

NEW YORK STATE COURT NAVIGATOR PROGRAM

NAVIGATOR SNAPSHOT REPORT

DECEMBER 2014

COMMITTEE ON NONLAWYERS AND THE JUSTICE GAP



EXECUTIVE SUMMARY OF NAVIGATOR SNAPSHOT REPORT

THE NEW YORK STATE COURT NAVIGATOR PROGRAM was begun in March 2014 following Chief Judge Jonathan Lippman's announcement of the program in his February 2014 State of the Judiciary address.

The Navigator Program was created by the Chief Judge's Committee on Nonlawyers and the Justice Gap in response to the need for assistance for the more than 2 million New Yorkers each year who are unable to find lawyers as they navigate a complex system to deal with their legal problems. While ideally every litigant would have a lawyer to represent him or her in cases involving fundamental human needs, the reality is that many can neither afford a lawyer nor access free legal services. The Navigator Program seeks to fill that unmet need and provide support and assistance to low-income litigants.

The program provides trained nonlawyers in Housing Court in Brooklyn and in a Civil Court consumer debt part in the Bronx. The role of the Navigators includes the provision of the following types of assistance, free of charge, to litigants:

- Preliminary discussions with litigants to listen and explain the process
- Review of the papers litigants have received and assembled to explain their relevance to the process
- Provision of information to litigants about appropriate or available court services (including interpreters)
- Description for litigants of the individuals they will see in court and their roles (e.g. judge, court clerk, law clerk), as well as likely discussion topics and the best manner of response to each
- Assistance to litigants in filling out court-approved DIY forms and help in identifying additional resources available on the Internet
- Court accompaniment, including giving notes or reminders to litigants where and when necessary
- Statements of fact to the judge, but only if asked a direct factual question by the judge
- Taking notes during any conference or hearing to discuss with litigants afterwards so that the litigants are clear about what has been said or decided and what the litigants must do to comply with any directions they may have been given
- Some Navigators in the Housing Court, in addition, provide more in-depth service and remain with litigants to help provide needed social services, including benefits to cover rent arrears where available (see full description in Overview of program below).

This report describes the operations of the Navigator Program and includes three views — “snapshots” — of the program. All three indicate that the program provides valued practical assistance to litigants and to judges. In addition, in cases in which a Navigator was involved, respondents raised additional and more specific defenses and, overall, obtained decisions that produced a better financial result for respondents.

In the first view, 61 participants spoke directly to interviewers and answered a series of questions about the impact of the program. Every litigant interviewed agreed strongly that Navigators were helpful and courteous and understood their questions. An overwhelming majority agreed that Navigators were able to answer questions and help them to understand what was happening in their cases; most felt that Navigators made them feel progress was being made. In narrative comments, participants appeared to consider the assistance they received invaluable, making observations such as the following: “wonderful program,” “good to have someone to help,” and “I wish this program were here sooner”.

The second view provides the judicial perspective. The three judges who have overseen the program in their parts participated in individual interviews; two of these judges presided over cases staffed by Navigators for almost four months each in the Bronx Civil Court, and one judge has continuously overseen the Housing Court part in Brooklyn. While there were individual differences relating to the part and to the particular types of Navigators (those Navigators that were able to provide social services assistance were more likely to help to resolve the case), all of the judges and the one court attorney who participated in the interviews were unanimous that the program has been very helpful to litigants and to the court. Litigants who were accompanied by Navigators reported uniformly that they were more comfortable, less stressed, and better able to provide the court with the information needed. One of the judges stated that the Navigator program should be considered a “necessary” component that should be expanded. All of the judges stated that Navigators had never spoken out in court unless asked a direct question by the judge.

The third view is of the initial processing and outcomes of a sample of 100 cases in Brooklyn Housing Court. Researchers obtained data for all 35,000 cases handled in Brooklyn Housing Court between January and August 2014, and the database was sorted to match 50 cases in which Navigators were present and 50 cases in which they were not. There were a number of significant differences between the two groups of cases, including in the area of defenses raised. Respondents who received assistance from a Navigator raised a total of 205 defenses (averaging more than 4 per case), while in the unassisted 50 cases there were a total of 66 defenses raised (or an average of 1.3 per case). The types of defenses also differed significantly. The most common defense offered by the unassisted litigants was a general denial. In the cases of those receiving assistance, the most common defenses were that the litigant did not receive the correct court papers as required by law, that the litigant was not asked to pay the arrears before the court action, that the rent had already been paid, and that elements of the petition were not correct. A significantly greater number of those assisted responded that they did not receive a copy or proper notice of the petition, that the amount of rent being demanded was not the legal rent, or that the landlord had failed to complete needed repairs, provide services, or address poor conditions.

While this examination of the Navigator program is preliminary (the Navigator program will be the subject of a specific independent and comprehensive social science inquiry in 2015, as described below), our initial assessment is that the Navigator program is a valuable innovative addition to the state court system. In addition, a number of participants in both the Navigator program and the reviews made important suggestions contributing to the improvement of the operation of the program that will be implemented wherever possible. Overall, the initial findings are consistent with observations of committees, foundations, bar associations, and experts throughout the country, who have reported consistently that the Navigator model, although not a substitute for representation by a lawyer, provides a level of service that can help to promote basic fairness for people otherwise unable to receive legal assistance in matters of significant consequence to their lives.

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I. INTRODUCTION/BACKGROUND

New York State Chief Judge Jonathan Lippman announced in his State of the Judiciary address in February 2014 that the courts were about to begin a series of pilot projects with nonlawyer court Navigators to aid some of the literally millions of unrepresented litigants in this state.

These pilot programs grew out of the work of the Chief Judge's Committee on Nonlawyers and the Justice Gap, which was created in 2013 and charged with exploring ways that non-lawyers can assist unrepresented low-income New Yorkers with legal problems in navigating through the court system. The pilot programs, which began in March 2014, incorporate the work of non-lawyer Navigators who provide services free of charge ranging from legal information and guidance to litigants in completing court forms, preparation for their court appearances, and debriefing after appearances to ensure next steps are understood. The Navigator might help litigants sort through the many papers and documents they may have, provide them with information about appropriate or available court services (including interpreters), accompany them into the courtroom, and take notes during the proceedings. It is important that litigants understand what has been said and what has been decided or directed by the judge during a court appearance or conference. In some cases, when asked by the judge, a Navigator may respond to factual questions in the course of these court appearances.

For the first time, in at least a few courtrooms, poor people facing lawsuits that threaten to evict them (and often their children) from their homes or to destroy their financial stability will have someone available in the courtroom to be at their side. Significantly, in almost all of these cases the person who cannot afford a lawyer is not only standing up alone but is facing a debt collector or landlord who has well-trained lawyers representing its interests. This imbalance in a system designed to settle disputes between relatively equally able adversaries cannot be fully resolved in the absence of the parties having equal access to attorneys. However, the Navigators are meant to provide some assistance to those unable to secure legal services, who would otherwise have no recourse other than to proceed alone in a complex process which may result in their family becoming homeless or financially unstable.

While fairly novel in this country, the Navigator role is similar to the supportive role played by certain categories of nonlawyers in England, Wales, and Canada.

This report presents preliminary snapshots of the operations of these pilot programs from three varied perspectives. The report begins with a description of the actual implementation of the pilot programs and the details of their operations in Housing Court in Brooklyn and in a Civil Court Debt Collection part in the Bronx.

After that, it summarizes three different views of the first six months of the operation of the Navigator program.

The first view presented is of information gathered from a survey of the litigants themselves. The survey was devised with assistance from court staff and was designed to collect information on both the Housing and Debt Collection Navigators. During June and July 2014,

the law firm of Debevoise & Plimpton LLP provided five summer associates and interns to conduct litigant surveys in both pilot locations. Following a description of the survey process is an outline of the results of that survey, including some summary information on opinions elicited from the litigants. This section also includes observations of the Debevoise team as to best practices for improved outcomes.

The second view presented is of information gleaned from interviews with the judges presiding in the court parts where the pilot programs have been operating.

The third view presented is of findings from a Data Brief which analyzes 100 cases in Housing Court. The analysis was carried out to identify differences between cases where litigants were helped by Navigators and by case workers in the Brooklyn Housing Court pilot project and comparable cases where litigants did not receive that help.

Significantly, these three snapshots are being published now as a prelude to a separate social science study that is just beginning. The Public Welfare Foundation in Washington, D.C. has provided a grant to the American Bar Foundation and the National Center for State Courts to carry out an evaluation of the Navigator program during 2014-2015. The current analysis reflects the decision of the Committee to undertake a review after six months of operations to: i) identify opportunities for course corrections and improvements in service, ii) hear the voices of some of the litigants relying on Navigators, and iii) speak with the judges who have been overseeing the parts in which the Navigator programs have been implemented.

II. NAVIGATOR PILOT PROGRAM OVERVIEW

A. Kings County Housing Court Navigator Pilot Programs

There are three Navigator programs in Kings County Housing Court, each with its own structure and supervising entity. They together form the services offered by non-attorneys to assist unrepresented litigants in the Kings County Housing Court.

1. Housing Court Answers

The earliest contact that litigants in Housing Court may have with this program is with a Navigator under the supervision of Housing Court Answers (HCA), an information and advocacy organization. Housing Court Answers sets up tables in New York City Housing Court to provide information free of charge on subjects including housing law, rent arrears assistance, and homeless prevention guidance. Housing Court Answers' Navigators approach litigants as they wait on line outside the Clerk's Office located on the second floor of the Kings County Housing Court.

HCA Navigators are in court on Monday and Thursday mornings. Housing Court Answers Navigators serve in two ways: First, they help litigants file their Answers. Second, they screen litigants to see if they would be more appropriately served by University Settlement Navigators, who are available to provide more comprehensive ongoing services to specific populations.

The HCA Navigators begin by questioning litigants to see if they meet the following criteria for receiving Navigator assistance:

- The case must be a non-payment case. Defendants in these cases, who are sued to collect back rent payments, risk losing their homes. (HCA Navigators do not handle holdover cases, although some cases that start out as non-payments are ultimately converted to hold-over cases).
- The litigant must be there on a first time Answer.
- The litigant must be the named respondent on the case.
- The housing in question must be a rent-stabilized apartment (HCA Navigators do not handle Section 8 cases).
- The litigant cannot live within zip codes 11212 or 11226 (those defendants are referred to the Legal Aid Society).

HCA Navigators assist litigants who meet the above criteria to complete the DIY (“Do It Yourself”) Answer form approved by the court system’s Access to Justice Program, using the questions on the DIY form to guide the unrepresented tenant in completing the Answer. This normally takes place at either a publicly accessible computer located in the Clerk’s Office or in a relatively quiet area in the Clerk’s Office. The HCA Navigators then accompany the litigants to a dedicated window where a clerk reviews the Answer and assigns a court date. In rare instances, they also assist litigants who want to answer on-line via the DIY computers available in the courthouse. Housing Court Answers Navigators do not accompany litigants into the courtroom, cannot offer any legal advice, and do not conduct any follow-up with litigants. Their assistance is one time only. The HCA Navigators channel cases that may be eligible for additional services to University Settlement Navigators.

HCA Navigators handle approximately 30 cases a week. They track information on those cases on an Intake Form entered into an excel spreadsheet maintained by Housing Court Answers. As of August 31, 2014, HCA Navigators screened 2,368 litigants, assisted 329 unrepresented litigants to file answers to a petition, and referred 91 litigants to University Settlement.

2. University Settlement

The University Settlement (US) Navigator program was implemented in March 2014 and is administered by University Settlement, a settlement house on the Lower East Side of Manhattan whose Project Home program works to reduce homelessness. The US Navigator program is staffed by one Program Coordinator who oversees the program and takes cases, two full-time Navigators, and one quarter time Navigator. US staff are in court on Mondays and Wednesdays to complete any intakes referred by HCA; University Settlement Navigators do not seek to connect with litigants on line at the Clerk’s office. Instead, they catch the more complex cases that are funneled to them through Housing Court Answers. The cases must meet the same established criteria listed above in the Housing Court Answers section.

Examples of cases that may need more in-depth service and, thus, may be handled by University Settlement include litigants who:

- owe significant rent arrears,
- do not speak English well or at all,
- have educational disadvantages,
- need referral services for underlying social service needs, or
- are eligible for additional entitlements or rent subsidies.

When a case is referred to University Settlement, the US Navigator conducts a full assessment. Based on the assessment, the program supervisor decides which cases can be accepted by University Settlement. An intake coordinator informs litigants if their case has been accepted or not. So far, University Settlement has taken approximately 50% of the cases referred to it by HCA. The litigants who are not accepted are told they will have access to an Access to Justice (A2J) Court Navigator upon their return to court.

University Settlement Navigators stay with litigants through the entire housing court process and thus provide the most comprehensive case assistance of the three Navigator groups. University Settlement Navigators accompany litigants to court and speak in the courtroom if asked a factual question by the judge or court attorney, and they provide the social services needed throughout the process to ensure that tenants are able to maintain their homes. They cannot offer legal advice. As of August 31, 2014, US Navigators completed intake forms for over 100 unrepresented litigants and provided case assistance to 57 unrepresented litigants.

3. Court-Trained A2J Navigators

The third Navigator program was launched in February 2014 in Kings County Housing Court. The program is supervised by the New York State Unified Court System's Access to Justice (A2J) Program. Under this Navigator program, court employees train college students and other approved volunteers to improve unrepresented litigants' court experience. The program operates in partnership with Housing Court Answers and University Settlement. Unlike Housing Court Answers and University Settlement, A2J Navigators can help litigants in non-payment cases who need assistance but do not meet the eligibility guidelines listed above. The A2J program recently has been expanded to the Bronx, Queens, and Manhattan.

All Housing Court Navigators attend a two and a half hour seminar and are provided with a training manual, which includes information on what a Navigator can do to help the unrepresented litigant. The training consists of a combination of instruction and video replays, including comprehensive role-playing scenarios as well as an overview of the Housing Court, the role of court Navigators, and available resources inside and outside the courthouse. Training topics include:

- Basics of Nonpayment Proceedings
- Interviewing and Communication Skills
- Using the DIY Computers and Law Help

Prospective volunteers are trained at their school or at one of the New York City Civil Court courthouses.

In Brooklyn, court Navigators are positioned in the Resolution Part C courtroom and in the hallway outside the courtroom. The presiding judge in Part C is Hon. Hannah Cohen. Each morning, Judge Cohen's court attorney announces to the litigants waiting in the courtroom that Navigators are available to assist them, and he puts out a sign-up sheet for those who want to participate. There are typically two or three A2J Navigators available every day. A2J Navigators volunteer a minimum of 30 hours within 3 months of their training.

A2J Navigators can provide only a limited scope of service; they are trained to assist litigants as follows:

- provide moral support
- explain what to expect and what the role of each person is in the courtroom
- help to locate legal information and information on how to find a lawyer on a website called LawHelp.org
- help litigants to fill out DIY forms
- help litigants identify resources in the courthouse and outside the court to assist in resolving their cases
- help litigants collect and organize documents needed for their cases
- accompany litigants during hallway negotiations with opposing attorneys to provide support
- accompany litigants in conferences with the judge or the judge's court attorney to provide support
- assist litigants by responding to a judge's or court attorney's questions concerning facts related to the case

Court Navigators do not give legal advice or participate in negotiations or settlement conferences.

As of August 31, 2014, A2J Navigators provided assistance to 433 unrepresented litigants in Brooklyn Housing Court, 388 unrepresented litigants in Bronx Housing Court, 234 unrepresented litigants in Queens Housing Court, and 184 unrepresented litigants in Manhattan Housing Court.

B. Bronx Consumer Debt Navigator Program

In addition to the Housing Court Navigator programs, a Navigator program for consumer debt cases operates in Civil Court in Bronx County. The Consumer Debt Navigator Program assists litigants in consumer debt proceedings in the Consumer Debt Part of the New York City Civil Court, Bronx County. When the program launched on February 26, 2014, the presiding judge in the part was Hon. Paul Alpert; the current judge is Hon. Eddie McShan.

Like the A2J Navigators in Kings County, the Consumer Debt Navigators in the Bronx are supervised by the New York State Unified Court System's Access to Justice Program. These Navigators are present in Civil Court from Monday through Friday. Typically there are between two and five volunteers as well as a supervisor on site each day. Most are college students in the Bronx. Navigators are stationed in the courtroom, where a Court Officer announces their availability to litigants.

The Consumer Debt Navigators offer the same scope of services as the A2J Navigators in Brooklyn Housing Court. Their primary role is to explain the court process, sit with litigants, and encourage them to be “proactive” in their case. The Navigators also can refer cases to the Bronx Volunteer Lawyer for the Day program (VLFD), which is a partnership of the New York State Access to Justice Program and the New York Legal Assistance Group that places pro bono lawyers in the Civil Court Monday through Thursday. In making referrals, the Navigators take into account how many cases the Volunteer Lawyer for the Day can handle, either by appointment or walk-in.

The first semester’s group of 14 Navigators to be trained assisted a total of 434 defendants in the Consumer Credit Part in the Bronx. For each case they “touch” (or litigant they work with), Navigators collect the name of the defendant, the index number of the case, and the name of the Navigator involved with the case as well as the Navigator’s notes.

Many of the Bronx court Navigators recruited for this project are fluent Spanish speakers, and this has been enormously helpful in assisting litigants.

Consumer Debt Navigators attend a training program provided by the court. This two and a half hour seminar consists of a training video and comprehensive role-playing scenarios and instruction on topics including:

- Basics of Consumer Debt Cases
- Interviewing and Communication Skills
- Using the DIY Computers and Law Help

Through August 31, 2014, the Consumer Debt Navigators assisted 891 unrepresented litigants in the Bronx Consumer Debt part.

III. SURVEY REPORT

A. Survey Process

A survey questionnaire (Attachment A) was designed with assistance from the Unified Court System’s Office of Court Research. It was administered by five summer associates and pre-law school summer interns from Debevoise & Plimpton (hereinafter referred to collectively as the “associates”). The associates attended the Navigator Training provided by Judge Fisher’s office, and Office of Court Research staff instructed the associates in interviewing techniques. Navigators were asked to refer litigants to the associates to participate in the survey. Associates were instructed to approach litigants after their interaction with the court and/or the Navigator was completed and ask if they would participate in a short questionnaire. The questions were read aloud to litigants and responses were recorded by hand by the associates. Later, their responses were data-entered at the Office of Court Research.

The Kings Housing Court survey was conducted between Monday, June 23 and Thursday, July 24, 2014. Three associates were assigned on Mondays and Thursdays when Housing

Court Answers, University Settlement, and A2J Navigators were present. Two associates were assigned on Tuesdays and Wednesdays when only the A2J Navigators were present. Typically, the associates conducted the surveys from 10:00 a.m. to 1:00 p.m. on any given day.

The Bronx Consumer Debt Part survey was conducted on Monday, July 21, 2014 and Wednesday, July 23, 2014.

B. Survey Results

1. Statistics

The volunteer associates gathered 61 completed questionnaires in total. The full tally of responses to each question is available on request. That number included 44 Housing Court litigants and 17 Consumer litigants. The process the associates followed was to read the questions, check the questionnaire answers, and write down open-ended responses.

Of the Housing Court litigants, 20 appeared in a courtroom, and 10 were accompanied by a Navigator. In 4 cases, the Navigator spoke to the court.¹ Twenty-six of the litigants had a return date; 23 of them said they knew what to do to prepare.

All 17 of the Consumer litigants appeared in the courtroom before a court attorney, all accompanied by a Navigator. Navigators spoke in more than half (8) of those cases. Eight of the litigants had a return date; 6 said they knew what to do to prepare.

When asked how they met the Navigator, 30 said they were approached by a Navigator, 3 said they heard an announcement about available assistance, and 9 approached the Navigator on their own after noting the Navigator's badge or watching him or her help others.

2. Voices of the Litigants

In overwhelming numbers, the 61 litigants agreed strongly with the statements that the Navigators were helpful, courteous, and understood their questions. Fifty-two agreed strongly that the Navigators answered their questions, with seven agreeing somewhat with that statement. Fifty-one agreed strongly that the Navigators helped them to understand what was happening in their case, three agreed somewhat, and six did not answer. Forty-nine litigants agreed strongly that the Navigators helped them feel that progress was being made in their case, seven agreed somewhat, one disagreed strongly, and four did not answer.

3. Survey Administrators' Observations/Best Practices

In the course of administering surveys, the Debevoise associates were able to observe the programs, identify aspects of each that worked particularly well, and suggest modifications for improvement. Their recommendations for best practices where possible were as follows (understanding that resources will constrain many of these enhancements):

- **On-site Supervision**

Based on the Bronx model, it appeared that the program benefitted by having a point person in the courtroom. The Bronx Consumer Debt Part has dedi-

¹ University Settlement reports separately that in each of the 57 cases University Settlement accepted between March and August, the US Navigator responded to questions from the court.

cated court staff who manage the Navigators on a daily basis and are available for questions. Having that oversight and supervision seemed to make the process more seamless and gave the Navigators more confidence.

- **More In-depth Training**

Additional detailed information on the issues involving housing court cases would be beneficial. Half-day training did not seem to be adequate to inform Navigators on the issues associated with these complex cases.

- **A Printed Q&A to the Most Frequently Asked Questions**

Because the Navigators cannot provide legal advice, it would be helpful to have standardized responses to questions that involve legal issues, pre-approved by the court, and perhaps in more than one language.

- **New Navigators should shadow seasoned Navigators before they go out on their own**

- **Encourage the Navigators to be more proactive**

Although it did seem that this was somewhat dependent on the individual Navigators' personalities, the Navigators in Kings County seldom approached litigants in the courtroom, while the Bronx Navigators frequently did. The observers also noted that the environment in Kings Housing Court is different (i.e., more chaotic, noisier) than in the Bronx, making it much more difficult to have a conversation in the courtroom.

- **Awareness of the program should be increased, particularly in Kings Housing Court**

In addition to having the judge's court attorney make an announcement about the availability of the Navigator program in the courtroom (where the audio is terrible and litigants may miss it), signage should be added to make litigants aware of the program.

Litigants may be reticent or too intimidated to come forward to put their name on a list in the courtroom filled with people. A private area to speak would be ideal though admittedly highly unlikely given the current limited space in the courthouse.

The announcement in the courtroom should be changed to focus on the specific practical tasks that Navigators are authorized to perform, i.e. what Navigators can do for litigants, not what they cannot do, such as give legal advice.

- **Resources**

There is a need for more Navigators who speak foreign languages, particularly Spanish, Russian, Polish, Creole, Chinese in Kings and Spanish in the Bronx.

C. Survey Conclusion

The overwhelming gratitude and positive responses of the litigants confirm both the plain need for and evident importance of the assistance provided by the Navigators. In Housing Court in Brooklyn and in consumer debt cases in Civil Court in the Bronx, 99% of defendants

are unrepresented. In the absence of legal help for these litigants, the Navigator program is an important innovation.

The surveys demonstrate that litigants who received the help of a Navigator report nearly universal satisfaction, using language like “wonderful program,” “good to have someone to help,” and “I wish this program were here sooner.” While satisfaction with the program is not the only measure of a program’s success, it is not an unimportant measure either, especially given the high level of enthusiasm expressed by virtually all who were interviewed.

Based on the observations of the survey administrators from Debevoise, there are some tweaks that might improve the program. These include more engaged supervision, better communication about the program to litigants, and increased training, information, and resources for Navigators.

Next steps should include a process to incorporate these proposals where appropriate. In sum, however, the survey indicates that the Navigator program has brought support and assistance to litigants in acute need.

IV. JUDICIAL PERSPECTIVES

A. Process

On Thursday, November 6, 2014, Nonlawyer Committee co-chairs Roger Maldonado and Fern Schair together spoke to each one of the three judges in the Navigator pilot parts in three individual conversations. Two judges have overseen the Consumer Part in the Bronx — one from the inception of the project in March 2014 until June and the other since June of this year — more than four months for each. There has been only one judge handling the Housing Part in Brooklyn for the entire period. One of the Consumer judges included his law clerk in the interview.

B. Housing

The Housing Court judge has had two levels of Navigator accompanying litigants in the courtroom. Level 1 Navigators are Access to Justice Navigators, who are college students that have been recruited, trained and supervised by the Access to Justice court staff. Level 2 Navigators are University Settlement employees, primarily social workers or case workers. The Judge described both kinds of Navigators as being polite and helpful; none of the Navigators had overreached by speaking out in the courtroom unless they had been asked a direct question by the judge.

The experience of the judge was that having a Level 1 Navigator appeared to provide some benefits to those litigants they accompanied, as compared to litigants who arrived in the courtroom with no assistance. The litigants were more relaxed, less anxious, and better able to relate the pertinent facts and details to the judge. However, the Level 1 Navigators appeared to be less effective and more uneven in their performance than the Level 2 Navigators. Because the judge and the court attorney in that part spend a great deal of time talking to individual liti-

gants, allocuting every part of stipulations, and discussing every issue and question that might arise with every litigant, the judge felt that there was less need for the Level 1 Navigators in that part than there might be in other Housing parts. However, the judge did say that the Level 1 Navigators were probably very helpful in assisting the litigants before they appeared in the court, particularly during negotiations and discussion with the other side. The judge recommended that Level 1 Navigators receive more specific legal information during their training.

The judge praised the performance of the Level 2 Navigators and stated that when they were present “more cases got resolved”. The judge said that Level 2 Navigators were more likely to help litigants articulate their defenses and also more likely to recognize the very complex cases in which the litigants should be referred for legal services. There was also an impression on the part of the judge that the Level 2 Navigators had spent more time interviewing the litigants before they came to the court and that they were more likely to be involved in seeking some benefits to assist the litigants in dealing with rent arrears. Although apparently more expert, the Level 2 Navigators did not speak out in court unless asked a question by the judge. However, the judge said that she was more likely to ask questions of the Level 2 Navigators, and they were more likely to be able to explain the forms submitted and give the facts about any money or other relief being sought. The judge concluded by saying that all Navigators were helpful, but that an expansion of availability of Level 2 Navigators would likely make a greater difference for litigants.

C. Consumer

The interviews with the judges that had been handling the Consumer Navigator part revealed similar reactions. The participation of one of the judge’s law clerks added to the information provided. The Navigators in the Bronx, all of whom are Access to Justice (A2J) Navigators, are students recruited, trained, and supervised by A2J court staff from the chambers of Deputy Chief Administrative Judge Fern Fisher.

Both judges saw a large percentage of litigants accompanied by Navigators. All of the litigants seen by the law clerk were accompanied by Navigators.

In most conferences where a Navigator was present, the Navigator would assist by either showing the litigant a previously prepared list of issues that the litigant had discussed with the Navigator to be presented to the court or by intervening and asking for a moment to speak to the litigant. The latter was followed by the litigant continuing their discussion with the court, often relating some facts previously discussed with the Navigator that had been forgotten during the first explanation.

Every party interviewed was unable to recall any time that a Navigator had spoken out without being asked a specific factual question. They all had high marks for the rapport that the Navigators had established with the litigants, though they noted an uneven level of expertise among the Navigators. One interviewee felt that pre-law students had absorbed more of the specific issues in the cases than other students; and all agreed that the expertise of the Navigators grew with experience in the courtroom. One of the recommendations made was to try to have Navigators stay with the program longer than one semester.

All of the interviewees reported seeing a difference between litigants appearing before them on their own and litigants accompanied by a Navigator at appearances. In the latter cases,

they reported litigants to be more comfortable, less stressed and anxious, and better prepared to provide the court with the information needed.

One of the judges called the Navigators a “necessary” component that should be expanded. The court attorney praised the Navigators, saying that they provided the litigant a “second ear” to hear (and recall) what was said by the court and by the other side. It was also pointed out that, while the Navigators could not and should not replace interpreters where needed in the court, it was helpful in preparing litigants when the Navigators were bilingual and could more clearly understand and converse with the litigants.

The other recommendations made in the course of these conversations (in addition to the one cited above about extending a Navigator’s term of performance beyond one semester) was that the training include more information about consumer debt issues, that the trainees be encouraged to ask questions of their supervisor or court attorney if they are not clear about something, and that all court personnel dealing with the Navigator program also watch the video shown to the Navigators about the scope of their role. That recommendation was made by the court attorney, who happened to be present when the video was shown. He reported that it was very helpful for him to know the expectations the program places on the Navigators.

V. DATA BRIEF

Finally, a Data Brief on cases handled by University Settlement Navigators provides an additional view of the operations of the Navigator program. Staff from University Settlement and Housing Court Answers, with the assistance of Professor Jeffrey Butts at John Jay College of Criminal Justice, conducted an analysis of characteristics and outcomes in 100 cases handled in Brooklyn Housing Court between January and August of 2014. In half of these cases, the tenants/respondents received help from a University Settlement Navigator; in the other half they did not. With the support and cooperation of the Office of Court Administration, researchers obtained data from all 35,000 cases in Brooklyn Housing Court handled between January and August. The database was then sorted to match 50 cases in which a Navigator assisted and 50 where no such assistance was given. The case matches were chosen by similarity of issues and the amount of arrears (unpaid rent) being sought.

Key areas in which the comparisons were made included the positions taken by the tenants in their answers (measured by number of defenses raised in each case); the overall case processing time; the number of services and benefits provided to the tenants in the course of the case; and the amount (if any) of financial benefits received by the tenants (measured by the difference between what the landlord had been demanding and the amount that was ordered to be paid).

The results are summarized below. The full text of the Data Brief is included as Attachment B.

The positions taken by the tenants in their answers differed markedly between the group that was assisted by the Navigators and the group that was not. More than a dozen possible defenses are listed on a pre-printed form available to all tenants in Housing Court. Those ten-

ants who were not assisted by a Navigator offered an average of 1.3 defenses in the answers that they filed, with a total of 66 defenses raised in the 50 analyzed cases. The tenants that received the assistance of Navigators, however, asserted an average of 4.1 defenses per case, or a total of 205 defenses in the 50 cases analyzed. The effects of Navigator assistance were clear not only on the number of defenses asserted but also on the range and diversity of defenses. The most common defense offered by the unassisted litigants was a general denial. In more than a third of the cases where the litigant did not receive help from a Navigator, a general denial was the only defense raised. In contrast, none of the litigants assisted by a Navigator used a general denial as their only defense. In the cases of those receiving assistance, the most common defenses were that the litigants did not receive court papers correctly as required by law, that the litigant was not asked to pay the arrears before the court action, that the rent had already been paid, and that elements of the petition were not correct. A significantly greater number of those assisted responded that they did not receive a copy or proper notice of the petition, that the amount of rent being demanded is not the legal rent, or that the landlord had failed to complete needed repairs, provide services, or address poor conditions. Moreover, the analysis demonstrated an additional difference: litigants assisted by Navigators, who were ultimately ordered to pay an average of \$54 less than the landlord demanded at the outset while those not receiving assistance were ordered to pay an average of \$121 more than the original demand.

VI. CONCLUSION

While this report on the Navigator program is preliminary (the Navigator program will be the subject of an independent and comprehensive social science inquiry in 2015, as described above), the responses of the litigants, the reaction of the judges in the pilot parts, and the preliminary data analysis, taken together, indicate tangible benefits of the program. These findings also highlight areas for future development and, most importantly, also provide an initial basis for possible expansion of the program.

ATTACHMENTS A

Housing Court Assistance Project – Court Navigator Program Survey

Date ____/____/2014	Referral	HCA	US	A2J	Location	2 nd floor	4 th floor
Initials _____	Questionnaire # _____ (start with 001 each day)						

	Yes	No	
1. Is this your first time in housing court for this case ?	<input type="radio"/>	<input type="radio"/>	
2. Did someone help you complete the Tenant's Answer form? <i>(show blank form)</i>	<input type="radio"/>	<input type="radio"/>	
3. Did someone help you organize papers you brought to court today?	<input type="radio"/>	<input type="radio"/>	NA
4. Were you given information about resources that might be available to you?	<input type="radio"/>	<input type="radio"/>	
5. Did you go to a courtroom today? <i>If no, skip to question 8.</i>	<input type="radio"/>	<input type="radio"/>	
6. Did the person who helped you accompany you in the courtroom?	<input type="radio"/>	<input type="radio"/>	NA
7. Did the person who helped you speak on your behalf?	<input type="radio"/>	<input type="radio"/>	NA
8. Do you have a date to come back to housing court for this case ? <i>(If no, skip to 9)</i>	<input type="radio"/>	<input type="radio"/>	
8a. Do you know what you have to do to prepare for that appearance?	<input type="radio"/>	<input type="radio"/>	NA
9. How did you learn that there was someone available to help you ...			
9a. Did you hear an announcement in the courtroom <i>(If yes, skip to 10)</i>	<input type="radio"/>	<input type="radio"/>	
9b. Did the person come over and offer to help you <i>(If yes, skip to 10)</i>	<input type="radio"/>	<input type="radio"/>	NA
9c. Did you see someone with a badge and ask for help <i>(If yes, skip to 10)</i>	<input type="radio"/>	<input type="radio"/>	NA
9d. Some other way, please explain:	<input type="radio"/>	<input type="radio"/>	NA

Now I have some questions about words that describe the person who helped you and the help you received

	Agree Strongly	Agree Somewhat	Disagree Somewhat	Disagree Strongly	No Answer (do not read)
10. The first word is courteous . Do you agree strongly, agree somewhat, disagree somewhat or disagree strongly that the person was courteous ?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. The next word is helpful . Do you	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. Understood your questions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13. Answered your questions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. Helped you understand what happened in your case today	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15. Helped you feel that progress is being made in your case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16. Please tell me how you feel about the assistance you received today?					
→					
17. The person who helped you is a "court navigator." Is there anything else the court navigator could have done to help you today?					
→					

That's the end of the questionnaire. Thank you for giving us your time. Good luck to you in the future.

6/27/14

Court Navigator Program Survey – Consumer Credit

Date ____/____/2014	Location <input checked="" type="radio"/> Consumer Credit
Initials _____	Questionnaire # _____ (start with 001 each day)

	Yes	No	
1. Is this your first time in court for this case ? <i>Skip to question 3.</i>	<input type="radio"/>	<input type="radio"/>	
2. <i>There is no question 2</i>			
3. Did someone help you review and organize papers you brought to court today?	<input type="radio"/>	<input type="radio"/>	NA
4. Were you given information about resources that might be available to you?	<input type="radio"/>	<input type="radio"/>	
5. Did you go to a courtroom today?	<input checked="" type="radio"/>	<input type="radio"/>	
6. Did the person who helped you accompany you when you met with the court attorney?	<input type="radio"/>	<input type="radio"/>	
7. Did the person who helped you accompany you when you saw the judge?	<input type="radio"/>	<input type="radio"/>	
8. Do you have a date to come back to court for this case ?	<input type="radio"/>	<input type="radio"/>	
8a. Do you know what you have to do to prepare for that appearance?	<input type="radio"/>	<input type="radio"/>	NA
9. How did you learn that there was someone available to help you ...			
9a. Did you hear an announcement in the courtroom <i>(If yes, skip to 10)</i>	<input type="radio"/>	<input type="radio"/>	NA
9b. Did the person come over and offer to help you <i>(If yes, skip to 10)</i>	<input type="radio"/>	<input type="radio"/>	NA
9c. Did you see someone with a badge and ask for help <i>(If yes, skip to 10)</i>	<input type="radio"/>	<input type="radio"/>	NA
9d. Some other way, please explain: <i>If yes, check yes on 9d and insert comments here. Use back of page if more space is needed.</i>	<input type="radio"/>	<input type="radio"/>	NA

Now I have some questions about words that describe the person who helped you and the help you received

Agree
Strongly

Agree
Somewhat

Disagree
Somewhat

Disagree
Strongly

No Answer
(do not read)

10. The first word is courteous . Do you agree strongly, agree somewhat, disagree somewhat or disagree strongly that the person was courteous ?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. The next word is helpful . Do you	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. Understood your questions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13. Answered your questions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. Helped you understand what happened in your case today	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15. Helped you feel that progress is being made in your case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16. Please tell me how you feel about the assistance you received today?					
→					
17. The person who helped you is a “court navigator.” Is there anything else the court navigator could have done to help you today?					
→					

That’s the end of the questionnaire. Thank you for giving us your time. Good luck to you in the future.

7/17/14

ATTACHMENTS B



Introduction

In partnership with Housing Court Answers of New York City, the staff and consultants of University Settlement analyzed the characteristics and outcomes of Housing Court cases handled in Brooklyn Housing Court during 2014.

Respondents in Housing Court are the tenants of landlords and property owners who petition the court to intervene in a housing dispute—most often involving payment arrears.

The analysis compares 100 Housing Court cases according to whether or not the individual(s) involved were helped by a non-lawyer pilot program staffed by case managers and advocates from University Settlement's *Project Home* and Housing Court Answers, a partner agency in New York City.

Fifty of the cases were handled in Part C of Brooklyn Housing Court and assisted by the non-lawyer pilot program. The other fifty cases were handled in Part F of Housing Court, where such assistance was not yet available in 2014.

Tenants in Need of Assistance

When low-income New Yorkers find themselves in the confusing and bureaucratic process of Housing Court, they often fail to exercise their rights. They may not know that they are allowed—even expected—to challenge the arguments of their landlords and the experienced attorneys representing their landlords. This is especially true for respondents affected by poverty, educational disadvantage, and language differences.

The non-lawyer case managers and navigators working in Housing Court offer their clients a helping hand. They encourage respondents to recognize and develop their own strengths for moving through the legal process. They explain basic facts about Housing Court, including the roles and responsibilities of the various parties, the meaning of the legalistic vocabulary used in court and the stages of the court process that respondents are likely to experience.

The pilot program in Housing Court was launched in 2014 to help bridge the “justice gap” in the state’s civil courts. Spearheaded by Hon. Jonathan Lippman, New York State’s Chief Judge, a multi-disciplinary committee explored the best ways to help the 2 million people who enter into civil court proceedings each year in New York City, facing the loss of a basic necessity of life (housing) without legal representation.

New York City’s Housing Court is a busy, urban court. Together, the various courtrooms (or “Parts”) hear more than 200,000 nonpayment cases each year. In the busiest courts, those located in the Bronx and Brooklyn, judges may handle between 30 and 60 cases daily.

In more than 90 percent of the cases heard in Housing Court, the landlord is represented by an attorney and the tenant is not. Because the courts are always busy and frequently congested, most cases are settled in the hallway with direct negotiations between landlord attorneys and tenants. These hallway negotiations are not observed by court employees, but the content of a negotiation may affect the case outcome. Any defenses and counterclaims included in respondent’s answers can trigger a response from the court when a settlement agreement is “allocated” or explained to the tenant. For example, the judge might say “you claim that you paid part of the rent, but I do not see it in this agreement.”

The halls are crowded and noisy in Housing Court. There is no privacy. It is a stressful and unfamiliar environment for tenants who are often ill-equipped to converse in the language of the courthouse. The lawyers that represent New York City landlords, on the other hand, practice in Housing Court nearly every day and they know the procedures well.

Tenants involved in Housing Court may face serious housing conditions, such as lack of heat or hot water, unaddressed repairs, infestations of vermin, structural damages, and all of the other problems that come with the dilapidated housing stock in which poor city residents are compelled to reside. By the time they appear in Housing Court, tenants usually owe back rent and they fear eviction and possible homelessness.

Comparing Housing Courts

This data brief analyzes information about 100 court cases handled in Brooklyn Housing Court during the first eight months of 2014. In half the cases, the tenant (or “respondent”) received help from a pilot program staffed by non-lawyer case managers and court navigators. With the support and cooperation of New York State’s Office of Court Administration (OCA), researchers obtained data for all 35,000 cases handled in Brooklyn Housing Court between January and August 2014. The database was sorted to match 50 cases in which tenants received non-lawyer assistance to 50 similar cases that did not receive assistance. Each of the 50 assisted cases was matched to a specific unassisted case according to the amount of arrears (unpaid rent) being demanded by the landlord in that case. In this way, the 50 unassisted cases may serve as a matched comparison group to examine the effectiveness of the assistance offered to tenants by New York City’s non-lawyer pilot program ([see table 1](#)).

TABLE 1	Part C Receiving Assistance	Part F No Special Assistance
Housing Court Cases		
Number of cases	50	50
Average amount of rental arrears	\$4,179	\$4,202

Providing Assistance and Services

The pilot navigator program has two components. In the first component, the court system's own "Access to Justice" program provides assistance to respondents in four of the city's Housing Courts (Kings, Queens, New York and Bronx). The program provides trained volunteers (mostly undergraduate students) to accompany respondents without lawyers in hallway settlement discussions and assist them with non-legal questions.

The second component in the pilot navigator program involves two New York City non-profit organizations:

(1) "Housing Court Answers" operates information tables for respondents in Housing Court. For the pilot, the program also trains volunteers to assist unrepresented tenants who need to file their "answers" – the legal answer to the landlord's claim against them for rent.

(2) The tenants identified as most in need of assistance (i.e. likely to be evicted and go into a shelter) are referred to University Settlement's "Project Home." Clients of Project Home receive case management assistance, help to prepare for court hearings, and even help with obtaining funds to cover rent arrears or to apply for other benefits.

Court Process

In a nonpayment Housing Court case, one party (the petitioner or landlord) is suing another party (the respondent or tenant) to obtain a judgment for rent not paid and to reclaim the apartment in the event that money is not paid.

The process begins when the landlord files a petition which is then "served" on the tenant, and the tenant responds with an "answer" to the petition. The answer contains the tenant's formal response to the petitioner.

Defenses: Landlords suing tenants in nonpayment cases must make a claim for rent. Tenants cite "defenses" against those claims in their answers. For example, a landlord may claim that a tenant owes \$3000 in rent arrears involving three unpaid months at \$1000 each. The tenant may raise various defenses to that claim, such as:

- the amount of rent being demanded is incorrect;
- part of the rent was already paid;
- the apartment did not have heat, water, etc.;
- the petition does not name the correct tenant;
- or, the tenant may simply answer with a "general denial" which covers anything not specifically mentioned.

TABLE 2	Part C Receiving Assistance	Part F No Special Assistance
Number of Defenses Offered		
Total number of defenses offered in all 50 Housing Court cases	205	66
Average number of defenses offered per case	4.1	1.3

More than a dozen possible defenses are listed on a pre-printed form available to respondents in Housing Court. Without assistance, however, it is usually still difficult for tenants to know which defenses to assert in their answers to landlord petitions.

Respondents file their answers to the claims of petitioners soon after receiving the petitions. To be effective, an answer should list all applicable defenses and any counterclaims that may be relevant (i.e. a claim by the tenant that the landlord actually owes money to the tenant).

Most answers are delivered orally to the clerk, but in some cases an answer may be submitted in writing by the tenant or by a lawyer if the tenant has legal representation. Housing Court clerks record the answer and schedule the case for a hearing.

It is easy to see the effects of the assistance provided by the non-lawyer pilot by comparing the range and diversity of respondent defenses in the 50 cases from Part C (those receiving assistance) and the matched sample of 50 cases from Part F (those not receiving assistance).

Altogether, respondents in the 50 Part C cases asserted 205 defenses, or more than 4 defenses per case. In Part F, where tenants received no special assistance in filing their answer, only 66 defenses were raised across all 50 cases—just 1.3 defenses per case (see table 2).

The types of defenses cited by respondents also varied. In 35 percent of the sampled cases in Part F, the respondent's answer included only a general denial of the petitioner's claim, with no specific defense. General denial, in fact, was the most common defense offered by tenants in Part F. None of the respondents helped by the non-lawyer pilot program in Part C used general denial as the only defense (see table 3).

More than a third of the tenant answers in Part C included the defense that the tenant did not receive all the required legal documents correctly. In Part F, according to court data systems, this defense was never offered.

Similarly, about a third of all tenant defenses offered in Part C included an argument that the landlord failed to notify the tenant of the rent arrears before taking legal action. None of the respondents in Part F cited this defense.

Some defenses were equally rare in Parts C and F. For example, in both courts just 4% of answers argued that the respondent tried to pay rent but landlord refused to accept it. In general, however, the defenses offered in Part C were more numerous and more diverse than those offered in Part F.

TABLE 3	Part C Receiving Assistance	Part F No Special Assistance
Range of Defenses Offered		
None/No defenses recorded	4%	4%
Respondent did not receive copy or proper notice of petition	16%	2%
Did not receive court papers correctly as required by law	36%	—
Respondent name is not correct or is missing from court papers	20%	—
Petitioner is not the landlord or owner of the building	6%	—
Respondent was not asked to pay arrears before landlord action	32%	—
Respondent tried to pay rent but landlord refused to accept it	4%	4%
Amount of rent being demanded is not the legal rent or the amount on current lease	26%	14%
Landlord owes money to respondent because of previous overcharge	12%	—
Rent (or a portion of it) has already been paid to landlord	62%	33%
Landlord failed to complete needed repairs, provide services, or address poor conditions	64%	33%
Respondent receives public assistance & building is in violation of housing codes	8%	—
“Laches” : Landlord failed to act in timely manner, causing harm to tenant	14%	—
Elements of petition may be incorrect	88%	—
Respondent claims harassment by petitioner	14%	4%
General denial only	—	35%

Case Processing: Once an answer is filed, cases in Housing Court are “calendared” and a hearing date is set for both sides to appear in court. The court’s data system nearly always lists at least one appearance per case—the first time the case is placed on a calendar for a hearing. In many cases, the tenant or landlord may request additional hearings. Whenever new hearings are scheduled, the court summons both parties to appear. Some cases involve several court appearances.

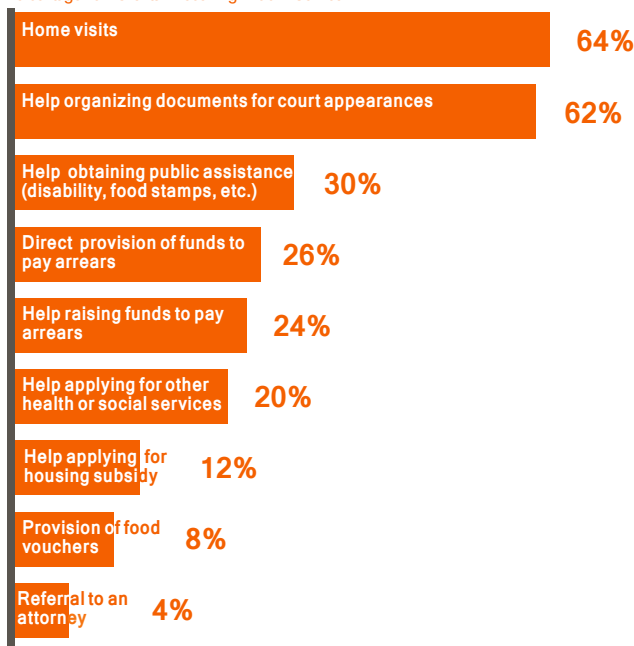
Case processing times naturally vary, and a faster process is not necessarily a better process. However, longer cases tend to consume more court resources. Thus, case processing efficiency is valued. In both Part C and Part F of Brooklyn Housing Court, the filing of respondent answers appears to take more than a week. By the end of the process, the

TABLE 4	Part C Receiving Assistance	Part F No Special Assistance
Case Processing Times		
Average days between case filing and respondent “answer”	11	9
Average days between respondent answer and first court appearance	7	8
Number of days from respondent answer to last court appearance for completed cases	63	66
Number of days from case filing to last court appearance for completed cases	74	75

FIGURE 1

Most Common Forms of Assistance Provided to Tenants by Project Home (March to August 2014)

Percentage of Clients Receiving Each Service



average time between the initial case filing and the final court appearance (for completed cases) was virtually the same — 74 days in Part C and 75 days in Part F (see table 4).

Supplemental Services: Project Home clients are screened to identify the factors that might be causing them to fall behind on rent and to ascertain whether they are eligible for various benefits and government programs that could help them to catch up. Case workers assist tenants in applying for services and benefits (see figure 1). For example, a low income family may be paying for medical care because of a lapse in Medicaid coverage, or they may be paying out of pocket for childcare expenses even though they qualify for free childcare. Tenants often need help to find employment, or if they are eligible, to apply for unemployment benefits.

The two most common services provided by Project Home were visiting the tenant at home (64%) and helping them to prepare documents that they would need in court (62%). Other common services included helping clients to obtain various forms of public assistance for which they were eligible (30%), providing funds to help them pay rental arrears (25%), helping raise the funds to pay arrears (24%), helping them to apply for other types of social services or health benefits (20%), housing subsidy applications (12%), the provision of food vouchers (8%), and referrals to attorneys for help with the legal aspects of their cases in Housing Court (4%).

Financial Judgments: Tenants receiving assistance from the non-lawyer pilot appeared to derive modest financial benefits from the program. Among the cases that completed the Housing Court process by August 2014, the tenants in Part C who received assistance from the pilot program paid slightly less than did other tenants appearing in Housing Court.

Tenants receiving assistance were ordered to pay an average of \$54 *less* than the landlord demanded at the start of their case (see figure 2). In Part F, on the other hand, tenants paid an average of \$121 *more* than the landlord originally demanded. This may seem like a small difference until one considers the total effect across all cases in Housing Court.

The difference of \$175 per case (from -\$54 to +\$121) would generate a large amount of “savings” if it were applied to all cases heard in Housing Court. In Brooklyn’s Housing Court alone, the small differential would save tenants more than \$10 million per year altogether (see table 5). When applied to all Housing Court cases in New York City, the potential savings could exceed \$38 million.

To be fair, however, these estimates may over-state the benefits of the non-lawyer pilot program. Tenant assistance is usually offered only to the most at-risk respondents in Housing Court. During the first six months of the pilot in Brooklyn Housing Court’s Part C, for example, assistance was provided to just one in every twenty cases. These cases were probably more likely to benefit from assistance. In less risky cases, there may be less of a difference between the arrears sought by landlords and the amounts that tenants consent to pay.

Even the lower and more conservative estimate, however, suggests that expanding the non-lawyer pilot program throughout New York City Housing Courts could generate nearly \$2 million in savings for all affected tenants as a group.

Conclusion

Housing Courts in New York City handle more than 200,000 nonpayment cases every year. Landlords and property owners in these cases demand payment from tenants who they claim have fallen behind on rent. The landlords and

FIGURE 2

Difference Between Amount of Money Demanded by Petitioner and Amount Respondent Ordered to Pay

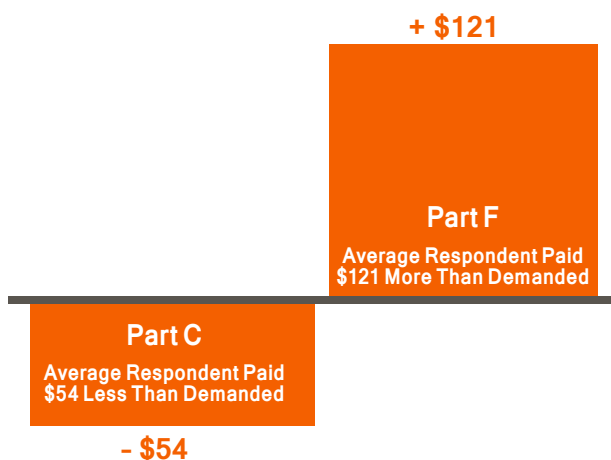


TABLE 5

Estimated Tenant Savings

	If Applying \$175 in "Savings" to:	
	The 5% Most At-Risk Cases	All Housing Court Cases
Possible savings accrued in Brooklyn Housing Court	\$516,250	\$10,325,000
Possible savings accrued in all New York City Housing Courts	\$1,907,500	\$38,150,000

Note: According to the New York State Office of Court Administration, the Housing Court in Brooklyn handled 59,000 non-payment cases in 2013, while Housing Courts throughout New York City handled 218,000 non-payment cases.

owners are usually represented by paid attorneys. Tenants, on the other hand, are often poor and nearly always unprepared to defend themselves in court.

The non-lawyer pilot program managed by the New York court system relies on case managers and court navigators to assist these tenants—often simply by helping them to understand the court process and to prepare the non-legal forms and paperwork they will need in court.

This analysis suggests that assistance from New York’s non-lawyer pilot program successfully helps tenants to assert their rights in court, and the effects of this assistance may produce modest economic benefits for tenants. If applied across the entire court system, such benefits could save impoverished New York City residents hundreds of thousands or even millions of dollars per year.

Preparation of this report was overseen by Jennifer Vallone of University Settlement and Jennifer Laurie of Housing Court Answers with assistance from consultant Jeffrey Butts of John Jay College of Criminal Justice. Data collection assistance was provided by Katherine Chang and Ernest Martinez of University Settlement’s Project Home.