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**NONLAWYER ALTERNATIVE HAS OUTSTANDING SUCCESS IN CIVIL COURTS,
ACCORDING TO A NEW ABF STUDY**

**Trained ‘navigators’ help unrepresented litigants avoid eviction in New York City’s
overwhelmed housing courts**

CHICAGO, Dec. 15, 2016 — A [new study](#) by the [American Bar Foundation](#) (ABF), [National Center for State Courts](#) (NCSC), and [supported](#) by the [Public Welfare Foundation](#), confirms the efficacy of a new solution to the growing access to justice crisis in American civil courts.

The study was conducted by [Rebecca L. Sandefur](#), faculty fellow at the ABF, and [Thomas M. Clarke](#), vice president of research and technology at the NCSC. Sandefur and Clarke assessed the appropriateness and sustainability of the [New York City Navigators Program](#). The



Professor Rebecca Sandefur speaking at an ABF Access to Civil Justice Conference in 2012.

program provides “navigators” — trained and supervised individuals without full, formal legal training — to unrepresented litigants in New York City’s civil courts. The study was conducted in Brooklyn’s Housing Court and the findings were shared in [a report](#) released Wednesday.

The report, “[Roles Beyond Lawyers: Evaluation of the New York City Court Navigators Program and its Three Pilot Projects](#),” shows that the outcome of most eviction cases depends less on the merits of the case and more on whether tenants have access to legal help.

When people face a civil justice issue such as an eviction, the process of going to court and seeing the matter through can be overwhelming. The busy and chaotic Brooklyn Housing Court is a prime example of that. A 2005 study revealed that, of the 58,000 eviction cases the Brooklyn Housing Court handles each year, approximately 90 percent of tenants do not have a lawyer, while the vast majority of landlords do. Most people arrive at court with little understanding of where to go, what to do, or who might be able to help them.

The consequences of that can prove devastating. Each year, New York City courts process about 200,000 lawsuits initiated by landlords claiming nonpayment of rent. According to the

report, one out of every nine of those cases ends with the tenant being forcibly removed from their home by a formal eviction. In 2015 alone, city marshals evicted more than 22,000 tenant families in New York City.

In response to this, [Judge Jonathan Lippman](#), former chief judge of the [New York Court of Appeals](#), introduced a [new approach](#). In 2014, the New York City Court Navigators Program was launched through three pilot projects. Although they do not have a formal legal education, court navigators are appropriately trained to provide help to litigants who would otherwise be without legal assistance. Through one-on-one assistance, they help litigants access information, complete forms, and assemble and organize documents. They also arrange for interpreters and other services, explain what to expect in the courtroom and provide moral support. Navigators are allowed to accompany litigants into the courtroom, and may respond to any factual questions the judge directs to them.

In the first project, the [University Settlement Navigators Pilot Project](#), navigators are trained caseworkers who are employees of a nonprofit organization. These navigators accompany litigants to *all* court activities related to the case, working with them from the initial appearance to a resolution and beyond. They maintain an ongoing relationship outside the court and connect tenants to benefits and services that they may be eligible for. The study found that this project had a 100 percent success rate in its first pilot year — none of the tenants assisted by a University Settlement navigator faced eviction from their homes.

The Housing Court Answers Navigators Pilot Project, the second project, uses trained and supervised volunteers. These navigators help litigants prepare their “answer,” a required legal document where the tenant asserts any legally valid defenses to the landlord’s petition for nonpayment of rent. If this document is not prepared and submitted, the tenant’s case is lost. Tenants assisted by navigators asserted more than twice as many defenses as tenants with no legal assistance. They were also almost twice as likely as unassisted tenants to have their defenses recognized and addressed by the court. Judges ordered landlords to make needed repairs about 50 percent more often in navigator-assisted cases.

The third project, the Access to Justice Navigators Pilot Project, also uses volunteers, and provided assistance to the most tenants — over 9,000 — in its first two years. These navigators help unrepresented tenants on the day they come to court, by explaining what to expect from rent nonpayment and consumer debt collection proceedings. They provide procedural justice, moral support, and help tenants tell their side of the story. In all three projects, litigants assisted by navigators were 56 percent more likely than unassisted litigants to say they were able to tell their side of the story in court proceedings.

Sandefur and Clarke’s study in the Brooklyn Housing Court is the first comprehensive evaluation of these three pilot projects. Their report concludes that “these initiatives can have a major impact, not only on the experience of unrepresented litigants, but also on the legal and real-life outcomes of their court cases,” according to a summary of their findings. Navigators point to a “straightforward way to ensure greater fairness in the civil courts.” The study suggests that the New York City Court Navigator Program can be a model for replication in court jurisdictions across the country, especially in communities hoping to reduce evictions and ensure equal access to justice. News of the release of the report has already reached national media outlets, with coverage in [The Wall Street Journal](#) and [NPR \(WNYC\)](#).

The full report can be found at americanbarfoundation.org/research/A2J/RolesBeyondLawyers.

About the American Bar Foundation

The [American Bar Foundation](https://americanbarfoundation.org) (ABF) is the nation's leading research institute for the empirical study of law. An independent, nonprofit organization for more than 60 years, the ABF's mission is to serve the legal profession, the public, and the academy through empirical research, publications, and programs that advance justice and the understanding of law and its impact on society. The ABF's primary funding is provided by the [American Bar Endowment](#) and [The Fellows of The American Bar Foundation](#).

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