

LEGAL SERVICES VERMONT

An Evaluation of The Rutland County Pro Bono Innovation Clinic 2016-2019

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LEGAL SERVICES CORPORATION

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EXECUTIVE SUMMARY

Eviction can lead to and perpetuate cycles of homelessness, unemployment, and poverty - three challenging social issues that continue to plague Vermonters. Legal Services Vermont (LSV) received a grant from the Legal Services Corporation's Pro Bono Innovation Fund to continue its Pro Bono Innovation Clinics in an effort to address these broad issues, with specific attention to the eviction process, and the challenges it presents to low-income Vermonters. The Center for Rural Studies completed an initial evaluation in 2018. This report expands on that initial study, using four years of data (2016 - 2019) and a before-after-with control group experimental design to evaluate the impacts of the Rutland County pro bono clinic. Analysis suggests positive outcomes, as well as areas for future research. Findings from this study and opportunities for further research are summarized below.

Key Findings

1. Nearly 70% of all landlords in this before-after-with control group study utilized a lawyer.
2. In Rutland County, where a Pro Bono Innovation Clinic opened in 2017, the percentage of tenants who had a lawyer increased 56 percentage points from 13% in 2016 to 69% in 2019. In Windsor County, an area without a pro bono clinic (control group), the percentage of tenants who had a lawyer increase only 14 percentage points over the same period, from 9% in 2016 to 23% in 2019.
3. The percentage of cases that included a settlement in areas with a pro bono clinic (Rutland County) increased from was 38% in 2017 to 50% in 2019. This increase marks a growth of 27 percentage points since 2016, the year prior to the opening of the Rutland County pro bono clinic. In Windsor County, the control group saw a decrease in the percent of settlements from 17% in 2016 to 12% in 2019 (average of 13% over the course of the 4-year period).
4. Across both groups, tenants who had a lawyer reached settlement agreements 47% of the time. Tenants who did not have a lawyer reached settlement agreements 17% of the time.
5. The percentage of cases in which tenants maintained their housing in areas with a pro bono clinic (Rutland County 2017-19) was 17.3%. This average is four percentage points higher than in 2016, prior to the opening of the Rutland County pro bono clinic. Over the same period (2017-19), average percentage of cases in which tenants maintained their housing in the control group (Windsor County) was 14.3%.
6. Eviction cases heard in areas with a pro bono clinic (Rutland County 2017-19) showed a statistically significant decrease in duration (81 days) compared to eviction cases heard in areas without a pro bono clinic (Rutland County 2016) (144 days). The control group showed no statistically significant change.

Opportunities for Further Study

1. Future studies might consider collecting more detailed information on the nature of dismissals and settlements and how these factors impact tenants' long-range housing stability. This analysis investigated whether each case involved a settlement (yes/no) and whether each case was dismissed (yes/no). Reviewing individual court records and documents provides additional insights on each case and the nature of the settlement and/or dismissal. This information could further delineate the circumstances in which pro bono support is most needed and most effective.
2. The court documents reviewed for this study indicate if a tenant has maintained or lost their existing housing unit, but do not indicate if a tenant has obtained new housing. While this data was tracked to a certain extent for tenants participating in the PBI Clinic in Rutland County, additional follow-up with tenants to more accurately track whether housing is maintained in a new unit will strengthen understanding of the impact of the clinics.
3. Currently, the "financial impact on tenant" variable measures the amount of money a tenant would theoretically need to expend to return to a \$0 balance and be current on rent. It represents the costs of maintaining housing that are borne by the tenant and/or by the landlord (in instances when unpaid rent is forgiven) in each case. This figure does not indicate a true financial gain for the tenant. Other indicators might more accurately measure tenant economic well-being.
4. Adding an analysis of tenant demographic information would allow for additional analysis (for example: analysis of court outcomes by respondent age or gender) that could help target future services to the areas of greatest need.
5. Consideration of the number of tenants who elect to utilize pro bono services versus those that do not, and the motivations for those tenant decisions, may also help target future services to the areas of greatest need.
6. Implementation of a systematic electronic filing system in all Vermont counties has the potential to improve data consistency statewide, as well as to expedite future data collection and analysis.
7. Anecdotal evidence suggests that default rates for tenants are declining significantly in Rutland County with the introduction of the Pro Bono Clinic. Future studies should consider tracking default rates and participation of tenant and landlord in order to measure trends over time.



INTRODUCTION

Legal Services Vermont (formerly known as Legal Services Law Line of Vermont) is a non-profit legal services law firm, established in 1996, that provides free consultation, advice, legal representation and community education for low-income Vermonters. Legal Services Vermont (LSV) seeks to empower individuals and families, help them to acquire knowledge and skills that will enable them to stand up for themselves, and enable them to take power by controlling and managing their civil legal matters. The organization provides individuals with information, counsel and advice as the first level of assistance, and to the best of its ability, aids until the case is resolved.

LSV received two 2-year Pro Bono Innovation Fund grants from the Legal Services Corporation's Pro Bono Innovation Fund to organize and manage clinics that focus on housing and debt collection cases in several counties. Because affordable housing is so scarce in Vermont, preventing evictions has been a priority for LSV for years. The grants provided an important opportunity for Vermonters who usually represent themselves in court against opponents who are more likely to be represented by attorneys. Through this program, LSV has helped low-income clients avoid evictions by increasing the number of active pro bono attorneys available to help them. Working with the Civil Division court, LSV offered clinics that provided volunteer attorneys for tenants facing eviction in Addison, Chittenden, Rutland, and Windham Counties. LSV was also able to offer same-day legal assistance in rent escrow hearings in select counties under less structured settings.

Due to the COVID-19 pandemic, all activity is temporarily on hold. However, as of this writing, LSV has received a three-year Pro Bono Transformation Grant to revitalize pro bono offerings, including all legal clinics. This will help to ensure that the pro bono clinics can operate when it is safe to do so.

LSV contracted with the Center for Rural Studies (CRS) at the University of Vermont to conduct a comprehensive evaluation of the pro bono services provided in Rutland County in 2018 and 2019 under the second grant. CRS has included data collected in 2016 and 2017 in this report to describe and analyze trends over the four-year period.

METHODOLOGY

Each eviction case that is filed in Vermont is documented by the court. Records are available by county and include data about outcomes and financial implications. CRS utilized data from 2016, 2017, 2018 and 2019 cases in Rutland and Windsor counties to conduct a before-after-with control group study. Both counties use electronic filing (not universally implemented across the state at the time of this writing), making it easier to access the data for these locations than for others. The 2016 data represent cases that occurred prior to the grant award and the start of the pro bono clinics. Between 2017-2019, a clinic was offered in Rutland County, but not in Windsor County.

These data make it possible to conduct a fully controlled comparison of outcomes in areas with and without a pro bono clinic. CRS coded the 2018-2019 case data in the fall of 2020 and aggregated it with data from the 2016 and 2017 data from the prior study. For each case, the key questions asked were:

- How long was the case (in days)?
- Did the landlord/s have a lawyer?
- Did the tenant/s have a lawyer?
- Did the tenant/s maintain housing?
- Were there counterclaims?
- Did the parties reach a settlement?
- Was the case dismissed?
- What were the immediate financial implications for the tenant?

The findings will help LSV to accurately determine the impact of its services, to better target its services, and to better understand the financial implications of those services for tenants, landlords, and the judiciary system charged with handling each case.

The final analysis included 1184 cases (Table 1). The coded data was analyzed in January of 2021 using Microsoft Excel and IBM Statistical Package for Social Sciences (SPSS) version 27. Outcomes on key variables in areas with a pro bono clinic (Rutland County) were compared with outcomes in areas without a pro bono clinic (Windsor County).

TABLE 1: TOTAL CASES BY COUNTY AND YEAR

	2016	2017	2018	2019	Total
Number of Cases Rutland County	144	229	169	159	701
Number of Cases in Windsor County	160	162	104	57	483
Total	304	384	273	116	1184

The number of cases analyzed in each analysis that follows is indicated in the text and in tables with the abbreviation ‘n’. The reported ‘n’ varies in different analyses because some cases were missing data or, in some cases, certain questions/variables did not apply to all cases.

It should be noted that the number of cases provided for Windsor County in 2018 (104) and 2019 (57) was substantially less than for Windsor in 2016 (166) and 2017 (155). This may be due to the fact that some cases had not been closed prior to the 2020 COVID-19 pandemic quarantine shut down, which closed courts for a number of months. In addition, the Windsor documents available to the researchers were sometimes limited in scope and lacking a clear outcome.

RESULTS

PROVIDING ACCESS TO LEGAL COUNSEL

This study confirms the often-noted fact that there is a discrepancy in legal representation for landlords and for tenants. On average over the four years of data, over two-thirds of landlords in the study worked with a lawyer (63.0% in Rutland County and 74.4% in Windsor County). For the courts included in the study without a pro bono clinic, an average of about 14.7% of tenants worked with a lawyer. For the court in the study with a pro bono clinic, a three-year average of 68.3% of tenants worked with a lawyer, an increase of 55 percentage points from pre-clinic figures.

Researchers used two variables to record whether tenants had legal assistance. The first variable measured whether the tenant worked with a lawyer through the pro bono clinic. The second variable measured whether the tenant worked with a lawyer outside of the pro bono clinic. For the second variable, tenants may have paid a fee for the service, or may have received lo bono or pro bono services. Figure 1 and Table 2 incorporate both of these variables and the percentages take into consideration all tenants who worked with an attorney, regardless of where or how the tenant obtained legal assistance.

FIGURE 1: PERCENTAGE OF TENANTS WITH LEGAL COUNSEL BEFORE & AFTER PBI CLINIC

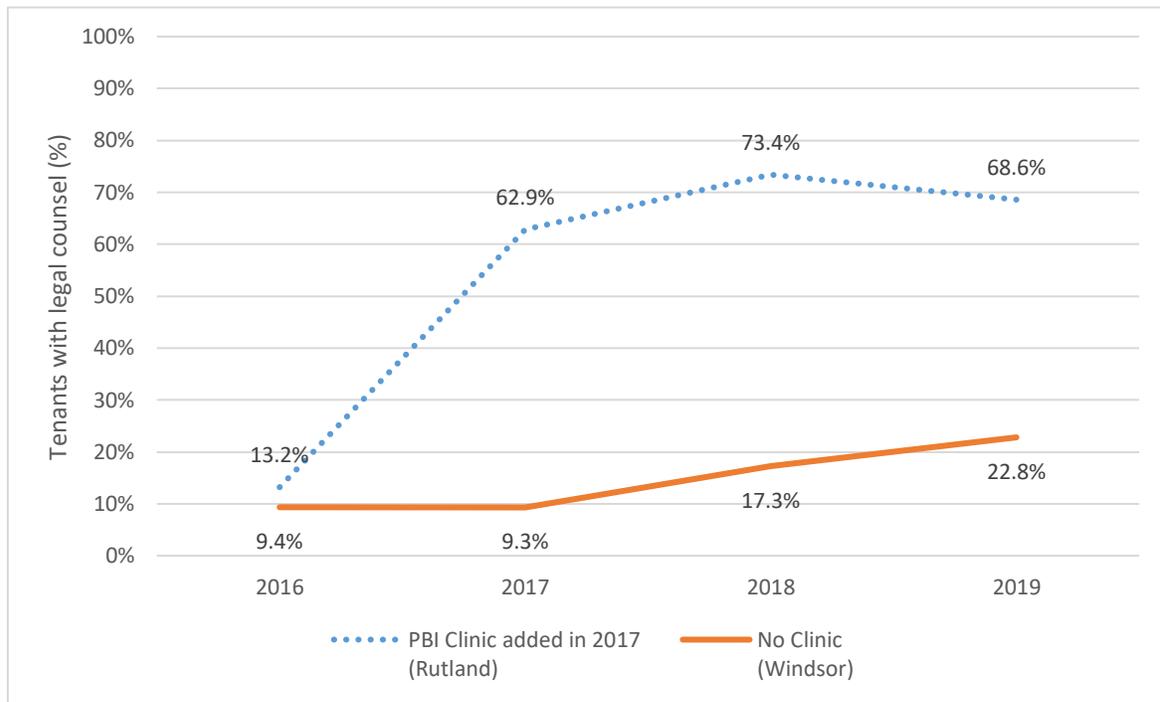


TABLE 2: PERCENTAGE OF LANDLORDS & TENANTS WITH COUNSEL

	2016	2017	2018	2019
<i>Percentage of Landlords with Counsel</i>				
PBI Clinic Added in 2017 (Rutland County)	68.1% (n=144)	58.5% (n=229)	66.9% (n=154)	58.5% (n=142)
No Clinic (Windsor County)	78.1% (n=160)	75.9% (n=162)	68.30% (n=104)	75.4% (n=57)
<i>Percentage of Tenants with Counsel</i>				
PBI Clinic Added in 2017 (Rutland County)	13.2% (n=144)	62.9% (n=229)	73.4% (n=169)	68.6% (n=159)
No Clinic (Windsor County)	9.4% (n=160)	9.3% (n=162)	17.3% (n=104)	22.8% (n=57)

ENCOURAGING CONVERSATIONS

Settlements do not necessarily prevent evictions and monetary judgments. However, they do offer an opportunity for two parties to reach agreement based on their own decisions, not those of a judge. Settlements can give tenants and landlords more control over the outcomes and may include things a judge cannot do or provide if there is a trial. In addition, settlements reached outside of the courtroom save the judge time that would otherwise be spent in hearings or reaching decisions. Most importantly, settlements in eviction cases can give tenants time, allowing them the opportunity to plan for a move, rather than leaving them homeless and in crisis on short notice.

In this study, all cases that included an agreement signed by both parties were coded “Yes” for the settlement variable (Judgment by Consent, Stipulated Judgment, Stipulated Order, etc.). The final outcome of each settlement agreement was not always available. Therefore, the settlement variable represents an effort to engage in dialogue and come to agreement, or lack thereof, but does not necessarily indicate that the settlement was upheld.

The data suggest that, on average, tenants who had a lawyer reached settlement agreements 69.5% of the time, while those without a lawyer reached settlement agreements just 30.5% of the time (Table 3). Increasing tenant access to legal counsel should therefore increase the number of tenants who reach settlement agreements, and theoretically provide tenants with more time to plan for a move.

TABLE 3: PERCENTAGE OF CASES IN WHICH A SETTLEMENT WAS NEGOTIATED, FOR TENANTS WITH & WITHOUT AN ATTORNEY

	2016	2017	2018	2019
<i>n</i>	61	113	72	79
Settlement negotiated by tenant with an attorney	23.0%	65.5%	94.4%	94.9%
Settlement negotiated by tenant without an attorney	77.0%	34.5%	5.6%	5.1%

With the introduction of the pro bono clinic in Rutland County in 2017, the percentage of tenants who engaged in settlement negotiations increased by 26 percentage points over the course of four years, from 23.6% in 2016 to 50.3% in 2019 (Figure 2 and Table 4). A Chi-Square Test of Independence was used to test for an association between location and settlement rates. The increase in settlements for tenants in Rutland County was statistically significant. In Windsor County, without a pro bono clinic, the percentage of tenants who engaged in settlement negotiations was steady at approximately 13.2% on average over the same four-year period, with no statistically significant change.

FIGURE 2: PERCENTAGE OF CASES THAT INVOLVED A SETTLEMENT, BY LOCATION AND YEAR

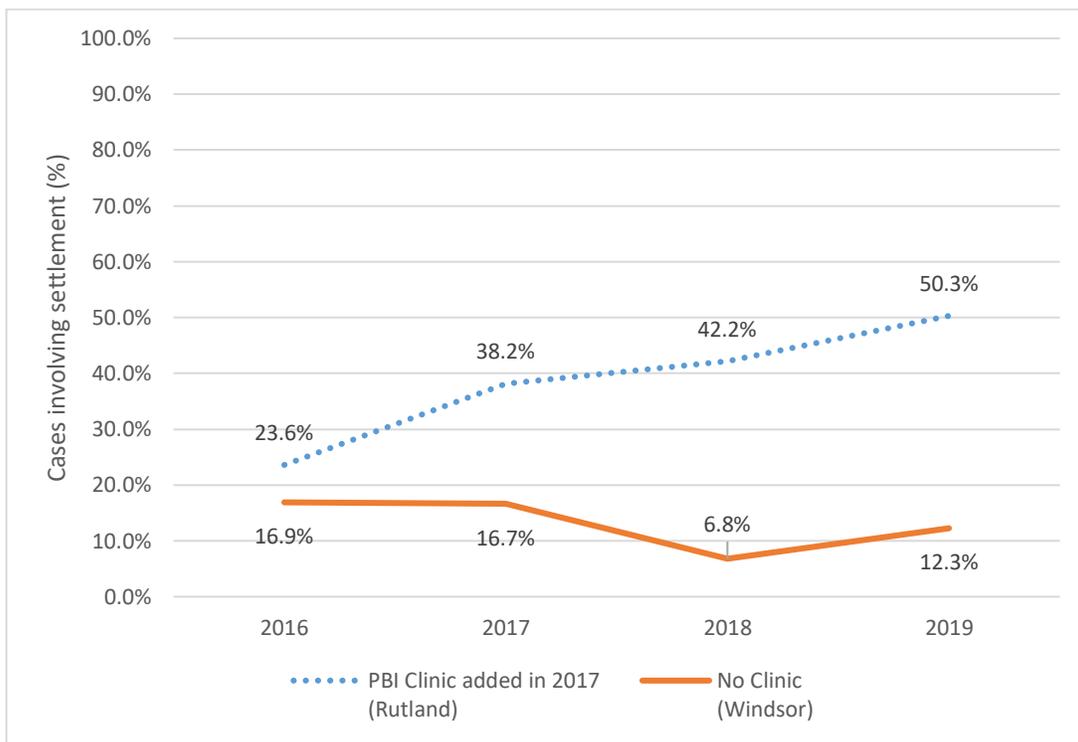


TABLE 4: PERCENTAGE OF CASES THAT INVOLVED A SETTLEMENT AGREEMENT, BY LOCATION AND YEAR

	2016	2017	2018	2019
PBI Clinic Added in 2017 (Rutland County)	23.6% (n=144)	38.2% (n=225)	42.2% (n=154)	50.3% (n=143)
No Clinic (Windsor County)	16.9% (n=160)	16.7% (n=162)	6.8% (n=103)	12.3% (n=57)

COUNTERCLAIMS

LSV staff reported that most tenants are not familiar with court processes and related timelines. Many do not realize they have an opportunity to deny the landlord’s complaint or offer other reasons they should not be evicted. In addition, tenants often do not realize the opportunity to raise a counterclaim. A tenant may request something they believe the landlord is obligated by law or by lease to do, such as making required repairs, via a counterclaim.

Counterclaim was coded as “Yes” in this study for all cases in which a counterclaim was clearly filed. This did not include “answers” that may have been provided by the tenant to the court in response to the landlord’s initial complaint.

The analysis considered the frequency with which counterclaims were filed in areas with and without a pro bono clinic. The data do not show a pronounced difference in this frequency based on location, year, or the presence of a pro bono clinic. With the introduction of the pro bono clinic in Rutland County in 2017, the percentage of tenants who filed counterclaims dropped from 14.6% in 2016 to 8.4% in 2019¹ (Figure 3 and Table 5). In Windsor County, without a pro bono clinic, the percentage of cases that included a counterclaim was 13.1% in 2016 and 13.5% in 2017, with a further increase in 2018 to 22.3%. This increase dropped down to 8.8% in 2019. A Chi-Square Test of Independence was used to test for an association. No statistically significant association was found to exist between court location and frequency of counterclaims.

Continued monitoring of this indicator over time will paint a clearer picture of any changes in the frequency with which counterclaims are filed relative to the presence of pro bono clinics. In addition, it may be more accurate in future studies to measure the number of counterclaims filed as a percentage of cases that proceeded to a final judgment, rather than as a percentage of all cases. Given that an answer is not due until after a rent escrow hearing, cases dismissed at the rent escrow hearing stage would not include any counterclaims, so could be investigated separately from those that continue to a final judgment.

¹ The average counter claim rate across the 2017-2019 period was 9.4%.

FIGURE 3: PERCENTAGE OF CASES THAT INVOLVED A COUNTERCLAIM, BY LOCATION AND YEAR

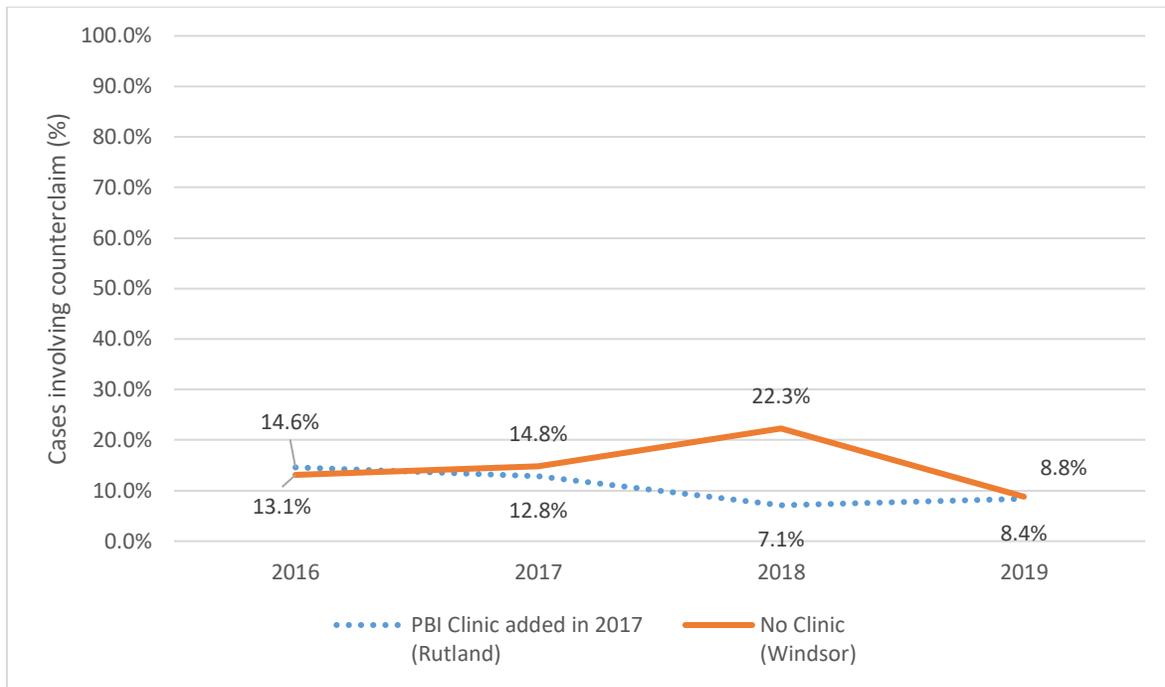


TABLE 5: PERCENTAGE OF CASES THAT INVOLVED A COUNTERCLAIM, BY LOCATION AND YEAR

	2016	2017	2018	2019
PBI Clinic Added in 2017 (Rutland County)	14.6% (n=144)	12.8% (n=227)	7.1% (n=156)	8.4% (n=143)
No Clinic (Windsor County)	13.1% (n=160)	14.8% (n=162)	22.3% (n=103)	8.8% (n=57)

DISMISSAL RATES

Cases can be dismissed in a number of ways. They may be dismissed by the judge for failure to appear, failure to prosecute, or for some other reason. They may be dismissed by the landlord, who changes their mind, reaches an agreement with the tenant outside of the court, or dismisses the case because they have regained possession soon after filing the case. Cases may also be dismissed by the landlord and tenant through a voluntary agreement. Many landlords whose initial complaint includes nonpayment of rent will dismiss a case once they have regained possession. Moreover, cases can be dismissed by the judge after the tenant presents a reason/argument for why the court must dismiss. Legal representation, such as through the PBI clinics, can better help the tenant identify a ground to dismiss based on a procedural defect in the landlord’s case.

Cases coded as “Yes” for dismissed in this study were dismissed entirely; there was no judgment for possession (writ of possession) and no monetary judgment (nonpayment of rent). In a few instances, judgments were made in favor of defendants, and these were also coded “Yes” for dismissed. Cases coded “No” for dismissed include all cases where a Writ of Possession and/or monetary judgment was issued.

The data show an increase in the percentage of cases that were dismissed in areas with a pro bono clinic compared to those without. With the addition of the pro bono clinic in Rutland County in 2017, an average of 38% of cases were dismissed between 2017-2019 (Table 6). This represents a slight increase (4 percentage points) in dismissals compared to the year in which there was no clinic. This may point to the benefit of the tenant receiving legal assistance to identify a ground to dismiss based on defects in the landlord’s case. In Windsor County, an area without a pro bono clinic, the rate of dismissals appears to have gradually decreased over the 2016-2019 period from 35.6% in 2016 to 26.3% in 2019.

While there appears to be a trend of increased dismissals in the areas with a pro bono clinic, continued data collection and analysis may help provide insight on whether this trend is statistically significant and persistent. Additional investigation into the nature of dismissals may also help. For example, are there more partial judgments that include eviction but no monetary judgment as a result of pro bono clinics? Or does the style of a particular court or judge lead to more or less dismissals?

FIGURE 4: PERCENTAGE OF CASES DISMISSED, BY LOCATION AND YEAR

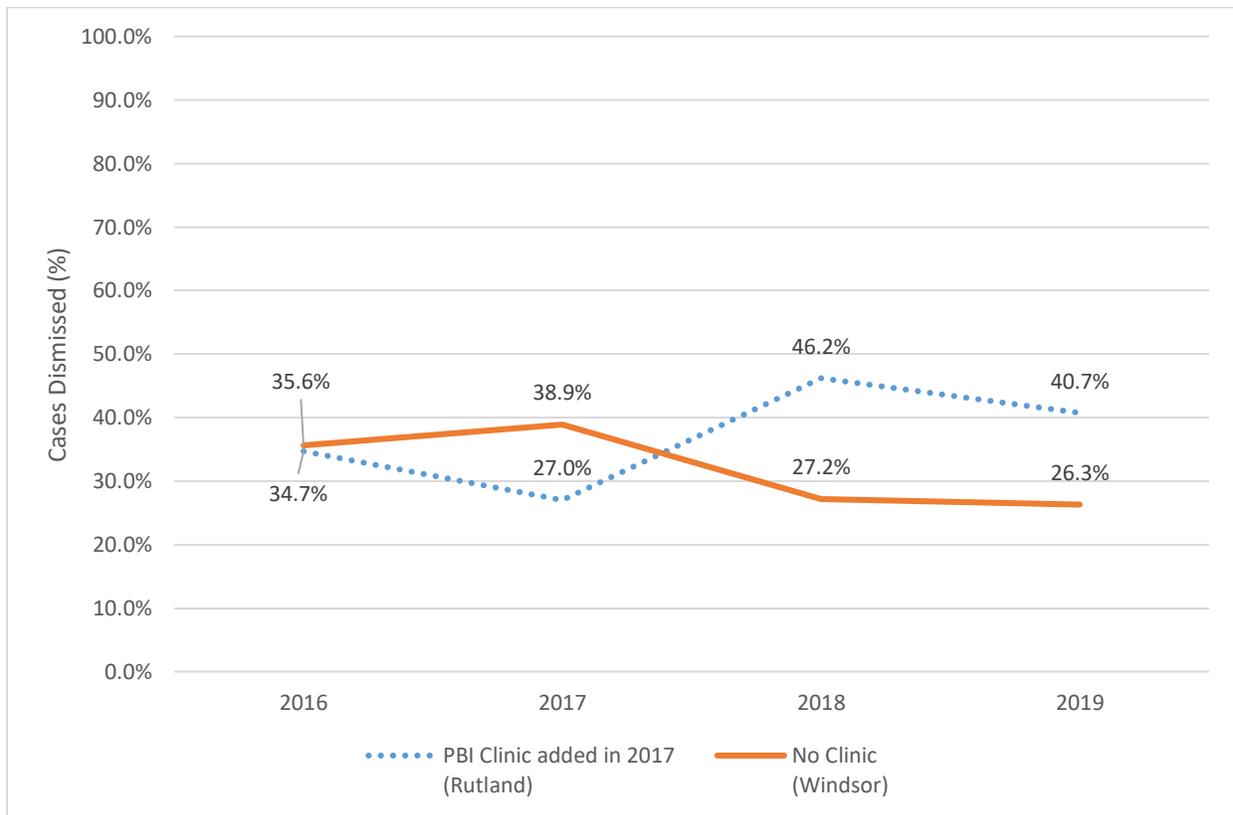


TABLE 6: PERCENTAGE OF CASES DISMISSED, BY LOCATION AND YEAR

	2016	2017	2018	2019
PBI Clinic Added in 2017 (Rutland County)	34.7% (n=144)	27.0% (n=222)	46.2% (n=156)	40.7% (n=140)
No Clinic (Windsor County)	35.6% (n=160)	39.40% (n=162)	27.2% (n=103)	26.3% (n=57)

MAINTAINING HOUSING

One of LSV’s chief goals is to help tenants facing eviction maintain housing. Tenants may achieve this by negotiating to stay in their existing housing, or by obtaining new housing they can move to without any period of homelessness. In many cases, the tenancy is not salvageable, or the tenant may not wish to fight for possession. In some cases, the tenant may be eager to leave their current situation and may have already identified a new housing option. In such cases, the focus of the representation is not to preserve a particular rental situation, but to help the tenants achieve a more orderly transition to new housing and/or help the tenant/s avoid a judgment (which is often a crucial factor in getting new housing). A review of court documents often reveals whether existing housing was maintained or lost in a particular case. However, details on obtaining new housing are not available in the court documents and are therefore not included in the data used for this study.

In coding this variable, tenants who were clearly evicted and lost their housing were coded as “No”. Those who made payments or reached settlements to maintain housing were coded as “Yes”. If there was no clear articulation that housing was lost or maintained, researchers coded the case “Unknown”.

Based on the methodology described above, the percentage of tenants who maintained their housing in areas with a pro bono clinic increased by over 4 percentage points over the period from 2017-2019 compared to 2016, before the clinic was established (Figure 5 and Table 7). The percentage of tenants who maintained their housing in areas without pro bono clinics increased from 2016 to 2019 as well, by less than 3 percentage point. A Chi-Square Test of Independence was used to test for an association. No statistically significant association was found to exist between court location and housing status.

Again, it is important to note that these percentages do not include tenants who obtained new housing. Therefore, the actual percentage of tenants who maintained housing is likely higher than reported. Follow-up with tenants to more accurately track whether housing is maintained in the same or a different unit will strengthen knowledge and understanding in this area.

FIGURE 5: TENANT HOUSING OUTCOMES, BY LOCATION AND YEAR

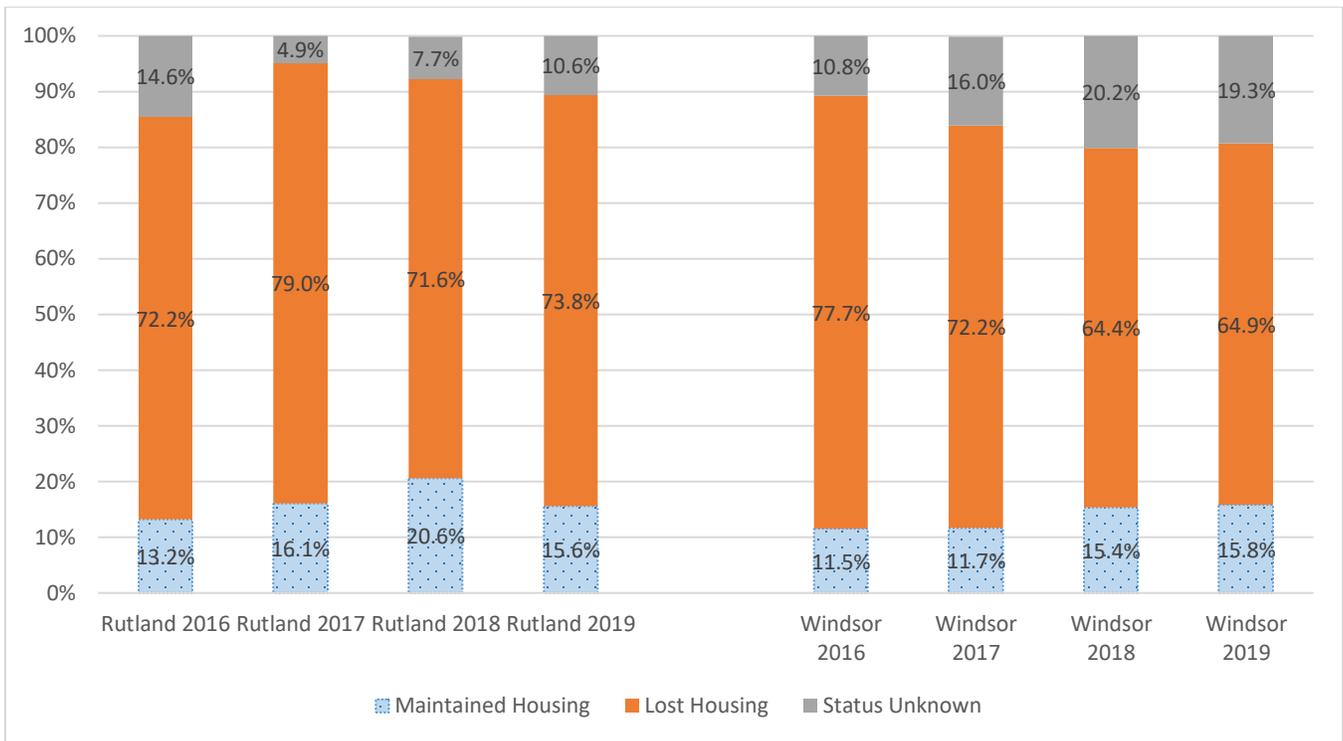


TABLE 7: TENANT HOUSING OUTCOMES, BY LOCATION AND YEAR

	2016	2017	2018	2019
PBI Clinic Added in 2017 (Rutland County)	<i>n=144</i>	<i>n=229</i>	<i>n=155</i>	<i>n=141</i>
Maintained Housing	13.2%	16.1%	20.6%	15.6%
Lost Housing	72.2%	79.0%	71.6%	73.8%
Status Unknown	14.6%	4.9%	7.7%	10.6%
No Clinic (Windsor County)	<i>n=160</i>	<i>n=162</i>	<i>n=104</i>	<i>n=57</i>
Maintained Housing	11.5%	11.7%	15.4%	15.8%
Lost Housing	77.7%	72.2%	64.4%	64.9%
Status Unknown	10.8%	16.0%	20.2%	19.3%

SAVING TIME AND MONEY

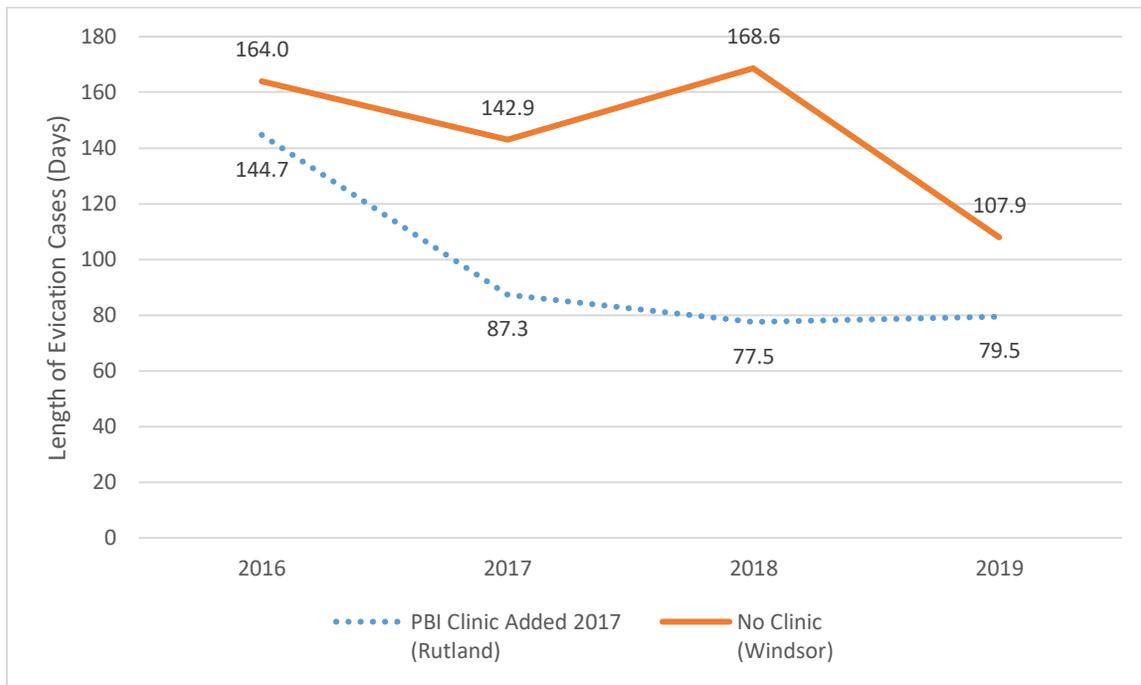
The average length of each eviction case was calculated using court opening and closing dates reported in the electronic records. Eviction cases heard in courts with a pro bono clinic (Rutland County 2017-2019) showed a statistically significant decrease in duration compared to eviction cases heard in courts

without a pro bono clinic (Rutland County 2016). The average duration of a case in Rutland County in 2016, without a PBI clinic, was 145 days (Figure 6). The average duration of a case in Rutland County from 2017-2019, with a PBI clinic, declined to an average 81 days².

The duration of eviction cases in courts without a pro bono clinic also decreased from 2017 to 2019, but the decrease in courts without a clinic was less pronounced than in courts with a clinic. The average duration of a case in Windsor County in 2016, without a PBI clinic, was 164 days. The average duration of a case in Windsor County from 2017-2019, also without a PBI clinic, was 140 days.

We cannot conclude that pro bono legal services are the primary or sole reason for the decrease in the length of eviction cases in Rutland County, as other factors may be at play. Continued analysis in future years, and an examination of other differences between the two counties and respective court proceedings are necessary. However, this early finding suggests one outcome of pro bono legal services in Rutland County may be shorter average case lengths, offering savings of energy, time, and money for tenants, landlords, and also for the judiciary system.

FIGURE 6: AVERAGE LENGTH OF EVICTION CASES IN DAYS, BY LOCATION AND YEAR



²

	2016	2017	2018	2019
No Clinic (Windsor County)	164 (+/-139)	143 (+/- 106)	169 (+/- 95)	107 (+/- 48)
PBI Clinic Added in 2017 (Rutland)	144 (+/-85)	87 (+/-59)	78 (+/-75)	78 (+/- 70)

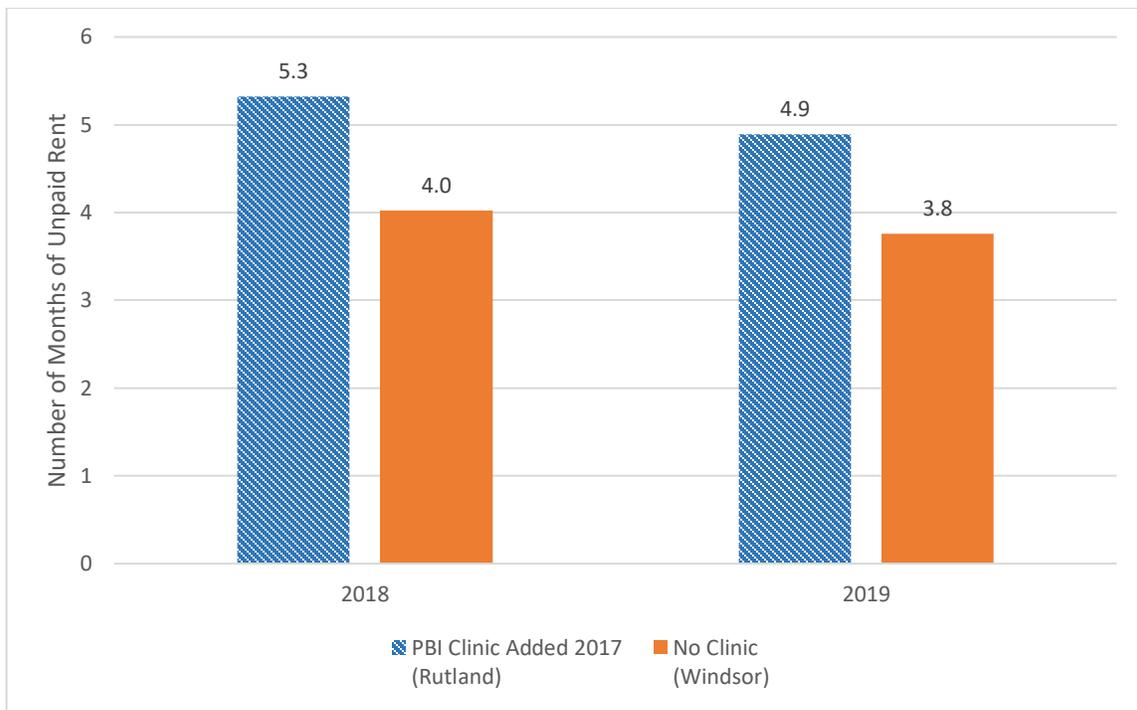
REDUCING THE NUMBER OF MONTHS OF UNPAID RENT

The average number of months of unpaid rent was calculated by dividing the total amount owed by the amount of monthly rent being charged. While this data was not available for all years in this study, the data was calculated for cases in 2018 and 2019.

The study found that eviction cases heard in courts with a pro bono clinic (Rutland 2018-2019) showed signs that the number of months of unpaid rent (Table X). The average number of months of unpaid rent decreased from 5.3 months to 4.9 months (0.4 months difference). The number of months of unpaid rent in courts without a pro bono clinic also decreased from 2018 to 2019, but this was slightly less compared to that in courts with a clinic. The average number of months of unpaid rent in Windsor County decreased from 4 months to 3.8 months³.

The current data was not found to be statistically significant, nor is there sufficient evidence to show that the pro bono clinics have made a substantial impact on the number of months in unpaid rent. However, with further study and continued data collection, a more robust picture of the impact of pro bono clinics on the number of months of unpaid rent, and consequently on the duration of cases, will be possible.

FIGURE 7: AVERAGE NUMBER OF MONTHS RENT, BY LOCATION AND YEAR



³

	2018	2019
PBI Clinic Added in 2017 (Rutland)	5.3 (+/-11.8)	4.9 (+/-5.4)
No Clinic (Windsor)	4.0 (+/-4.0)	3.8 (+/-2.6)

IMMEDIATE FINANCIAL IMPACT FOR TENANT

Across all cases, the study looked at the immediate financial impact of the eviction on the tenant. For the purposes of this study, this is defined as:

1. The amount a tenant paid to maintain current housing and avoid judgment, or
2. The amount a tenant may have owed in back-rent, but avoided paying, typically because it was forgiven or dismissed by the landlord.
3. For tenants who did not avoid a monetary judgment, the financial impact was recorded as \$0.

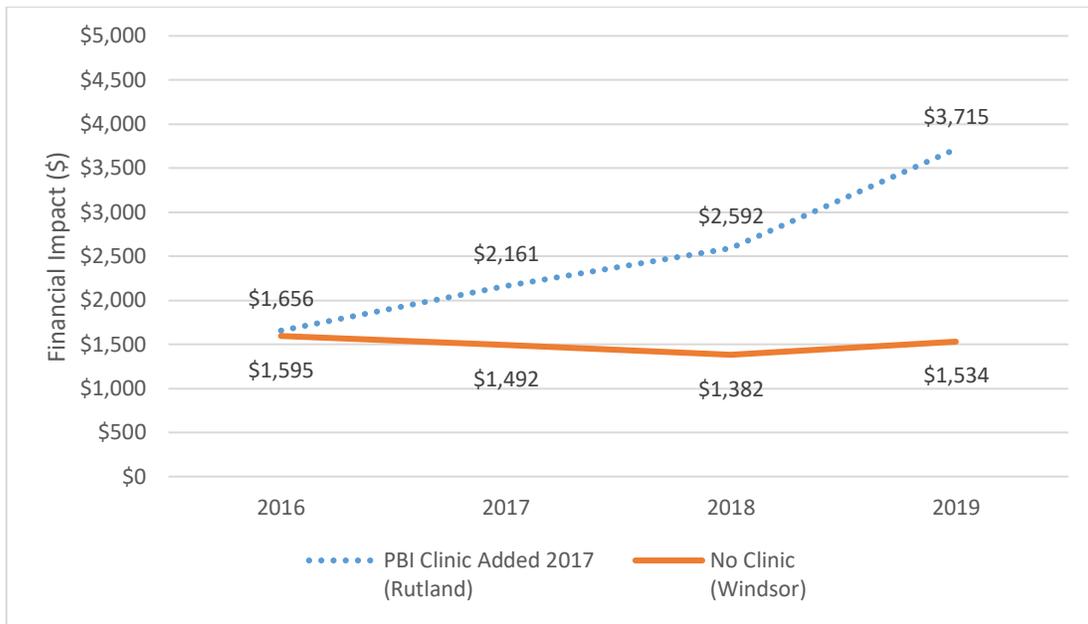
The study found that the overall average immediate financial impact on a tenant was \$2,016. This number, in theory, represents the average cost of preventing an eviction in the areas included in this study. This figure may be of value when considering policy recommendations. Providing financial support of \$2,016 per case, on average, could eliminate a substantial portion of eviction cases. This amount might not help with tenants who face chronic financial challenges, but it could make a difference in cases involving tenants who are experiencing unexpected short-term financial issues, helping to prevent a downward spiral towards potential homelessness and unemployment.

Eviction cases heard in courts with a pro bono clinic (Rutland County 2017-2019) showed an increase in average financial impact compared to cases heard in courts without a pro bono clinic (Rutland County 2016). This increase was found to be statistically significant. The average financial impact in Rutland County in 2016, without a PBI clinic, was \$1656. The average financial impact in Rutland County in 2017-2019, with a PBI clinic, increased to an average of \$2823. The average financial impact in cases heard in courts without a pro bono clinic (Windsor County) decreased from 2017-2019 compared to 2016. The average financial impact in Windsor County was \$1595 in 2016 and dropped over the subsequent three years to an average of \$1469 per year.⁴

4

	2016	2017	2018	2019
No Clinic (Windsor County)	\$1595 (+/- \$2457)	\$1492 (+/- \$1936)	\$1382 (+/- \$2266)	\$1534 (+/- \$2905)
PBI Clinic Added in 2017 (Rutland County)	\$1656 (+/- \$1728)	\$2161 (+/- \$2823)	\$2592 (+/- \$3249)	\$3715 (+/- \$5526)

FIGURE 8: AVERAGE FINANCIAL IMPACT ON TENANTS, BY LOCATION AND YEAR



This metric does estimate what it costs, on average, to avoid a one-time eviction action. However, it is difficult to make further inferences about a tenant’s well-being based on these two metrics. As the financial impact for a tenant increases, it suggests that tenants are either keeping their housing or avoiding costly monetary judgments, both of which are positive outcomes for the tenant. However, it also indicates higher and higher costs to tenants (as well as to landlords and the judiciary) to work through cases. Continued analysis of this indicator over time will help better understand trends.

Incorporating additional indicators might help gain more insights into the overall financial well-being of tenants involved in eviction cases. For example, a more robust analysis might include the percentage of income each tenant is expending for housing. Coupled with the financial impact and number of months in unpaid rent, this would provide a clearer understanding of the challenges facing tenants, particularly those in low-income circumstances.



CONCLUSION

This report is based upon a study that used four years of data and a before-after-with control group experimental design. The purpose of the study was to evaluate the impacts of a new pro bono clinic initiated by Legal Services LSV in Rutland County, Vermont in 2017 through 2019.

Impacts

Given the variables available and utilized for this study, the greatest impacts of the Rutland County pro bono clinic appear to be that it encouraged more settlement agreements, and that it decreased the amount of time landlords, tenants, and the judiciary were investing in case proceedings. These two variables likely go hand in hand, as dialogue between parties can both encourage settlement agreements, and shorten case lengths.

Rutland County also saw an increase in the number of tenants represented by an attorney, which may have contributed to the increase in settled cases over the 2016 through 2019 period. Indeed, tenants without lawyers are less likely to know how to effectively engage in settlement negotiations, and it is conceivable that landlords are less likely to engage in settlement negotiations if their tenant does not have a lawyer. When both parties have a lawyer, it allows for dialogue that might not otherwise occur, creating opportunities and unique solutions that judges cannot or may not offer. In some but not all instances, settlement agreements can also help tenants avoid judgment and plan for a more orderly move. A more thorough investigation of the outcomes of settlement agreements is an area for future study, to help understand if, how, and when settlements help tenants avoid judgment.

Overall, there were 1,746 eviction cases in 2019⁵. With the four years of data available for this study, it appears that the average length of eviction cases was cut nearly in half with the introduction of a pro bono clinic in Rutland County. Hearings and trials are likely to be more efficient if tenants are educated about and guided through the process. As noted previously, we cannot conclude that pro bono legal services are the primary or sole reason for the decrease in the length of eviction cases in the area with the pro bono clinic (Rutland County 2017-2019), as other factors are likely at play. However, this longitudinal finding suggests one possible outcome of pro bono legal services in Rutland County may be shorter average case lengths, offering substantial savings of energy, time, and money for tenants, landlords, and the judiciary. These outcomes should continue to be monitored over time to see if- and how they change in Rutland County and other areas with pro bono clinics.

⁵ Vermont Judiciary. (2019). Appendix I Judiciary Statistics FY19-Statewide, *Vermont Judiciary Website*. <https://www.vermontjudiciary.org/sites/default/files/documents/Appendix%20I.pdf>

Areas for Additional Research

With four years of data available for areas with a pro bono clinic, we can begin to see initial outcomes, as well as identify areas for refined and additional research. Key areas for additional research include dismissals, whether and how housing is maintained, financial implications for the tenant, and potential variations between courts and judges.

In considering dismissals, the results of the study are counterintuitive. One would think that having a lawyer might result in more cases being dismissed, yet the opposite is true in this study. The number of dismissals is fairly steady for the areas without a pro bono clinic, and for the areas with a pro bono clinic, the percentage of dismissals decreased. Gathering more information about the nature of dismissals will be valuable in future studies, as will comparing dismissal rates across all counties that have clinics. Is more worked out through the increased number of settlements, resulting in more positive outcomes for tenants, but not outright dismissals? Are there more partial judgments as a result of pro bono services, resulting in evictions, but avoiding monetary judgment? Or are there style differences between courts and judges that play a role? These are all potential areas for further study.

As noted previously, a primary goal of the pro bono clinics is to help tenants maintain housing. While there was a slight increase in the number of tenants who maintained housing, it is not substantially different from that in areas without the PBI clinic. Additional data is necessary to accurately measure whether that goal is being met in future years in PBI clinic areas. This report does assess whether tenants maintained or lost their existing housing but was not able to assess whether tenants acquired new housing in a satisfactory manner. If feasible, additional follow-up with tenants in areas with and without pro bono clinics, to more accurately track whether housing is maintained in a new unit, will strengthen understanding of the impact of the clinics.

In evaluating the financial impact on tenants, the study considered the amount a tenant paid to maintain current housing and avoid judgment, or the amount a tenant may have owed in back-rent, but avoided paying, because it was forgiven or dismissed by the landlord. This number is valuable if considering what it costs, generally, in unpaid rent and fees, to avoid a one-time eviction action. It measures the amount of money a tenant would theoretically need to expend to return to a \$0 balance and be current on rent but does not indicate a true financial gain or opportunity for the tenant. Other indicators might be considered to more accurately measure tenant economic well-being, if that is a goal. These might include tracking how many months of rent each tenant has fallen behind, and the percentage of income each tenant is expending for housing.

Finally, this study examined eviction case documents and outcomes. It did not examine court processes and proceedings to identify difference and similarities between courts and judges. It also did not examine overarching demographic differences that may exist between counties. Future studies might consider how courts and their specific processes, personalities, and tendencies play into eviction cases and their outcomes. Future studies might also consider the environmental and economic circumstances within each county and how those impact eviction cases and their outcomes.



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