Shake Inc. USA Web Site](#) | [Shake – Create Contracts, Legal Documents, NDAs and more Support](#) | [...More](#)

What's New in Version 2.3.1
Small fixes for iOS 7.1

[View in iTunes](#)

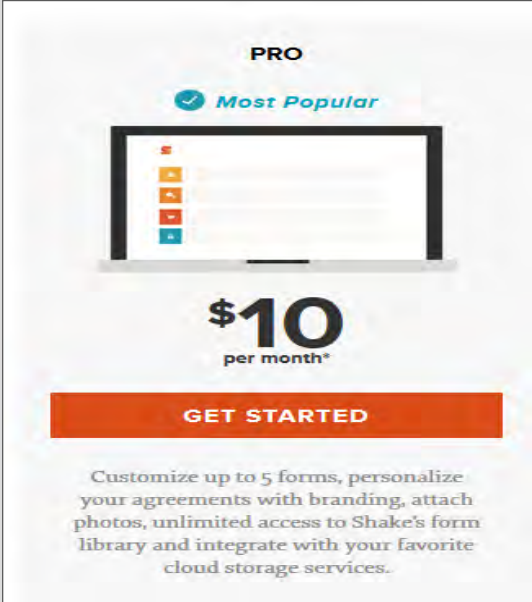
Free
Category: Productivity
Updated: Apr 09, 2014
Version: 2.3.1
Size: 8.1 MB
Languages: English, Bokmål, Norwegian, Catalan, Czech, Danish, Dutch, Finnish, French, German, Greek, Hebrew, ...

iPhone Screenshots



SHAKE PRO

And if your brother in law was a handyman or landscaper, you might direct him to Shake Pro yourself.



PRO
✓ *Most Popular*

\$10
per month*

GET STARTED

Customize up to 5 forms, personalize your agreements with branding, attach photos, unlimited access to Shake's form library and integrate with your favorite cloud storage services.

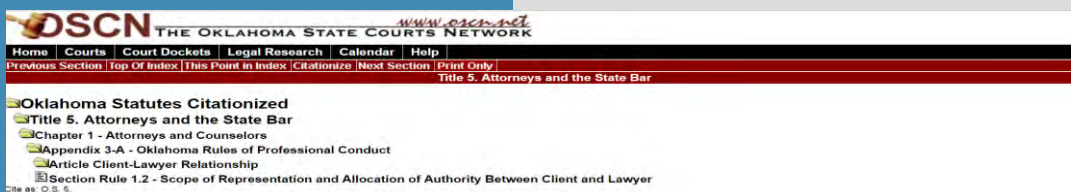
9

- So if there is a market for less-than-full-scope legal services, why should the best, most qualified providers of legal services—lawyers—avoid that market?

UNBUNDLED LEGAL SERVICES IN OKLAHOMA

Legal authority for the concept of limited scope or unbundled representation is found in **Rule 1.2 of the Oklahoma Rules of Professional Conduct**

- Rule 1.2 (c) A lawyer may limit the scope of the representation if the limitation is **reasonable under the circumstances** and the **client gives informed consent**



The challenge for lawyers assisting pro se litigants was:

1. If you disclose your drafting by signing a pleading or included an “unsigned” signature block, then the local judge may decide you have entered an appearance.
2. If you don’t, you may be accused of violating legal ethics by “Ghostwriting.”



NEW DISTRICT COURT RULE 33

Rule 33. Limited Scope Representation

A lawyer providing limited scope representation under Rule 1.2 (c) of the Oklahoma Rules of Professional Conduct may draft pleadings or other documents for a pro se litigant to file with or present to a district court without the lawyer entering an appearance in the matter. A lawyer shall disclose such assistance by indicating their name, address, bar number, telephone number, other contact information and, optionally, a signature on said pleading or other document with the phrase "No appearance is entered as counsel of record."

Providing this service is
not for every law firm



- We know you are already doing pro bono work or financially supporting Legal Aid.
- This is a different concept– a profitable business model that provides lower cost legal services.

Basics in a Nutshell

- Delivering a brief, but pleasant, client experience in person
 - Connect with client to assist the client to confidently execute the steps they are handling
 - Set expectations quickly “We have 30 minutes to talk. What questions do you have?”
 - Short videos featuring the lawyer might be viewed in advance at the office or after the meeting

Basics in a Nutshell

- Document everything in an efficient way
 - Use a **checklist style system** where the various steps are checked off or initialed by the lawyer, **both** to ensure that they are done and to generate a written record
 - Video recordings may be used
 - If staff are involved, give them a checklist or script
 - Identity verification may be warranted

Basics in a Nutshell

- Provide valuable assistance to the client
 - Quality legal advice and documents
 - Explain the process and answer all questions
 - Provide clear instructions & scripts for the self-represented (e.g. where to park, what days are waivers done, picture of the court clerk's door)

Basics in a Nutshell

- Assist the administration of justice by enabling those who self-represent, whether through choice or necessity, to interact appropriately with Oklahoma courts.
- Embrace technology tools and reflective analysis to continually upgrade and improve the process so that better client services and document production do not require more attorney time per individual matter.

You don't want any notices mailed to you, so use this type of signature block.

NOTE: You do not have to sign, but a "wet" signature looks more professional and makes "reuse" less likely.

Joe Smith, Pro Se
Petitioner

333 West Street
Norman, OK 73072
Notices should be sent to this address only.

No appearance is entered as counsel of record.

Document drafting assistance provided for Petitioner by
Jim Fastfiler, Attorney at Law
OBA #XXXX

123 Main Street
Norman, OK 73070
(555) 555-5555
(555) 555-5556 Fax

If opposing unrepresented party is involved. (in your materials)

Informed Consent and Disclosure of Nonrepresentation

I understand that attorney John Smith represents my spouse _____ in what we anticipate will be an agreed dissolution of marriage proceeding. I wish to participate with my spouse as the necessary documents are prepared to dissolve our marriage, which may involve discussions with him and attorney John Smith.

As the attorney for my spouse, **John Smith cannot represent my interests** as he represents my spouse's opposing interests, which are adverse to mine. I understand that I cannot rely on him for independent legal advice and I am free to withdraw and seek independent counsel at any time or I can have another lawyer review any documents before I sign them. Simply put, a lawyer cannot represent opposing parties in a lawsuit and even though everything on may be agreed, a marriage dissolution proceeding is a lawsuit.

This does not mean that the three of us cannot work together to reach an agreement that we can all approve. In fact we intend to do just that.

Signature

Checklist Style Attorney Notes

LAWYER'S NOTES

Date: _____

Client First name	Middle Name	Last Name	Date of Birth

Nature of Legal Services or Documents Desired

Appropriateness of limited Scope
 Lawyer believes that the client understands the nature of an agreed marital dissolution and the orders that will be entered. The client understands that he/she will be appearing before the judge without counsel appearing.

Other/Additional Notes: _____

Limited Scope Disclosure and Attorney Fee Agreement Executed by Client
 Copy provided to client

Payment processed \$ _____ Flat fee or Other fee _____

Attorney client confidentiality & privilege explained

Checklist Style Attorney Notes

Attorney client confidentiality & privilege explained

- Client will take all documents for execution by opposing party
- Opposing party to execute documents here within the next 10 days
- Client asks that opposing party meet with us during interview and drafting.

Opp. Party signs Informed Consent-Disclosure of Nonrepresentation.
 Identity Verification Copies provided

Client reviews and approves Statement of Material Facts

Opp. Party (if present) reviews and approves Statement of Material Facts

Decree of Dissolution Provisions

Child custody, visitation, medical insurance & support

Using Today's Technology Tools to Deliver Limited Scope Representation Efficiently

Effective Website

- Client focused home page
- Phone number clearly displayed in top right hand corner
- Has an email newsletter signup or contact us form on the home page
- Content is in a clear font & large enough to read
- Each page has a short concise intro paragraph
- **Mobile friendly** (Responsive design)




Components of an Effective Website For Attorneys & Firms Providing Limited Scope Services

- Visitors to the site, at a minimum, should be able to understand:
 - What limited scope services are.
 - How the attorney provides these services so as to reduce cost.
 - The cost of specific limited scope services.
 - The areas of law for which limited scope representation is available from the attorney or firm.
 - Short videos can “introduce you” to prospective clients

OBA MAP
Resources to
Facilitate
Potential Client
Understanding

<http://bit.ly/LSSPublicEx>

For the Members




Management Assistance Program

What are limited scope services?

Limited scope services refer to an attorney providing a portion of legal services that are needed rather than the full scope representation that is traditional in an attorney-client relationship. This could include: Legal advice before a person proceeds without a lawyer in court. Preparing documents to be used in court, but not appearing in court. Reviewing a legal document and giving advice about it. Helping a client prepare for a small claims case. The client would represent himself/herself in all other aspects of the case. This could be done to reduce legal expenses for the client or because the dollar amount of a matter does not justify paying for full scope attorney representation. One of services clients often desire attorneys to perform is the preparation of documents to be used in court. This is authorized by [Rule 33 of the Rules for the District Courts of Oklahoma](#). If a lawyer prepares documents to be presented to a court, the lawyer must disclose to the court his or her assistance under this rule. Not all legal matters are appropriate for these types of services and not all attorneys offer these services. An attorney has no obligation to offer limited scope services. Most lawyers providing limited scope services will require a client sign a document indicating what legal services are provided by the lawyer and what tasks are the responsibility of the client. The lawyer is not responsible if the client fails to correctly handle his or her tasks. Some legal problems are not appropriate to be handled in this way. You may locate Oklahoma lawyers offering these services by going to OklahomaFindALawyer.com and selecting “Limited Scope Legal Services” under Practice Area Search.

Information about limited scope legal services for Oklahoma lawyers.



Affordable Legal Group, Inc.
Increasing Access to Justice

HOME

OUR MISSION

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CONTACT US

PRACTICE AREAS

Family Law

Foreclosure Defense

ONLINE DOCUMENT PREPARATION

Client Login

New Users Register Here

Online Legal Services

LEARN MORE ABOUT

Pricing

As attorneys who have focused our practice primarily on consumer law and debt issues, helping people navigate the legal implications of their financial circumstances is a large part of our life's work. We acknowledge that often people struggle financially through no fault of their own – predatory lending, a volatile economy, a significant health problem – and we strive to resolve our clients' issues through robust and affordable advocacy.

We also recognize that hiring an attorney is a significant financial decision, and part of our philosophy at ALG is to not only bring affordable legal services to the underrepresented, but also help our clients achieve and maintain a sound financial position. For this reason, we have established a price structure that encourages you to tailor your consumption of legal services to your budget.

OUR AFFORDABLE FEE SCHEDULE

**The fee rates provided on this site do not include any costs associated with your particular legal issue. Clients will be responsible for all costs in addition to attorney's fees. Contact us to learn about what costs to expect and receive a fee quote.*

Sliding Scale Hourly Fee

Affordable Legal Group charges an hourly rate, based on your income and household size.

Persons in Family Unit	Annual Income					
1	\$24,432	\$33,310	\$47,080	\$72,964	\$94,830	\$64,733
2	\$34,833	\$47,700	\$63,720	\$77,680	\$79,650	\$87,613
3	\$50,225	\$60,270	\$80,360	\$90,400	\$100,400	\$110,493
4	\$60,628	\$72,750	\$97,000	\$109,120	\$121,200	\$133,373
5	\$74,000	\$88,200	\$113,600	\$129,600	\$142,800	\$156,200
6	\$81,432	\$97,710	\$130,300	\$148,540	\$163,610	\$177,133
7	\$91,832	\$110,100	\$146,900	\$164,260	\$183,610	\$200,013
8	\$102,225	\$122,470	\$161,960	\$184,060	\$204,410	\$222,993
Hourly Rate	\$85	\$110	\$132	\$145	\$165	\$190


For instance, a family of 3 with an adjusted annual income of \$85,500 would qualify for a \$125 hourly rate. Compared to the \$255 median hourly rate in Florida, this would represent a \$130 an hour reduction, or approximately a 50% savings on legal fees.

Income Verification

Online shoppers want to see pricing information.

<http://affordablelegalgroup.org/pricing/>

Online shoppers want to see pricing information.



HOME SERVICES ATTORNEY PARTNERS BLOG OUR TEAM CONTACT

CLIENT LOGIN

Mediation

What is Mediation?

Everyone's legal issues vary as we think you should also have a variety of options for resolution of your legal matter. Mediation is a cost-effective option that allows you to retain control of your legal matter and resolve your issue on your terms. Mediation is a process in which an independent and impartial third party works with both sides in a comfortable and safe environment to resolve conflict and reach a fair and mutual agreement. You can then present your agreement to the court to be entered, which will then be considered legally binding.

We offer convenient online mediation services with our trained mediators who assist to actively find points of agreement and facilitate peaceful settlement of disputes for divorce and other related family matters.

So why should you mediate your legal matter?

- You retain more control and flexibility over the outcome.

Want to get started?

Step 1: You and your spouse or co-parent agree that the mediation process is for you. You don't have to even discuss or decide any of your issues ahead of time.

Step 2: Sign up for a free 30-minute phone consultation with one of our Mediators.


Step 3: Mediator will contact you at your scheduled time to ask you questions to determine the necessary length of your session, answer your questions, provide flat fee rates for the session required, and schedule your mediation.

Step 4: You participate in your online mediation session(s) via video conferencing.

We offer 2-hour, 3-hour, 4-hour sessions *starting at \$600 per session during our weekday hours and \$800 per session during our night and/or weekend "convenience" hours.

Schedule Consultation

<https://myvirtual.lawyer/mediation/>



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Divorce

Our Divorce Services

We can assist in a variety of divorce situations. Please contact us for more information.

[Schedule Consultation](#)

Making the decision to file for divorce is perhaps one of the most difficult things a person can do. Frankly, it sucks. The good news is that it doesn't have to be messy and it does not have to back you into bankruptcy.

The average cost in Arkansas ranges from \$12,000-27,000+, depending on your situation, and can easily be drawn out for months or sometimes years. We can help walk you through the process, provide honest no BS advice to advance your case, and substantially reduce the cost.

Divorce Service and Fees





- With no kids and no property - \$750
- With property/no kids - \$1000
- With kids - \$1500
- Legal Separation - \$1500 (+\$500 for subsequent divorce)

YANIV ASSOCIATES PROFESSIONAL LEGAL SERVICES

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Our Low-Cost, Flat-Fee Divorce Options

Select the Divorce Services You Need

 UNCONTESTED DIVORCE WITHOUT CHILDREN NO PROPERTY	 UNCONTESTED DIVORCE WITH CHILDREN NO PROPERTY	 UNCONTESTED DIVORCE WITHOUT CHILDREN + PROPERTY	 UNCONTESTED DIVORCE WITH CHILDREN + PROPERTY
\$499 <small>+ COURT FEES</small>	\$799 <small>+ COURT FEES</small>	\$899 <small>+ COURT FEES</small>	\$1,099 <small>+ COURT FEES</small>
Get Started	Get Started	Get Started	Get Started
<ul style="list-style-type: none"> ✓ 30 minute consultation with matrimonial attorney ✓ Review of client's file and case information ✓ All filing requirements prepared and reviewed by attorney ✓ Final Judgment of Divorce (Divorce Certificate) ✓ Client support by phone ✓ Dedicated case manager 	<ul style="list-style-type: none"> ✓ 30 minute consultation with matrimonial attorney ✓ Review of client's file and case information ✓ All filing requirements prepared and reviewed by attorney ✓ Final Judgment of Divorce (Divorce Certificate) ✓ Client support by phone ✓ Dedicated case manager 	<ul style="list-style-type: none"> ✓ 45 minute consultation with matrimonial attorney ✓ Review of client's file and case information ✓ Preparation of Marital Settlement Agreement ✓ Division of Assets, Property and Debts ✓ All filing requirements prepared and reviewed by attorney 	<ul style="list-style-type: none"> ✓ 45 minute consultation with matrimonial attorney ✓ Review of client's file and case information ✓ Calculation of IVS Child Support ✓ Child Custody/Visitation Agreement ✓ Preparation of Marital Settlement Agreement ✓ Division of Assets, Property

Need help? [Click to chat!](#)

Sign-up on OklahomaFindALawyer

- New FindaLawyer is under construction
- Several step procedure to sign-up for current FindaLawyer service
 - Instructions for procedures are available at: <http://bit.ly/OKFindaLawyer>
- Ability to search for Lawyers who have self-identified as providing limited scope services

The screenshot displays the 'Management Assistance Program' (MAP) interface. It includes a sign-up form for 'OklahomaFindALawyer.com' and a 'My Profile' section for an active member, James Andrew Callaway. A yellow arrow points to the 'OK FindaLawyer' button in the profile section.

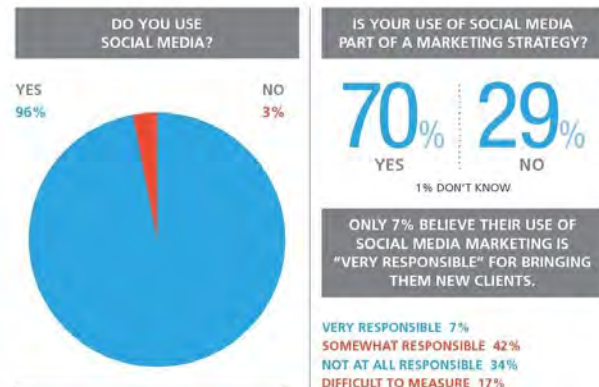
Sign-up on OklahomaFindALawyer

The screenshot shows the Oklahoma Bar Association website with search filters. The 'Practice Area Search' dropdown is set to 'Limited Scope Legal Services'. Other filters include 'City Search', 'County Search' (set to 'Any County'), and 'State Search' (set to 'Any State').

Social Media Marketing

- AttorneyatWork Survey of Attorneys
- Almost all of **Responding Attorneys** are using social media
- **70% of responding attorneys** say this is part of marketing strategy

Nearly everybody is now using social media: 96 percent of responding lawyers say they do. What's more, 70 percent of this year's respondents say it's actually part of their overall marketing strategy (compare that with 60 percent just two years ago).

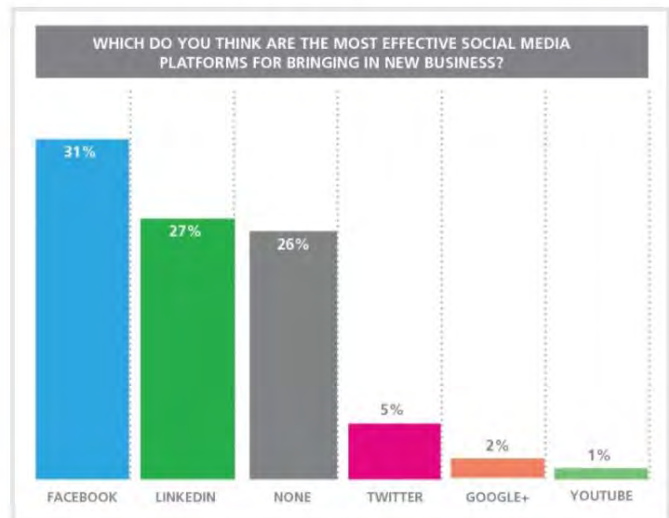


<https://www.attorneyatwork.com/2017-survey-results-lawyers-use-of-social-media-marketing/>

Social Media Marketing

- AttorneyatWork Survey of Attorneys
- Facebook is most effective Social Media platform for bringing in new business

As for which platforms are most effective for bringing in new business, Facebook again took first place — at 31 percent — with LinkedIn second at 27 percent. "None" was a close third, at 26 percent, and Twitter a distant fourth at only 5 percent.



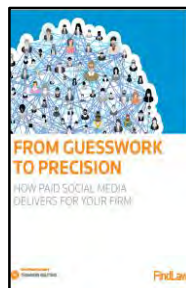
<https://www.attorneyatwork.com/2017-survey-results-lawyers-use-of-social-media-marketing/>



Paid Social Media: Targets Potential Clients

“Facebook can get your firm in front of someone who fits the age, income level employment, family status, neighborhood and interest of the kind of people that need your expertise.”

<https://www.lawyermarketing.com/white-papers/from-guesswork-to-precision/>



Facebook has proven to be a powerful advertising channel that offers both superb value and precision targeting. Based on the review of thousands of accounts, FindLaw's data shows that the average cost to get your firm's name in front of 1,000 targeted users on Facebook falls between \$10 and \$15.

Let's put it another way, Facebook can get your firm in front of someone who fits the age, income level, employment, family status, neighborhood and interests of the kind of people that need your expertise for as little as one cent per impression.

Generally, the same rules governing other forms of attorney advertising and communication also apply to paid social media.

- Statements about the attorney or attorney's service cannot be “false or misleading.”
- False or misleading statements include those making unsubstantiated comparisons to other lawyers or firms or statements creating unjustified client expectations. (Consider a disclaimer pursuant to Comment 3 of ORPC Rule 7.1)



Why Not Use a Facebook Page as the Firm/Practice Website?

- Many potential clients use social media to select attorneys, but some do not
 - Many associate a negative stereotype to firms with only a social media presence.
- Not all social media platforms are easily indexed by search engines.
 - Social signals, such as number of likes are not part of Google's search ranking algorithms.



LAW SITES
BY WADE ARNONE
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JULY 22, 2016

PracticePanther Adds Integrated Client Intake Forms, Saving Firms Data Input Time

by Robert Ambrogio

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PRACTICEPANTHER | LOGIN | REGISTER | ADMIN | HELP

Create legal client intake forms in seconds.
Say goodbye to manual data entry.

▶ WATCH THE VIDEO

Until last year, client intake was a forgotten component of most practice-management systems. Then, seemingly all at once, three different client-intake products were launched: **Lexicata**, **Intake123** and **Rocket Matter Intake**. More recently, **LexisNexis Firm Manager** added an **intake templates** feature, although its templates cannot be sent to clients for them to fill out. Overall, most practice management platforms either do not have client intake or, if they offer it, they do so through integration with Lexicata or Intake123.

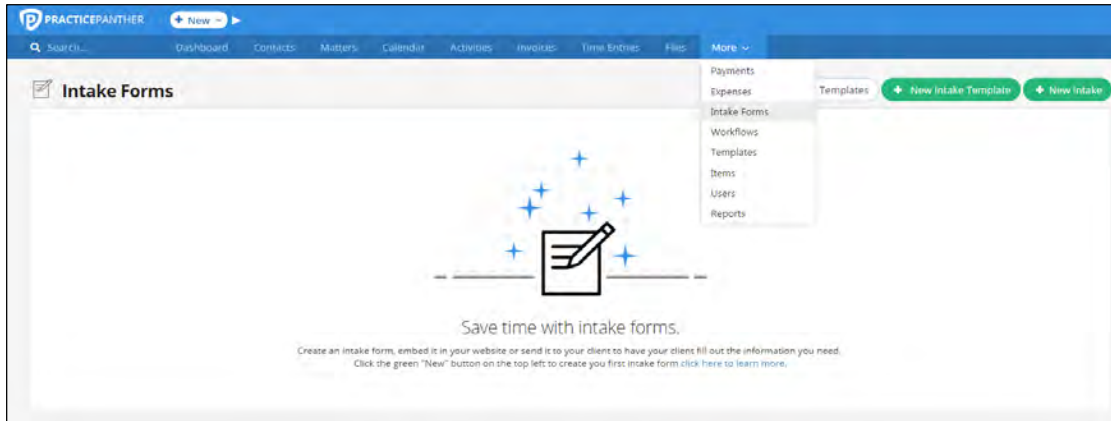
Today, the case management company **PracticePanther.com** will be introducing **its own version of client intake**. The killer feature here is that it is built directly into the platform – not a third-party integration – and is included in the platform's subscription price. In addition, there is no limit on the number of forms a firm can create or on the fields that a form can contain.

With today's announcement, PracticePanther will now come with a built-in form builder that anyone in a firm can use to create, edit, view, and delete intake forms. A firm can email the forms or embed them directly onto its website, where they can be filled out by prospects and new clients. The forms are mobile friendly and responsively designed to work on any device.

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<http://www.lawsitesblog.com/2016/07/practicepanther-adds-integrated-client-intake-forms-saving-firms-data-input-time.html>

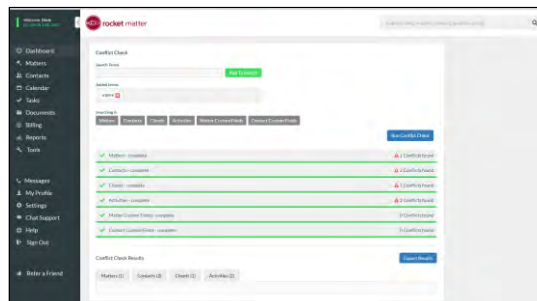
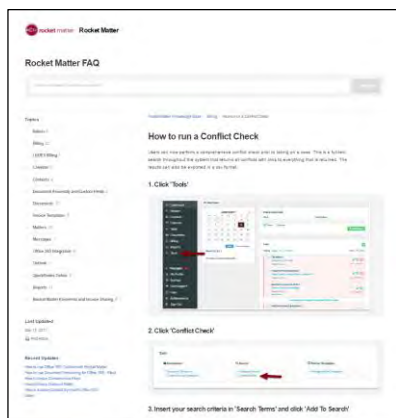
INTAKE FORMS



<https://support.practicepanther.com/client-intake-forms/getting-started/intake-form-tutorial-video>

CONFLICTS CHECK

- You must have a system for conflicts checking
- A practice management solution may be the answer



CONFLICTS CHECK TOOLS

- **Best:** A Practice Management solution
- **DIY:** A searchable Spreadsheet or Word document
- **DIY:** Outlook. Adding the client matter number, description of the case, the relevant parties, the open date (and later the closing date) in the notes of a contact card can be very helpful. Search Outlook Contact cards.
- **Free-standing:** The two products below are free-standing conflicts checkers. Neither is in wide use. The downside of these is the need to enter everything manually into the system, a task that is easy to “let slide.”

RTG Conflicts: Conflict of Interest Software for Law Firms



Microsoft Flow Templates Connectors Learn Search templates... Sign in Sign up free

Work less, do more

Create automated workflows between your favorite apps and services to get notifications, synchronize files, collect data, and more

Find a template or connector to start with

That's it! We've saved this to your flows.

Dropbox Slack and Email

Zaps Connect the Apps You Use Every Day

Integrate Link your web apps with a few clicks, so they can share data

Automate Pass info between your apps with workflows called Zaps

Innovate Build processes faster and get more done—no code required

TRIGGER: When I get a new email in Gmail

ACTION: Copy the attachment from Gmail to Dropbox

ACTION: Alert me in Slack about the new Dropbox file

Start Workflows from Any App Pick a Trigger that sets your Zap into motion.

Finish Routine Tasks Automatically Zaps complete Actions, while you solve more important problems.


Simple, Fill-In-The-Blank Setup Point, click, automate. Go from idea to workflow in minutes.

Document Assembly Advantages

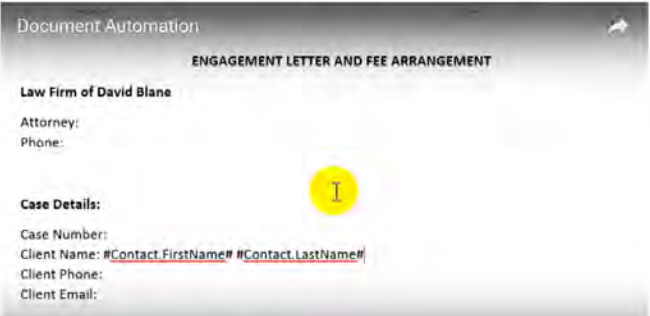
Minimize data entry, reduce the time spent proof-reading, and reduce the risks associated with human error.

DOCUMENT ASSEMBLY WITH PRACTICE MANAGEMENT SOLUTIONS

Document Automation Tutorial (video)

 Written by PracticePanther Help Center
Updated over a year ago

Please watch this video about using and setting up document templates:



Document Automation

ENGAGEMENT LETTER AND FEE ARRANGEMENT

Law Firm of David Blane

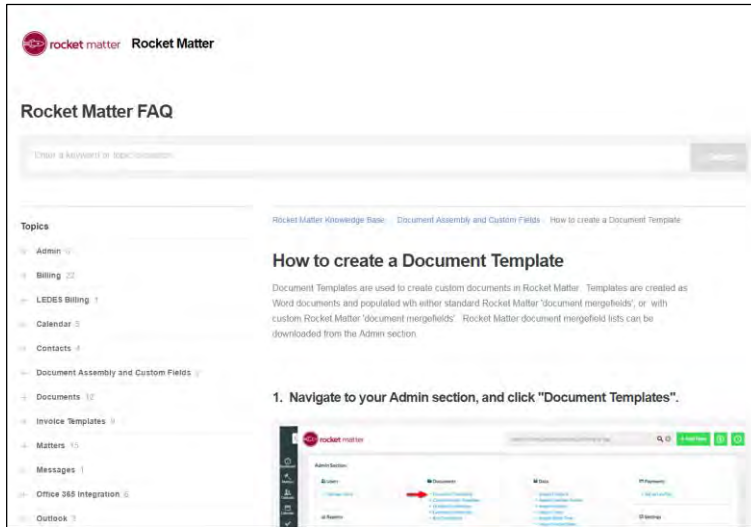
Attorney:
Phone:

Case Details:

Case Number:
Client Name: #Contact.FirstName# #Contact.LastName#
Client Phone:
Client Email:

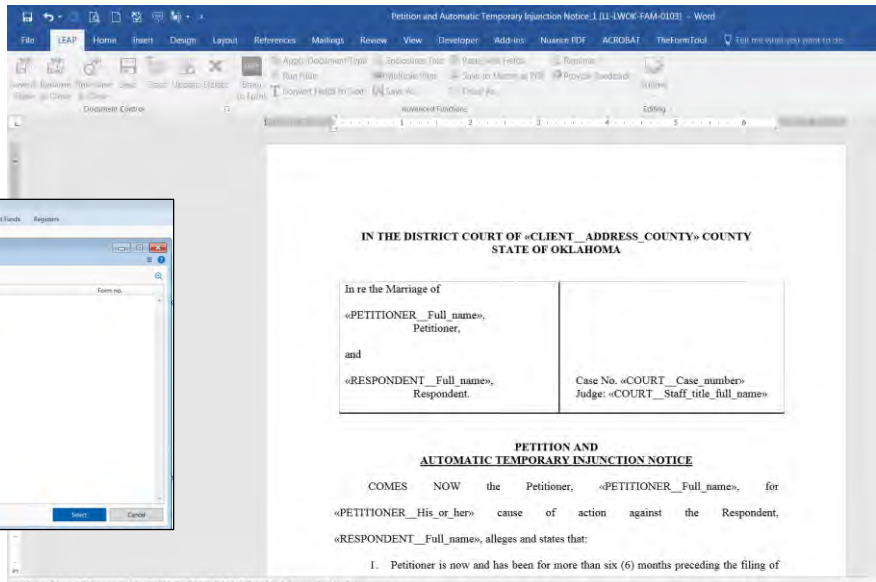
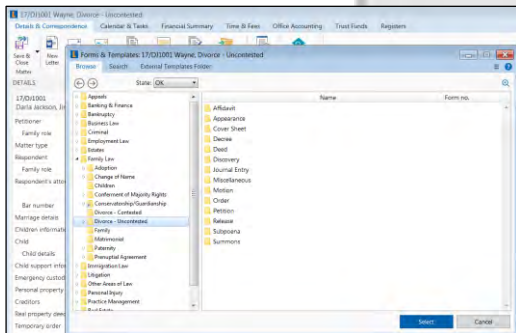
<https://support.practicepanther.com/document-management-and-automation/getting-started/document-automation-tutorial-video>

DOCUMENT ASSEMBLY



Document Assembly

- LEAP






Pathagoras

- Installs as MS Word Plug in
- You can program document assembly only using the Bracket keys
- 90 day free trial
- www.pathagoras.com
- \$379 1st then \$250 for each additional.

The Form Tool

- Installs as MS Word Plug in
- Easy insertion via tool bar
- Free version –not suggested
- \$89.00 Pro version
- www.theformtool.com

The Form Tool has more powerful network versions.

	<p>Doxserá DB</p> <p>You already have the data. Doxserá® DB gives you the answers. Whatever the question. Doxserá® inherits all of the terrific features and functions of TheFormTool PRO and Doxserá® and adds to them access to local spreadsheets in version v1.0. SQL database version in v2.0 (in 7/17).</p>	<p>\$279.00</p> <p>Per Year</p>
	<p>Doxserá</p> <p>Doxserá® incorporates all of TheFormTool's features and functions and adds to them six powerful features. Doxserá® can complete multiple documents simultaneously. It also empowers a document to search for find, select, and incorporate external text, tables and graphics within itself. Easy to use. Powerful. Flexible. Affordable.</p>	<p>\$129.00</p> <p>Per Year</p>
	<p>TheFormTool PRO</p> <p>With a learning curve measured in minutes not months, TheFormTool PRO uses your own MS Word® documents to create intelligent forms™ for repetitive use. TheFormTool PRO creates error-free documents with faster and avoids the wasted time and costs of data re-entry. Easy. Powerful. Flexible. Priced right.</p>	<p>\$89.00</p> <p>For A Lifetime License</p>

We will offer Aurora in two models Aurora as SAAS

For firms without a suitable storage facility, we will **convert our customer's** Doxserá DB® Questionnaires into consumer-facing HTML and host the resulting page(s) for our customer. As online questionnaires are completed, the resulting data will flow into a secure matter/end customer/our customer data **location in Amazon's AWS.**

By using Doxserá DB® firms can access their stored data at will and use the data to automatically assemble completely customized intelligent forms with just a click or two.

Aurora as a Software Bundle

Larger firms that prefer to interview customers and store information on their own systems may use appropriate Questionnaire-to-HTML conversions as a feature. The balance of the model will be similar to the SAAS model, with customer retaining the data flow.



Home » Press Releases » AbacusNext Expands Technology-as-a-Service Platform with Acquisition of HotDocs

AbacusNext Expands Technology-as-a-Service Platform with Acquisition of HotDocs

Pioneer and Global Leader in Document Automation, HotDocs, Becomes Part of the AbacusNext Family of Business Management Solutions

San Diego, CA, November 13, 2017 – AbacusNext®, the largest Technology-as-a-Service (TaaS) provider for the professional services industry, is pleased to announce the acquisition of HotDocs, the global leader in document automation. Integration of HotDocs into the existing technology solutions for legal, accounting, and business management makes AbacusNext the most complete technology provider to the professional services industry.

Highlights of Acquisition:

- HotDocs is the leading provider of document automation software, with customers in 60 different countries and a user-base, globally, that exceeds one million.
- AbacusNext pioneered the only Compliance-Ready™ suite of technology solutions designed exclusively to cloud-enable desktop, mobile and SaaS applications in a single sign-on, secured and fully managed environment.
- HotDocs is widely used in the legal, banking, insurance, government, public and corporate sectors, for increasing accuracy, reducing cost, mitigating risk, and improving efficiency in the generation of complex documentation. Users can quickly and efficiently generate customized documents such as contracts, sales agreements, government forms, and loan documentation.
- HotDocs Market, the standalone marketplace and publishing platform, gives professionals access to thousands of premium templates. Utilized by over 9,000 users, HotDocs Market is populated with content created by leading publishers and state bar associations.

The “gold standard” but often too pricey for medium sized or smaller law firms.

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A Client Facing Legal Document Automation Platform Plus a Virtual Law Office

DirectLaw is a secure, cloud-based solution that enables the delivery of Online Legal Services

Free 30 Day Trial
No Obligation. No credit card required.

Key Features of the DirectLaw Virtual Law Firm Platform

Features

- Client-Facing Document Automation - Document Libraries Included
- Create Online Intake Forms Easily
- Sell Document Review Online Services
- Sell Legal Advice Online by Phone
- Sell Legal Advice Online by Email
- Sell Court Coaching Services Online
- Rapidoocs Authored System Included - Author Your Own Documents
- Offer "Unbundled Legal Services" - Limited Scope Representation
- Secure Client Portal
- Customized Client Work Flows
- Clients Pay Bills Online
- Client Facing Calendar



Jim Calloway

Jim Calloway is the Director of the Oklahoma Bar Association Management Assistance Program, where he has served for 19 years. He received his Juris Doctorate from the University of Oklahoma, where he was named to the Oklahoma Law Review. He publishes the award-winning law blog *Jim Calloway's Law Practice Tips* and has served as co-author of three American Bar Association books on law practice management, *How Good Lawyers Survive Bad Times* (with Ross Kodner and Sharon Nelson) and *Winning Alternatives to the Billable Hour: Strategies That Work, Second and Third Editions* (with Mark Robertson).



Mr. Calloway also produces, with Sharon Nelson, the monthly podcast, *The Digital Edge: Lawyers and Technology*. This monthly podcast covers a number of legal technology issues and can be accessed from The Legal Talk Network (<http://legaltalknetwork.com/podcasts/digital-edge/>) or via iTunes.

Mr. Calloway is a member of the American Bar Association where he served as chair of the ABA TECHSHOW 2005 Board. He is a member of the Law Practice Division's *Law Practice Magazine* editorial board and writes the Practice Management Advice column for that magazine. In 2015 he was awarded the ABA Law Practice Division's Robert P. Wilkens Award in recognition of Best Column in Division Publications. He also co-chaired the first two ABA GP/Solo National Solo and Small Firm Conferences in 2006 and 2007. He is an active member of the National Association of Bar Executives and the Association of Legal Administrators. He is a former President of the Cleveland County (Oklahoma) Bar Association.

He has made hundreds of presentations on law office management, legal technology, ethics and legal business operations and has been inducted as a Fellow of the College of Law Practice Management. His Twitter account is @JimCalloway and his blog is at www.lawpracticetipsblog.com.

Presenters

Biographies

Katherine Alteneder

Katherine Alteneder has been the Executive Director of the Self-Represented Litigation Network (SRLN) since 2013. During her tenure, the SRLN has grown from being a small unfunded project nested within the National Center for State Courts (NCSC) engaging approximately 100 justice system professionals, to the diversely funded independent national backbone organization it has become today with more than 2,000 members, who collectively represent every state, the District of Columbia, and 8 countries. Before joining the SRLN, Ms. Alteneder spent her career in Alaska, initially as a trial court law clerk and then a legal aid lawyer. In 2001, Ms. Alteneder joined the Alaska Court System and designed and launched the nation's first remote self-help center serving all of Alaska from one location. The center was also unique in the nation at that time because it focused on providing services to people in contested actions. Operating solely through telephone and Internet capabilities, Ms. Alteneder sought to expand the court's technology infrastructure and facilitated a partnership between Alaska Legal Services and the Alaska Court System that resulted in the Center being awarded one of the early Technology Initiative Grants from Legal Services Corporation. In 2008, Ms. Alteneder moved to private practice, establishing a successful unbundled practice supporting self-represented litigants in Alaska, and helped to create the first Unbundled Law Section of a state bar, as well as the innovative Early Resolution Project of the Alaska Court System. An early member of RLN, she has long collaborated with the NCSC. Ms. Alteneder sits on the Advisory Committee for Voices for Civil Justice, serves as the Senior Advisor to the Justice for All Project, is a Non-Resident Senior Fellow at the Georgetown Institute for Technology Law and Policy, and member of the Board of Advisors of the Journal of the National Association of the Administrative Law Judiciary. She has a Bachelor of Arts from Northwestern University in philosophy, and her Juris Doctor, cum laude from Seattle University School of Law. Ms. Alteneder is admitted to practice in Alaska, Washington state (inactive), the U.S. District Court for Alaska, and the Ninth Circuit Court of Appeals. She resides in Virginia.

Rick Bozarth

Rick Bozarth, born September 1, 1950 at Arapaho, OK in Custer County. Raised on a farm NW of Arapaho. Graduated with a BA in Social Science from Southwestern Oklahoma State University in May 1972. Graduated Oklahoma City University School of Law in May, 1976. Admitted to Oklahoma Bar Association in October 1976.

Helped to organize and worked for the Legal Assistance Project for the Cheyenne and Arapaho Tribes (LEAPCAT) in Watonga, OK from 1977 thru 1979.

Engaged in private practice of law and partner in the law firm of Ruble and Bozarth, Taloga, Oklahoma from 1980 to 2006. Served as the part-time Assistant District Attorney for Dewey County from 1985 thru 2006.

Elected the Associate District Judge of Dewey County in November, 2006 and assumed office in January 2007. He has served in that capacity without opposition to the current date and is scheduled to retire from that position effective December 31, 2018.

Former member and former chair of the Legal Services Availability Committee of the OBA and former chair of the Access to Justice Committee of the OBA. Served on the organizational task force to create the OBA Access to Justice Commission in 2004. Until recently a member of the re-established Oklahoma Access to Justice Commission.

Served on the Board of Governors of the Oklahoma Bar Association from 1998 thru 2000. Elected as Vice-President of the OBA in 2005.

Member of the Board of Directors of Legal Aid Services of Oklahoma from 1991 to 2017. Member of the Executive Committee of the Oklahoma Judicial Conference.

Married to Taunia Bozarth. They reside in rural Seiling, Oklahoma. The Bozarth's have two sons, Josh Bozarth of Tulsa, OK and Taft Bozarth of Seiling. Two grandchildren, Annabelle and Max of Tulsa.

Jim Calloway

Jim Calloway is the Director of the Oklahoma Bar Association Management Assistance Program, where he has served for 19 years. He received his Juris Doctorate from the University of Oklahoma, where he was named to the Oklahoma Law Review. He publishes the award-winning law blog *Jim Calloway's Law Practice Tips* and has served as co-author of three American Bar Association books on law practice management, *How Good Lawyers Survive Bad Times* (with Ross Kodner and Sharon Nelson) and *Winning Alternatives to the Billable Hour: Strategies That Work, Second and Third Editions* (with Mark Robertson).



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He has made hundreds of presentations on law office management, legal technology, ethics and legal business operations and has been inducted as a Fellow of the College of Law Practice Management. His Twitter account is @JimCalloway and his blog is at www.lawpracticetipsblog.com.

Anna Enisa Carpenter
Bio

Anna E. Carpenter is Associate Clinical Professor of Law and Director of the Lobeck Taylor Community Advocacy Clinic. Her scholarship includes empirical and theoretical work on access to justice and the role of lawyers, non-lawyers, and judges in the civil justice system. For her empirical research on access to justice, she was named a Bellow Scholar. Her papers have been selected for the Junior Scholars Public Law Workshop and the New Voices in Civil Justice Workshop. She also writes on clinical legal education. She is an appointed member of the Oklahoma Access to Justice Commission. Professor Carpenter previously held a Clinical Teaching Fellowship at Georgetown University Law Center in the Community Justice Project. She was also a Georgetown Women's Law and Public Policy Fellow. Prior to her academic career, Professor Carpenter was a staff attorney at the San Diego Volunteer Lawyer Program and a federal policy advocate for Futures Without Violence. She earned a J.D. and an LL.M in Advocacy from Georgetown University Law Center. In the Community Advocacy Clinic, Professor Carpenter's students engage in civil litigation and trial advocacy, as well as community development and systemic advocacy.

Michael G. Figgins, Esquire- Bio

Mr. Figgins received his B.A. from Arizona State University in 1977, and his J.D. from the School of Law at Gonzaga University in 1980. Mr. Figgins has spent 32 of his years in practice as an attorney providing legal services to the poor. Mr. Figgins practiced as both a staff attorney and a managing attorney with Dakota Plains Legal Services in Mission, South Dakota, and then became the managing attorney for Community Legal Services in Yuma, Arizona. In 1989, Mr. Figgins was chosen as the Executive Director of Western Nebraska Legal Services. (Mr. Figgins is a member of the Florida Bar, the Jacksonville Bar, the South Dakota Bar, the Arizona Bar, and the Nebraska Bar). In 1995, Mr. Figgins was chosen as the Executive Director of Jacksonville Area Legal Aid (JALA).

In March, 2012, Mr. Figgins was chosen as the Executive Director of Legal Aid Services of Oklahoma (LASO). Mr. Figgins is responsible for developing staff, program and community resources to benefit LASO.

Ryan Gentzler

Ryan Gentzler is the Director of Open Justice Oklahoma, a project of the Oklahoma Policy Institute that seeks to improve understanding of our justice system through analysis of public data. For over two years, Ryan served as a Policy Analyst focused on criminal justice, where he was responsible for research on topics including sentencing, incarceration, court fines and fees, and pretrial detention. Open Justice Oklahoma grew out of Ryan's groundbreaking analysis of court records, which was used to inform critical policy debates. A native Nebraskan, he holds a Master of Public Administration degree from the University of Oklahoma and a BA in Institutions and Policy from William Jewell College.

Eric Hallett

Eric Hallett is a 2003 graduate of the University of Tulsa, College of Law, and is licensed to practice law in Oklahoma's state and federal courts. In 2008, he was hired as a litigation attorney for the Tulsa Law Office of Legal Aid Services of Oklahoma. Currently, Eric is the Coordinator of Housing Advocacy for Legal Aid and focuses his efforts on housing issues including eviction and housing discrimination.



CROWE & DUNLEVY
ATTORNEYS AND COUNSELORS AT LAW



William H. Hoch
Director
Oklahoma City/Dallas

Phone: 405.239.6692
Fax: 405.272.5290
will.hoch@crowedunlevy.com

William H. Hoch is a director at Crowe & Dunlevy where he has practiced since 1995. He splits his time primarily between the Oklahoma City and Dallas/Ft. Worth offices. Will is a graduate of The Catholic University of America and concentrates his practice in the areas of creditor's rights, bankruptcy, receiverships, oil and gas litigation, will and trusts litigation, and foreclosure, as well as general commercial litigation. Will often represents clients in the oil and gas, banking, mortgage lending and mortgage servicing industries.

Will is chair of the Bankruptcy & Creditor's Rights practice group for Crowe & Dunlevy. He is co-founder and chair emeritus of the firm's Diversity Committee and served on the firm's Executive Committee from 2007-2013. William is a member of the Oklahoma, Texas, New York and Arizona Bar Associations. As a dedicated member of these professional organizations, he served on several committees, including the Standing Committee on Lawyer Referral and the Section of Litigation Bankruptcy & Insolvency Litigation Committee for the American Bar Association and is a delegate in the American Bar Association House of Delegates.

Active in the community, Will is the immediate past chairman of the board of the City Rescue Mission, Oklahoma's largest homeless shelter. He served on the board of directors for the Mental Health Association of Central Oklahoma and the board of governors for The Catholic University of America.

- Top 10 Super Lawyer
- Inducted as a fellow of the American College of Bankruptcy (Class of 2015)
- Named Best Lawyers 2016 Lawyer of the Year (Bankruptcy and Creditor/Debtor Rights and Insolvency and Reorganization)
- Awarded Corporate Counsel (Bankruptcy and Creditor's Rights and Commercial Litigation, 2008-Present)
- Listed in Best Lawyers in America (Bankruptcy and Creditor-Debtor Rights Law, 2007-Present)
- Received the Leadership in Law Award, The Journal Record (2006 and 2014)
- AV-rated 5.0 out of 5.0 by Martindale Hubbell
- Outstanding Service to the Public Award, Oklahoma Bar Association (2006)

The Honorable Jonathan Lippman, former Chief Judge of New York and Chief Judge of the New York Court of Appeals, the state's highest court, is Of Counsel in the New York office of Latham & Watkins LLP and a member of the firm's Litigation & Trial Department. He provides strategic counsel to clients on New York Law and appellate matters nationwide, and is a leader of the firm's *pro bono* practice.

Judge Lippman served as Chief Judge of the State of New York and Chief Judge of the Court of Appeals from February 2009 through December 2015. During his tenure on the Court of Appeals, Chief Judge Lippman authored major decisions addressing constitutional, statutory, and common law issues shaping the law of New York, the contours of state government, and the lives of all New Yorkers.

As the state's Chief Judge, he championed equal access to justice issues in New York and around the country and took the leadership role in identifying permanent funding streams for civil legal services. Chief Judge Lippman made New York the first state in the country to require 50 hours of law-related pro bono work prior to bar admission and established the Pro Bono Scholars and Poverty Justice Solutions Programs to help alleviate the crisis in civil legal services. He strengthened the state's indigent criminal defense system, addressed the systemic causes of wrongful convictions, created Human Trafficking Courts across New York State, and led efforts to reform New York's juvenile justice, bail and pre-trial justice systems. Judge Lippman championed the state's commercial division as a world class venue for business litigation, reformed the state's attorney disciplinary system, adopted the Uniform Bar Exam, and succeeded in the creation of a statewide salary commission for judges.

Chief Judge Lippman has served at all levels of the New York State Court system in a career spanning more than four decades, including service as a staff attorney, administrator and judge. From January 1996 to May 2007, he served as the longest-tenured Chief Administrative Judge in state history, playing a central role in many far-reaching reforms of New York's judiciary and its legal profession. From May 2007 to 2009, Judge Lippman served as the Presiding Justice of the Appellate Division of the Supreme Court, First Department, dramatically reducing the court's pending backlogs.

In 2008, Judge Lippman received the William H. Rehnquist Award for Judicial Excellence, presented each year by the nation's Chief Justice to a state court judge who exemplifies the highest level of judicial excellence, integrity, fairness, and professional ethics. Judge Lippman was selected for his "unparalleled ability to promote and achieve reform in the state courts. His leadership in the New York courts contributed to numerous improvements in that state's justice system and served as an example for courts across the country." In 2013, the American Lawyer named Chief Judge Lippman one of the Top 50 Innovators in Big Law in the Last 50 Years. A New York Times article in December 2015, stated that Judge Lippman had left an altered legal profession in New York by using "his authority to promote an ideal of lawyering as a public service."

Judge Lippman was the 2016 American Bar Association's John Marshall Award recipient, an award whose prior recipients include Supreme Court Justices Anthony Kennedy and Sandra Day O'Connor. Judge Lippman presently serves as the Chair of the Independent Commission on New York City Criminal Justice and Incarceration Reform, a 27 person blue ribbon commission, formed to examine the future of the Riker's Island jail facilities in the context of systemic criminal justice reform.

Judge (Ret.) Rodney D. Ring

U.S. Army 1970 - 1972

Cameron University, Lawton, Oklahoma 1974 BS Sociology

University of Oklahoma College of Law, JD 1987

State of Oklahoma District Court Judge 1990 – 2011 Retired

University of Oklahoma College of Law, Visiting Assistant Professor 2013 – 2017

University of Oklahoma College of Law, Adjunct Assistant Professor 2017 - Present

Professional Memberships:

Cleveland County Bar Association

Luther Bohanon American Inn of Court

Oklahoma Bar Association

Professional Responsibility Tribunal, Vice Chief Master

Chair of Access to Justice Committee

Licensed Legal Intern Committee

Bench and Bar Committee

JAMES J. SANDMAN

Jim Sandman has been President of the Legal Services Corporation since 2011. LSC is the largest funder of civil legal aid programs in the United States, supporting 133 programs with more than 840 offices serving every state and territory. LSC funds Legal Aid Services of Oklahoma and Oklahoma Indian Legal Services.

Jim practiced law with the international, Washington-based firm of Arnold & Porter for 30 years and served as the firm's Managing Partner for a decade. He is a past President of the 100,000-member District of Columbia Bar and a former General Counsel of the District of Columbia Public Schools.

Jim is a member of the District of Columbia Access to Justice Commission. He is Chairman of the Board of the Meyer Foundation and a member of the boards of Albany Law School and Tahirih Justice Center, among other organizations.

Jim is a summa cum laude graduate of Boston College, where he was elected to Phi Beta Kappa, and a cum laude graduate of the University of Pennsylvania Law School, where he served as Executive Editor of the Law Review and was elected to the Order of the Coif. He began his legal career as a law clerk to Judge Max Rosenn of the United States Court of Appeals for the Third Circuit.

Michael C. Turpen

Michael C. Turpen was born in Tulsa, Oklahoma, and graduated from the University of Tulsa earning a Bachelor of Science degree in History and a Juris Doctor degree. In 1982 Mike was elected Attorney General for the state of Oklahoma. He served as Muskogee County District Attorney from 1977 to 1982. Since 1987, Mike has been a partner in the law firm of Riggs, Abney, Neal, Turpen, Orbison & Lewis in Oklahoma City, Oklahoma.

Mike has received numerous awards, honors and appointments. In 2012, Mike received the Louise Bennett Distinguished Service Award. In 2010, Mike was inducted into the Oklahoma Hall of Fame, the state's highest honor. Mike argued before the United States Supreme Court in 1985.

While no longer serving in public office, Mike remains politically active. He appears weekly on Oklahoma City NBC affiliate KFOR's award-winning public affairs show, "Flashpoint with Turpen & Humphreys." He appeared twice on ABC's "Politically Incorrect" with Bill Maher and was featured on PBS's national documentary, "Vote for Me: Politics in America." He had a long-running monthly column, "Turpen Time," for the OPEA monthly newspaper and was a featured columnist for Microsoft's internet magazine, Slate.