

ROLES BEYOND LAWYERS

Summary, Recommendations and Research Report of an Evaluation of the New York City Court Navigators Program and its Three Pilot Projects

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*Prepared by Rebecca L. Sandefur, American Bar Foundation,
and Thomas M. Clarke, National Center for State Courts,
with support from the
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Research Summary and Recommendations

Introduction

There is now a major movement in the United States to expand the use of appropriately trained and supervised individuals without full formal legal training to provide help to people who would otherwise be without legal assistance of any kind. The general approach has been endorsed by The Commission on the Future of Legal Services of the American Bar Association,¹ and by the *Guidance* issued by the National Center for State Courts in support of the Justice for All Strategic Planning Initiative developed in response to a recent resolution of the Conferences of Chief Justices and State Court Administrators.²

The need for such innovations is clear. At the time this evaluation was conducted, approximately 90 percent of tenants facing eviction in New York City did not have a lawyer, while the vast majority of landlords did.³ Research from the National Center for State Courts shows that in 70 percent of non-domestic civil cases in urban counties, one party is unrepresented while the other has lawyer representation.⁴

The first comprehensive evaluation of programs providing assistance through staff or volunteers without full formal legal training provides important evidence that these initiatives can influence the experiences of unrepresented litigants in positive ways and can also shape the outcomes of court cases, including legal and real-life outcomes.

The umbrella program, New York City Court Navigators, makes use of trained and supervised individuals with no prior formal legal training to provide one-on-one assistance to unrepresented litigants in the City's Housing and Civil Courts. Navigators provide information, assist litigants in accessing and completing court-required simplified forms, attend settlement negotiations and accompany unrepresented litigants into the courtroom. If judges address direct factual questions to a Navigator, the Navigator is authorized to respond.

In February 2014, three distinct Navigator pilot projects began operation in New York City Courts as part of the larger Navigator program. Two of these pilot projects involve volunteer Navigators. A third pilot project involves experienced caseworkers on the staff of a non-profit organization; these caseworkers had previously performed more limited roles.

The evaluation of the New York City Court Navigators program was conducted by researchers from the American Bar Foundation and the National Center for State Courts, under a research project supported by the Public Welfare Foundation. The research assessed the *appropriateness, efficacy, and sustainability* of each of the three Navigator pilot projects. The program design and evaluation frameworks, published

¹ABA Commission on the Future of Legal Services, Report on the Future of Legal Services in the United States (2016), http://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport_FNL_WEB.pdf.

² National Center for State Courts, <http://www.ncsc.org/jfap>.

³ SELF-REPRESENTED LITIGANTS: CHARACTERISTICS, NEEDS, SERVICES: THE RESULTS OF TWO SURVEYS. SELF-REPRESENTED LITIGANTS IN THE NEW YORK CITY FAMILY COURT AND NEW YORK CITY HOUSING COURT, Office of the Deputy Chief Administrative Judge for Justice Initiatives. New York, NY: Office of the Deputy Chief Administrative Judge for Justice Initiatives, 2005. At time of the release of this report (October 2016), increased funding for lawyer representation in eviction cases has reduced the percentage of unrepresented tenants to around 83 percent.

⁴National Center for State Courts Civil Litigation Project, *The Landscape of Civil Litigation in State Courts* (2015), <https://www.ncsc.org/~media/Files/PDF/Research/CivilJusticeReport-2015.ashx>.

elsewhere⁵, were newly developed for the evaluation as models for general use in access to justice evaluation research.

The positive results of the three Navigator pilot projects were produced in a context that is both adverse and supportive. The New York City Courts are among the most chaotic and overloaded in the United States. That the pilot projects showed evidence of positive contributions in such environments suggests that such programs could be effective in a wide range of jurisdictions. At the same time, the New York City Courts are leaders in developing innovations to provide fairness for unrepresented litigants. The fact that the courtrooms in which Navigators worked were those in which other significant efforts had already been made to improve the experiences of unrepresented parties may have been an important support to the pilot projects, making some results easier to achieve here than might be the case elsewhere. Alternatively, Navigators working in courts that have not made efforts to improve the experiences of unrepresented litigants could be found to have comparatively larger influence on litigant experience and case outcomes.

Key Findings: Evidence of Program Impact

The three Navigator pilot projects differ in important respects, but all involve the same core capacities: providing to unrepresented litigants the services of information, moral support, and accompaniment to negotiations with the other side's attorneys and into courtrooms. Navigators are authorized to respond to questions from court attorneys and judges and to prompt litigants to provide additional information. Complete descriptions of each pilot project are available in the full Report.⁶ The evaluation uncovered evidence that assistance from appropriately trained and supervised individuals without formal legal training is associated with changes in a range of outcomes, including both legal and real-life outcomes.

Principal findings of the evaluation include:

- The ***Access to Justice Navigators Pilot Project*** is built around trained volunteer Navigators “for-the-day.” These Navigators assist unrepresented litigants in understanding and moving through nonpayment or debt collection proceedings. Access to Justice Navigators currently operate in a variety of housing courts and in consumer debt cases in civil court in New York City. ***Surveys of litigants revealed that litigants who received the help of any kind of Navigator were 56 percent more likely than unassisted litigants to say they were able to tell their side of the story.***
- The ***Housing Court Answers Navigators Pilot Project*** involves trained volunteer Navigators “for-the-day,” operating in the Brooklyn Housing Court. These Navigators provide individualized assistance with tenants’ preparation of a legal document, the “answer” to the landlord’s petition for nonpayment of rent, in which the tenant responds to the petition by asserting defenses. Litigants assisted by Housing Court Answers Navigators ***asserted more than twice as many defenses as litigants who received no assistance.*** A review of case files reveals that ***tenants assisted by a Housing Court Answers Navigator were 87 percent more likely than unassisted tenants to have their defenses recognized and addressed by the court. For instance, judges ordered landlords to make needed repairs about 50 percent more often in Navigator-assisted cases.***
- The ***University Settlement Navigators Pilot Project*** employs trained caseworkers who are employees of a nonprofit organization. These Navigators, operating in the Brooklyn Housing Court, are

⁵ INCREASING ACCESS TO JUSTICE THROUGH EXPANDED ‘ROLES BEYOND LAWYERS’: PRELIMINARY EVALUATION AND CLASSIFICATION FRAMEWORKS, Rebecca L. Sandefur and Thomas M. Clarke, American Bar Foundation and National Center for State Courts, Chicago, IL and Williamsburg, VA, 2015. Available at americanbarfoundation.org/research/A2J.

⁶ The full report may be found here: americanbarfoundation.org/research/A2J/RolesBeyondLawyers.

Navigators “for-the-duration,” working the case from initial appearance through resolution and beyond. This pilot project’s aim is to prevent evictions by providing both the in-court services that all Navigators are able to provide as well as an ongoing relationship with litigants in which the Navigator both accompanies the unrepresented litigant to all of the court activities related to her case and assists the tenant outside of court in connecting with benefits and services for which she may be eligible. ***In cases assisted by these University Settlement Navigators, zero percent of tenants experienced eviction from their homes by a marshal. By contrast, in recent years, one formal eviction occurs for about every 9 nonpayment cases filed citywide.***

The programs were found to be appropriate uses of trained personnel without full formal legal training and to have potential for sustainability. Navigator programs, through their impact on both legal and life outcomes, thus can result in *financial savings to society as well as a reduction in the hardships experienced by unrepresented litigants in civil cases.*⁷

Description of the Program, Evaluation, and Pilot Projects

On February 11, 2014, then New York State Chief Judge Jonathan Lippman announced in his State of the Judiciary speech what he described as:

[A] series of court-sponsored incubator projects to expand the role of non-lawyers in assisting unrepresented litigants. This idea of finding ways for non-lawyers to help pro se litigants is one that has only just begun to emerge in the United States. But it has taken hold elsewhere in the common-law world, including the United Kingdom, to great positive effect. With the new projects that we announce today, it is my hope that we can graphically illustrate the tremendous difference non-lawyers can make in closing the justice gap.

The three pilot projects commenced operation in 2014 under the general guidance of a special task force, the Committee on Non-Lawyers and the Justice Gap,⁸ appointed by the Chief Judge. The pilot projects operated within the New York Civil Court, under the Supervision of Deputy Chief Administrative Judge Fern Fisher and with close participation of community groups and regular input from legal aid agencies and bar associations.

All of the pilot projects shared a general approach, as described by Chief Judge Lippman in the 2014 State of the Judiciary speech:

...This kind of one-on-one assistance will include providing informational resources to litigants and helping them access and complete court do-it-yourself forms and assemble documents, as well as assisting in settlement negotiations outside the courtroom.

Most significantly, for the first time, the trained non-lawyers, called Navigators, will be permitted to accompany unrepresented litigants into the courtroom in specific locations in Brooklyn Housing Court and Bronx Civil Court. They will not be permitted to address the court on their own, but if the judge directs factual questions to them, they will be able to respond. They will also provide moral support and information to litigants, help them keep paperwork in order, assist them in accessing interpreters and other services, and, before they even enter the courtroom, explain what to expect and what the roles are of each person in the courtroom.

⁷ For estimates of the costs and benefits of providing lawyer assistance in eviction cases, see Stout Risius Ross, Inc., *The Financial Costs and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A*, (2016).

⁸ See the press release at http://www.nycourts.gov/press/pdfs/pr13_07.pdf.

Clear guidelines govern what a non-lawyer can and cannot do to ensure that they do not cross the line into the practice of law. They will receive training and develop expertise in defined subject areas. When these non-lawyers confront situations where the help of a lawyer is crucial, they will have access to legal service providers for help and referrals.

An Order issued by the Chief Administrative Judge of the Courts codified these protections and authorizations.⁹ The courthouses in which the Navigators projects were piloted are chaotic, loud, confusing and overwhelming, perhaps even to new lawyers as well as to the approximately 90 percent of tenants who, at the time of this research, were there without legal representation.¹⁰

In 2014, the Public Welfare Foundation made a grant to the National Center for State Courts and the American Bar Foundation to fund the development of frameworks for the design and evaluation of such programs and the use of that evaluation framework to assess two distinct initiatives, i) the New York Court Navigators program, reported on here, and, ii) the Washington State Limited License Legal Technicians program, which authorizes trained, licensed and regulated legal technicians to provide a range of services in a provider-client relationship without attorney supervision.¹¹

The evaluation of the New York Court Navigators program included review of court files, surveys of litigants and Navigators, and interviews with stakeholders such as lawyers, judges, court staff, staff in nonprofit organizations that work in these areas, and current and potential funders as well as Navigators themselves. The majority of the data were collected in the Brooklyn Housing Court, as this was the only site of two of the three pilot projects. Following the evaluation framework, the data collected were reviewed for evidence of 1) *appropriateness*: whether the services as designed could potentially produce the kinds of outcomes desired; 2) *efficacy*: whether the services showed evidence of producing those outcomes; and 3) *sustainability*: whether it was reasonable to anticipate that the project could be maintained, expanded and replicated in other jurisdictions.

Recommendations for Enhancements of the New York Navigators Program

The New York City Court Navigators Program shows evidence of achieving the goals of the program as a whole and of its individual pilot projects. One broadly shared benefit from the launch and evaluation of pilot innovations is the opportunity to learn about both what works and what could work better. Some improvements to the existing projects can be achieved at minimal cost. Expanding the projects' size to have greater impact on legal and life outcomes would be more expensive, but also likely accompanied by substantial savings to society as well as reductions in hardship.

⁹ See Administrative Order of the Chief Administrative Judge of the Courts 42-14, February 11, 2014. Available at <https://www.nycourts.gov/courts/nyc/SSI/pdfs/AO-42-14.pdf>.

¹⁰ SELF-REPRESENTED LITIGANTS: CHARACTERISTICS, NEEDS, SERVICES: THE RESULTS OF TWO SURVEYS. SELF-REPRESENTED LITIGANTS IN THE NEW YORK CITY FAMILY COURT AND NEW YORK CITY HOUSING COURT, Office of the Deputy Chief Administrative Judge for Justice Initiatives. New York, NY: Office of the Deputy Chief Administrative Judge for Justice Initiatives, 2005. At time of the release of this report (October 2016), increased funding for lawyer representation in eviction cases has reduced the percentage of unrepresented tenants to around 83 percent.

¹¹ "Limited License Legal Technician Program," <http://www.wsba.org/licensing-and-lawyer-conduct/limited-licenses/legal-technicians>. The Roles Beyond Lawyers Evaluation report on the Limited License Legal Technicians is scheduled to appear later this year.

Lower-cost changes to achieve improvements include:

- Providing dedicated, on-going supervision for Access to Justice Navigators in all the courthouses where they work. Volunteer Navigators should be supervised by trained and experienced staff who are on-site and available for questions, consultation, and support during all the hours Navigators are providing services. This supervision should include additional “on-the-job” training for Navigators about working with unrepresented litigants and court staff within the bounds of the Navigator role.
- Educating both the judges and the court attorneys who assist the judges about Navigators’ role and capacities, so that both groups are able to use Navigators as a resource in acquiring information they need to make decisions and in using courtroom time as efficiently as possible.
- Educating court staff about Navigators’ role, and working with court staff to develop means to better integrate Navigators into the case flow, so that Navigators’ work is a consistently helpful supplement to the work of clerks and other courthouse workers.
- Increasing availability of the DIY (“do-it-yourself”) computer kiosks for the preparation of answers and other legal documents.
- Developing a triage referral system that integrates the various services currently available in the courthouse, so that those cases that would benefit most from the enhanced services provided by some types of Navigators are more likely to receive them.
- Providing more information about all types of Navigators to the public, with the goal of increasing the use of all types of Navigators.

Cost projections for expansion of the projects appear in the full Report.

General Conclusions About “Roles Beyond Lawyers” Programs

This is the first comprehensive evaluation of a “Roles Beyond Lawyers” program, in which appropriately trained and supervised individuals without full formal legal training provide help to litigants who would otherwise be without assistance. As in all empirical social science, questions remain to be answered by future research. Nonetheless, actionable conclusions about the range of Roles Beyond Lawyers initiatives can be drawn from this evaluation.

1. People without formal legal training can provide meaningful assistance and services to litigants who are not represented by a lawyer.
2. These services can impact several kinds of outcomes, ranging from litigants’ understanding of court processes and empowerment to present their side of the case, to providing more relevant information to the decision-maker, to formal legal outcomes and the real-life outcomes experienced by assisted litigants and their families.
3. The tasks Navigators are actually able to perform, and thus their impact, are influenced by the philosophy and attitude of the court in which the services are provided, including the attitudes of case processing staff and judges.
4. Contributions of Navigators’ work to legal outcomes and real-life outcomes such as eviction prevention are likely similarly influenced by court environment and by the range of services and benefit programs available in the jurisdiction. The availability of such services and benefits to

which Navigators can connect litigants is a major mechanism of Navigator impact. Some jurisdictions, such as New York City, have significantly more such resources than most.

5. The impact of Roles Beyond Lawyers programs on legal outcomes can be greatly assisted by the availability and use of plain language, standardized legal forms, such as the Answer form, and of software programs (what in New York are called “DIY” programs) that help litigants prepare legal documents such as answers. Such programs have been developed for many jurisdictions, facilitating the replication of Roles Beyond Lawyers programs.

General Recommendations

1. Sustaining the Current Program

The Navigators projects produce goods valued by a range of stakeholders. Sustaining funding for the program is recommended, with sufficient increases to follow the Navigator supervision recommendations in the Report.

2. Replication in New York City and State

Replication is recommended, but with careful attention to changes of the kind described above to enhance efficacy and total cost effectiveness.

3. Replication Beyond New York State

The Navigators program shows potential to contribute to the national goal of providing meaningful access to justice for all, as urged for adoption by the states by the Conference of Chief Justices.¹² The findings of the Report suggest that these approaches can be an important tool in helping achieve this goal, and that they should be integrated with other initiatives developed to meet the goal.

4. The Overall Evaluation Framework

The framework is recommended for evaluations of all types of “Roles Beyond Lawyers” programs. It is offered as useful for evaluations of other access to justice innovations. Potential downsides of a standardized approach are likely to be outweighed by the benefits of being able to compare different innovations on their appropriateness, efficacy and sustainability.

¹² Resolution 5: Reaffirming the Commitment to Meaningful Access to Justice for All. Conference of Chief Justices and Conference of State Court Administrators (2015). http://www.ncsc.org/~media/microsites/files/access/5%20meaningful%20access%20to%20justice%20for%20all_fi nal.ashx

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I. Roles Beyond Lawyers: Research Project Overview

Roles Beyond Lawyers (RBLs) encompass a range of service models for civil legal assistance that draw upon personnel who have not received full formal legal training. These programs attempt to achieve the goals of increasing access to justice and ensuring consumer protection. The Roles Beyond Lawyers research project explores these models, both as currently implemented and as opportunities to be realized.

In 2014, the Public Welfare Foundation made a grant to the American Bar Foundation and the National Center for State Courts to fund the development of frameworks for the design and evaluation of such programs and for the use of that evaluation framework to assess two distinct initiatives: i) the New York Court Navigators program, reported on here, and ii) the Washington State Limited License Legal Technicians program, which authorizes trained, licensed and regulated legal technicians to provide a range of services in a provider-client relationship without attorney supervision.¹³

The first products of the project were two conceptual frameworks, one for program design and one for program evaluation.¹⁴ In developing these, we identified three challenges that all programs must meet in order to be successful, which became the criteria on which RBLs are evaluated in this research. Achieving the dual goals of access and protection requires programs to respond to the challenges of *appropriateness*, *efficacy*, and *sustainability*:

- *Appropriateness.* Program designers must identify a discrete bundle of services that can both make a material difference in the conduct of justiciable events and be competently performed by staff who are not fully trained attorneys. Achieving appropriateness is the foundational goal of any program using RBLs. If this goal is not met, the innovation will be ineffective even if well implemented and sustainable.
- *Efficacy.* The discrete bundle of services provided must be both competently performed and positively impactful on the work of participants in the legal matters served. Participants may include courts and their staff, who have interests in the timely, efficient and lawful processing of cases, and litigants, who have interests in these same goals. Litigants also have interests in the outcomes and experience of justice processes in their own particular matters. If appropriateness is meeting the challenge of designing an RBL that could work, efficacy is about implementing it so that it does work in attaining its specific goals for service delivery.
- *Sustainability.* Sustainability is perhaps the greatest challenge confronting any method of delivering appropriate and efficacious services. Services must be produced by personnel managed through durable models of training, supervision and regulation that ensure the consistent delivery of services of adequate quality. The means of funding production and delivery must be durable, whether the source is public funds, charity or philanthropy, client fees, or some combination of these. Models of service production successful at a small scale may require revision to succeed at a larger scale. Sustainability requires not only maintaining material efficacy, but also legitimacy. Stakeholders, who include the public and the organized

¹³ “Limited License Legal Technician Program,” <http://www.wsba.org/licensing-and-lawyer-conduct/limited-licenses/legal-technicians>. The Roles Beyond Lawyers Evaluation report on the Limited License Legal Technicians is scheduled to appear later this year.

¹⁴ INCREASING ACCESS TO JUSTICE THROUGH EXPANDED ‘ROLES BEYOND LAWYERS’: PRELIMINARY EVALUATION AND CLASSIFICATION FRAMEWORKS, Rebecca L. Sandefur and Thomas M. Clarke, American Bar Foundation and National Center for State Courts, Chicago, IL and Williamsburg, VA, 2015. Available at americanbarfoundation.org/research/A2J

legal profession as well as individual litigants and courts, must accept and employ the new roles as means of delivering assistance, and perceive them as at least as valuable as other uses of the same resources.

This report presents findings from an empirical study of three different pilot projects under the larger umbrella of the New York City Court Navigators program. The research follows the evaluation framework¹⁵ and draws on multiple methods of analysis – surveys, interviews and a review of case files – that collect views from many angles, including the perspectives of litigants, judges, court attorneys, court clerks, program supervisors, potential funders, other service providers and Navigators themselves.¹⁶ Any given data source has limitations. Using the social scientific technique of triangulation, we employ information collected and analyzed with a range of different methods and from different perspectives, so that weaknesses in one type of information may be offset by strengths in others.

II The New York City Court Navigators Program

A. The Courthouse Context

Familiar from television and novels, the classic image of an American courtroom includes a robed judge who presides over a legal battle between two parties, each represented by lawyers who examine witnesses, present evidence and make legal arguments. This image no longer describes civil litigation in the United States. In many common kinds of civil court cases, including eviction and consumer debt collection, at least one side rarely has a lawyer. The modal pattern is one of imbalance: an unrepresented person faces an opponent represented by an attorney.¹⁷

When people face a legal action such as an eviction or a lawsuit to collect a debt, the prospect of going to court and seeing the matter through can be overwhelming. Consider this scene, typical of the Brooklyn Housing Court. The court is busy and chaotic, described as “hot” by more than one person we spoke to, processing on the order of 58,000 nonpayment cases each year. At the time the research was conducted, as many as 90 percent of tenants were appearing without lawyers,¹⁸ meaning that many people were arriving at the court with little understanding of where to go, what to do, and who might be able to help them.

Just before eight on a weekday morning, a long line of people, many holding papers of different sorts, snakes down the block where sits the main Kings County Civil Court. A police officer enforces a break in the line, directing people to keep free the width of a driveway, where cars enter the parking garage. Outside the locked glass doors of the courthouse, two vendors offer their wares. One is a man with a fruit cart selling bottled water and produce. The other hands out flyers, calling out, over and over again,

¹⁵ Id.

¹⁶ See Appendix A.

¹⁷ See, for example, THE LANDSCAPE OF LITIGATION IN STATE COURTS, Paula Hannaford-Agor, Scott Gravea and Shelley Spacek Miller. Williamsburg, VA: National Center for State Courts, 2015. Available at <http://www.ncsc.org/~media/Files/PDF/Research/CivilJusticeReport-2015.ashx>.

¹⁸ SELF-REPRESENTED LITIGANTS: CHARACTERISTICS, NEEDS, SERVICES: THE RESULTS OF TWO SURVEYS. SELF-REPRESENTED LITIGANTS IN THE NEW YORK CITY FAMILY COURT AND NEW YORK CITY HOUSING COURT, Office of the Deputy Chief Administrative Judge for Justice Initiatives. New York, NY: Office of the Deputy Chief Administrative Judge for Justice Initiatives, 2005. Increases in funding to legal aid have reduced the percentage of unrepresented tenants to 83 percent at the time of this writing (October 2016).

“Moving! Free Storage! Moving! Free Storage!” This is the public entrance to the court. Judges and court staff have their own entrance, down the block on the corner.

When the public entrance is unlocked, people file in slowly, following a line of ropes leading past a table of plastic tubs and up to a large “STOP” sign. Attorneys who have gone through background checks may show their credentials and enter through the public entrance without search. The public, by contrast, is greeted by a court officer who calls out gruffly, “Once you’ve emptied your pockets, come up to the STOP sign.” Gruffness will characterize much of the communication from court officers to the public, both in the hallways and in the courtrooms. Cloth bags, plastic sacks, purses and an occasional briefcase pass through these x-ray machines as their owners file through metal detectors. On the other side is an entry-way both high and dingy. The Brooklyn court is a converted office building, neither a pretty nor a pleasant space. A sign reads, “Information Desk. EXIT.” Just beyond it waits a bank of old, slow elevators, at least one of which is usually out of order. A court officer points to an open door and announces that this car is for judges and court staff only. Men and women in suits file in. The public waits its turn, standing in line sometimes for twenty or thirty minutes to use these elevators. Those who can, take the stairs.

If she is responding to an initial nonpayment petition - the landlord’s legal demand that the tenant pay rent owed or face eviction - the tenant’s first task is to file an answer. Under law, the tenant is required to answer within five days of receiving the Notice of Petition. It is not possible to file electronically in this court, so the answer must be filed physically with the Landlord-Tenant Clerk’s office, a bank of glassed-in windows along one side of a room on the second floor. When people arrive there, they find another line, stretching out into the hallway and looping back and forth around in front of the elevators. People wait here in the first line to tell the clerk at the information window why they are visiting the clerk’s office that day. Once the clerk determines why each is there, each receives a number.

People then wait on wooden benches in the clerk’s waiting room until their number is called and they are told which window to visit. Most people waiting will be answering “in person”: when their number is called, they will file their answer orally by speaking with a clerk, who will record their stated defenses and inform them of their court date. New York City courts provide standardized answer forms, which list the possible defenses to the claim of nonpayment.¹⁹ In the clerk’s waiting room, large signs list these possible answers and define each briefly. A big flat screen TV plays informational videos in English and Spanish, advertising the availability of various services such as interpreters and the court Help Center. The videos also explain basic concepts of housing law and the roles of different courthouse personnel. In the back of the waiting room is a table staffed by Housing Court Answers, a local nonprofit organization that provides information about law and court processes to unrepresented people involved in eviction cases.

When the court is busy, visitors may wait well over an hour – occasionally as long as two hours -- to get through their tasks with the clerk. People who have come to court because they have an appearance scheduled before a judge may find the small sign on the second floor that lists the “parts” of the court and the room number where each part is held. If they do not find this sign, they can visit each floor and inspect each courtroom’s door. Or they can ask someone. The courthouse opens at 8 a.m., and judges take the bench at 9:30. All tenants will have received an appearance time of either 9:30 a.m. or 2 p.m., but this scheduled time has little to do with the actual time of their appearance. Most courtrooms do not start actually calling individual cases until well after 9:30. Litigants must wait, sometimes for hours, until their case is called. It is often difficult for people to figure out what they are meant to do and how. For example, a first task for litigants when a courtroom opens is to find a specific number and use it to check in with the court officer. As the court officer will announce, this “number is not on any of the documents you received from the court.” Rather, it is listed on a piece of paper posted in the hall outside the

¹⁹ See Appendix B.

courtroom. Many first-time litigants seem lost, “sitting there waiting to be scolded” into doing what comes next, as one Navigator described to us.

While people wait, they may watch informational videos, like those in the clerk’s office, playing on large monitors. They are often waiting not only to see a judge, but also to be called into the hall by their landlord’s attorney. There they will talk about their case and perhaps arrive at some kind of settlement. Not all attorneys exhibit the highest degree of professionalism in these hallway conferences; for example, we heard reports of bullying, deception and sexual harassment. Even when one’s landlord’s attorney is professional and respectful, this interaction can nevertheless be very intimidating for a tenant without representation. And also high stakes: a recent study in this court found that average demands for back rent were over \$4,000,²⁰ and eviction is a potential outcome of a nonpayment action.

B. The New York City Court Navigators Program

It was into this context of chaos, high case volumes and low rates of attorney representation that Chief Judge Jonathan Lippman launched the Court Navigators program. Navigators are lay people who assist litigants who appear in court without attorneys to represent them. Navigators were conceived as assistants for unrepresented litigants in contexts where the vast majority of individuals appear unrepresented and most of their opponents are represented by lawyers.

On February 11, 2014, Chief Judge Lippman announced in his State of the Judiciary speech what he described as:

[A] series of court-sponsored incubator projects to expand the role of non-lawyers in assisting unrepresented litigants. This idea of finding ways for non-lawyers to help pro se litigants is one that has only just begun to emerge in the United States. But it has taken hold elsewhere in the common-law world, including the United Kingdom, to great positive effect. With the new projects that we announce today, it is my hope that we can graphically illustrate the tremendous difference non-lawyers can make in closing the justice gap.

That same month, three different pilot Navigator projects commenced under the general guidance of a special task force appointed by the Chief Judge. The pilot projects operated within the New York Civil Court, under the Supervision of Deputy Chief Administrative Judge Fern Fisher and with close participation of community groups and regular input from legal aid organizations and bar associations.

All of the pilot projects shared a general approach, described by Chief Judge Lippman in the 2014 State of the Judiciary speech:

. . . . This kind of one-on-one assistance will include providing informational resources to litigants and helping them access and complete court do-it-yourself forms and assemble documents, as well as assisting in settlement negotiations outside the courtroom.

Most significantly, for the first time, the trained non-lawyers, called Navigators, will be permitted to accompany unrepresented litigants into the courtroom in specific locations in Brooklyn Housing Court and Bronx Civil Court. They will not be permitted to address the court on their own, but if the judge directs factual questions to them, they will be able to respond. They will also provide moral support and information to litigants, help them keep paperwork in order, assist

²⁰ DATA BRIEF: PROVIDING NON-LAWYER ASSISTANCE TO NEW YORKERS IN HOUSING COURT, University Settlement and Housing Court Answers, Table 1, 2014.

them in accessing interpreters and other services, and, before they even enter the courtroom, explain what to expect and what the roles are of each person in the courtroom.

Clear guidelines govern what a non-lawyer can and cannot do to ensure that they do not cross the line into the practice of law. They will receive training and develop expertise in defined subject areas. When these non-lawyers confront situations where the help of a lawyer is crucial, they will have access to legal service providers for help and referrals.

An Order issued by the Chief Administrative Judge of the Courts codified these protections and authorizations.²¹

C. Similarities among the Three Navigator Pilot Projects

Though the three Navigator pilot projects differ in important respects, all involve the same core capacities. New York Court Navigators can provide a range of in-court assistance to unrepresented litigants, including:

- Providing information about
 - the legal process the litigant is involved in.
 - the courthouse and the roles of the different people who work there.
 - resources that the litigant might find helpful, including legal services and social services available both inside and outside the courthouse.
- Assisting litigants in organizing papers they bring to court.
- Accompanying litigants
 - to meetings with clerk's office staff,
 - during hallway conversations with the opposing side,
 - during conferences with court attorneys, and,
 - during appearances before a judge.
- Speaking in court in answer to factual questions addressed directly to them by a judge or court attorney.

Court Navigators may not give legal advice, advocate for or otherwise represent litigants before the court or in conversations with the opposing side's attorney, nor may they fill out forms on litigants' behalf. While serving in court, all Navigators wear badges identifying themselves as Navigators and signaling that their presence is approved by the court.

Beyond the core capacities shared by all Court Navigators, the three models of Court Navigator represented in the pilot projects are distinctive in their aims and design. Each is described below.²²

²¹ See Administrative Order of the Chief Administrative Judge of the Courts 42-14, February 11, 2014. Available at <https://www.nycourts.gov/courts/nyc/SSI/pdfs/AO-42-14.pdf>.

²² A summary table in Appendix C of the full report succinctly describes the pilot projects, their aims, and the findings for each.

D. Descriptions of the Three Navigator Projects

1. Access to Justice Navigators Project

Navigators in the Access to Justice Navigators pilot project provide in-court assistance only. They are “Navigators for the day.” Access to Justice Navigators may accompany unrepresented litigants when they meet with judges, court attorneys, or the other side’s attorney, whether in the hallway or the courtroom. They may also assist unrepresented litigants in organizing papers they have brought to the courthouse, provide information about available resources, explain court processes and the roles of different court personnel, and help find people or places in the courthouse building. All courthouses provide computer kiosks with “DIY” (do-it-yourself) legal document creation software. Access to Justice Navigators assist unrepresented litigants in using the software to prepare court forms, such as Answers to petitions of nonpayment and Orders to Show Cause. Access to Justice Navigators operate in housing court in Brooklyn, the Bronx, Manhattan and Queens, and assist in consumer debt cases in the Bronx.

Litigants learn of the availability of Access to Justice Navigators through signage in the courthouse and announcements made in the courtroom. Near the beginning of the courtroom’s workday the judge or court attorney will announce that Navigators are available to assist and that people should sign up if they would like assistance that day.

In all of the courthouses in which they are active, Access to Justice Navigators projects have common elements of staffing and training, though recruitment, supervision, workflow and activities can be organized in different ways in different courts. All Access to Justice Navigators are volunteers, and all receive a 3-hour training including videos in which actors (often members of court staff) role-play common courthouse scenarios. They receive basic instruction about their role and an orientation to housing court, a manual, and copies of informational materials produced by the court and various nonprofit organizations. The training is interactive, with opportunities for Navigator-trainees to ask questions. To participate in the Access to Justice Navigators project, volunteers commit to serving at least 30 hours over the course of the three months after training.

In the different courthouses where they work across the city, the Access to Justice Navigator role has been implemented in somewhat different ways, including:

a. Differences in the amount of supervision:

- Because of a scarcity of court funding in the State of New York, the model of supervision varies across different courthouses. In some courts, Access to Justice Navigators are supervised by court staff assigned exclusively to this task. In other courts, supervision of the Access to Justice Navigators is a task added to the existing job responsibilities of a court attorney who works with the judge in the courtroom.
- Court attorneys differ in their engagement with the Access to Justice Navigators. Some estimate spending as much as an hour each day organizing the Access to Justice Navigators’ work and answering questions. Others are more hands-off.

b. Differences in what supervision entails:

- All Access to Justice Navigators receive the core training developed by the court. In some courts, supervisors organize additional activities that involve shadowing more experienced Navigators and supervisors’ observation of them at work and frequent feedback. The purpose of this “on-the-job” training is to help Navigators be more effective in their interactions with court staff and litigants while remaining within the bounds of the Navigator role.

- In some courts, the Navigators’ supervisor allocates Navigators across different areas of the courthouse based on anticipated workflow; in others, the Navigators decide themselves where to focus their efforts.

c. *Differences in activities:*

- In some courts, Access to Justice Navigators work only in a single courtroom; in others, they work in multiple courtrooms and actively roam the hallways.
- As we will discuss below, the specific tasks Navigators are most likely to perform differ from court to court.

d. *Differences in the source and compensation of those staffing the Access to Justice Navigator role:*

- Though all Access to Justice Navigators are volunteers, they have different credentials and experience. Most have been college students. Some law students and retirees have also participated in the project.
- Some of the college students are receiving course credit; others are not.

Since the project began in February 2014, 604 people have served as Access to Justice Navigators in housing court and 72 people have served as Access to Justice Navigators in consumer debt cases.

2. Housing Court Answers Navigators Project

Navigators in the Housing Court Answers Navigators pilot project provide in-court assistance only. They are, like Access to Justice Navigators, “Navigators for the day.” Currently, the Housing Court Answers Navigators work in the Brooklyn Housing Court. This pilot project is operated by Housing Court Answers, a New York City nonprofit organization that assists people with information about housing court and local housing laws and regulations.²³ Two days each week from 9a.m. to noon, as people line up at the clerk’s office to file paperwork or ask questions, Housing Court Answers Navigators work the line, approaching them and asking them if they are in court “because they have received nonpayment papers.” If they meet the criteria for project eligibility²⁴, a Housing Court Answers Navigator will offer to assist the litigants in filing an answer. The Brooklyn court uses a standardized answer form. The form lists the possible defenses that a tenant may have to the landlord’s claim that she owes unpaid rent, such as that notice was not properly served, that the amount demanded is incorrect, or that the conditions of the apartment are not up to code.²⁵ Using an informational script, the Housing Court Answers Navigator takes the unrepresented litigant through the potential defenses on the form. The Housing Court Answers Navigator accompanies the litigant to the clerk’s window, where the form is then filed as an answer in person with the clerk, and signed “Navigator.” All Housing Court Answers-navigated cases are currently assigned to the same courtroom, that in which Access to Justice Navigators and employees in the third Navigator project, University Settlement (see below), currently work. As part of their interaction with litigants, Housing Court Answers Navigators conduct an assessment to determine whether litigants are candidates for services from University Settlement.

²³ See <http://cwtfhc.org/>.

²⁴ To receive Housing Court Answers assistance, a litigant must be a named respondent on a nonpayment case who is in court to file a first time answer. The housing must be a rent-stabilized apartment, and cannot be in zip codes 11212 or 11226 (such cases are referred to the Legal Aid Society).

²⁵ See Appendix B.

Housing Court Answers Navigators are volunteers; almost all have been college students, though some have been law students. Some receive course credit; others do not. Housing Court Answers Navigators receive the Access to Justice Navigators training described above, as well as an additional training provided by Housing Court Answers staff. In addition, during the time that Housing Court Answers Navigators are working, a paid supervisor is present overseeing their work.

During the first year of the pilot project, 15 people worked as Housing Court Answers Navigators.

3. University Settlement Navigators Project

Navigators in the University Settlement Navigators pilot project work in the Brooklyn Housing Court. University Settlement Navigators are paid employees of University Settlement, a New York City nonprofit organization that provides social and human services.²⁶ The University Settlement Navigators pilot project coordinates activities with the Housing Court Answers pilot project, whose eligibility screening is used to identify cases to be referred to University Settlement for further screening and possible intake. The University Settlement Navigators pilot project focuses on cases that both meet the eligibility requirements for the Housing Court Answers project and have characteristics that suggest that the University Settlement Navigators project may be able to make a difference in case outcomes. The University Settlement Navigators project targets tenants who may be particularly vulnerable to eviction, such as those with limited English proficiency, limited literacy, cognitive limitations, or underlying social service needs that may be contributing to housing insecurity, those facing claims for substantial amounts of back rent, and those eligible for rent subsidies or other social programs.

University Settlement Navigators work their cases from intake through resolution and beyond. In addition to providing in-court assistance with paperwork and accompaniment to meetings with judges and court attorneys, University Settlement Navigators work to connect litigants with eviction-prevention grants, city, state and federal benefits for which they are eligible, and services for social and other needs they may identify, such as family mediation or mental health treatment. University Settlement Navigators are present with litigants when they have court appearances, and check in with them repeatedly over the life of their cases and after their cases conclude.

For most of the life of the University Settlement Navigators project, two full-time University Settlement Navigators, sometimes assisted by part-time University Settlement Navigators, have worked in the Brooklyn courthouse. Their work is coordinated by a paid supervisor who oversees the project.

E. Relationships between the three pilot projects

Access to Justice Navigators work in courts in four of the City's boroughs, including the Brooklyn Housing Court that is the site of the Housing Court Answers and University Settlement pilot projects. At present, Housing Court Answers and University Settlement work together to coordinate intake in the Brooklyn courthouse, while the Access to Justice Navigators pilot project operates independently of the other two. The three pilot projects differ in how they connect with litigants and organize the flow of cases served. Access to Justice Navigators offer services to all litigants on both sides, and serve those who accept the offer, with the only eligibility screen being that the litigant has no lawyer representation. The Housing Court Answers pilot project serves tenants filtered through a more elaborate eligibility screen, as

²⁶ See <http://www.universitysettlement.org/us/about/>.

described above. The Housing Court Answers pilot makes referrals to the University Settlement pilot for further screening.

III. Findings of the Evaluation -- Appropriateness

The evaluation follows the framework developed for the research, focusing on three challenges that all Roles Beyond Lawyers programs must meet in order to be successful:

- Appropriateness: identifying a discrete bundle of tasks that makes a difference in the conduct of some legal matter and can be successfully carried out by someone who does not have the full formal legal training that has traditionally led to bar admission.
- Efficacy: carrying out that appropriate bundle of tasks competently and with desired impact.
- Sustainability: organizing and funding the production of services in a durable way, so that key stakeholders accept the new role and perceive positive value from it.

Because the different Navigator pilot projects both share core competencies and were created with different aims and important differences in their design, we discuss them both as an umbrella Navigator program and separately as distinct pilot projects.

Appropriateness requires crafting a role that makes a positive difference in the conduct of a matter but does not require the full qualifications of an attorney. Here, we focus on the perspectives of stakeholders who have expertise in the relevant law and court processes, including attorneys, judges and other court staff, and those involved in the design and implementation of the Navigator program and the three pilot projects.

A. Broad Agreement on Appropriateness of Core Aspects of the Navigator Role

Stakeholders were generally in agreement that all forms of Navigators were an appropriate model for achieving improvements in litigant experience and enhancing unrepresented litigants' participation in their own cases. They judged that the core capacities of all forms of Navigators – information, moral support, and accompaniment through case activities – could be used effectively by trained lay people, and that these capacities showed promise to achieve the aims of improved litigant experience and enhanced litigant participation. Some spoke in terms that strongly echoed what scholars term *procedural justice*: people's sense that a decision process was fair and incorporated their participation, that they were treated with respect, and that the decision-maker was impartial.²⁷ These stakeholders wished unrepresented litigants to have an experience that these litigants perceived as fair and just. They wanted unrepresented litigants to have information that would help them understand what was happening to them and with their cases. They described Navigators as providing this information and also moral support. They emphasized that an important part of training was explaining to Navigators what they should *not* do, as a way of helping Navigators to understand the boundaries of the practice of law, so that they could be sure not to “cross the line.”

²⁷ *THE SOCIAL PSYCHOLOGY OF PROCEDURAL JUSTICE*, E. Allen Lind and Tom R. Tyler, Springer, 1988.

B. Varied Views on Expectations of Broader Impact

Some stakeholders envisioned a further expanded role for Navigators. These stakeholders shared the view that the Navigator role was an appropriate model for achieving procedural justice, but they believed Navigators could achieve other goals as well. These stakeholders focused on material outcomes. They believed that Navigators could and should change the legal outcomes of the cases they assisted, and in so doing contribute to the attainment of goals beyond the conduct of court cases, such as preventing evictions or maintaining the stock of rent-stabilized housing. These stakeholders believed that providing information, accompaniment through court processes, connections to useful services, and moral support were appropriate capacities for trained nonlawyers, but they also further expected that these activities could change both the legal and real-life outcomes of court cases.

C. Conclusions: Appropriateness

Stakeholders were in broad agreement that the Navigator roles were appropriately designed: the bundles of tasks that comprised each of the three models of Navigator were seen as being well within the capacity of trained nonlawyers and as likely to have the impacts desired by program creators.

IV. Findings of the Evaluation -- Efficacy

A program's efficacy might be reflected in a range of specific outcomes desired by pilot project stakeholders. In this report, we will focus on two: (1) usage of the service; and (2) competence of service providers. While all three kinds of Navigators were designed to be used and meant to do their work competently, the pilot projects differ in their aims and design; thus, what use and competence mean are different for the different projects. For example, case outcomes are not targeted by the Access to Justice Navigator project. Case outcomes are relevant measures of efficacy for Housing Court Answers and University Settlement Navigators, which are intended to affect the conduct of nonpayment cases.

A. Usage of Navigator Services

1. Usage by Varied Stakeholders

Most basically, a Roles Beyond Lawyers program has to be used to have positive impact. While litigants are often understood as the main users of RBL services, RBLs work can impact a range of different actors involved in the matters on which they work. In the case of Court Navigators, we identified four groups of people who effectively used Court Navigators' services, only some of whom are clients in a conventional sense: clerk's office staff, court attorneys, judges, and litigants.

Clerks and other clerk's office staff. Clerks typically have three kinds of interactions with Navigators. The first two can occur with any of the three kinds of Navigators – Access to Justice, Housing Court Answers, and University Settlement. The first type of interaction between clerks and Navigators occurs when the Navigator accompanies a litigant to file some kind of paperwork or ask a question. A second occurs when the Navigator interacts with clerks at one remove, as when a litigant interacts with clerk's office staff based on information that she or he declares having received from a Navigator. A third occurs when clerks and Access to Justice Navigators coordinate to triage litigants to the Do-It-Yourself (DIY) computer kiosks where they can complete legal forms such as answers and orders to show cause. Access

to Justice Navigators reported working with clerks to “clear the line” at the clerk’s window in the Brooklyn courthouse. The clerk at the information window would meet with litigants, try to discern what they were there to do that day, and when appropriate hand the litigant a slip of paper to give to an Access to Justice Navigator. This slip would indicate that the litigant needed to produce a specific document. The Access to Justice Navigator would then accompany the litigant to the computer and assist her in creating the document.

Court attorneys and judges. Court attorneys and judges are also users of Navigators services. Navigators may accompany litigants when they meet with attorneys or judges. In addition, Navigators can answer factual questions directed to them by judges. As we will discuss below, aspects of the context in which Navigators work affected what Navigators actually did and, therefore, the interactions they had with other participants in the cases. Judges and court attorneys in the different courthouses reported very different frequencies of interaction with Navigators. Some reported noticing them and their work, others did not. These differences corresponded with Navigators’ reports of their own activities in different courthouses.²⁸

Litigants. Litigants are the end users of all three kinds of Navigators’ services. The current Navigator projects are at the scale of pilots, and thus can serve only a small proportion of unrepresented litigants.

2. Administrative Records for Litigants’ Use of Navigators’ Services

One measure of litigants’ use of the projects’ services is provided by the administrative records of the programs themselves.

Between the beginning of the pilot and August 2016, 604 Access to Justice housing Navigators working across the city had served 9,303 tenants in housing cases. In the Brooklyn Housing Court specifically, Access to Justice housing Navigators served 1,259 litigants between the start of the project and August 2016. During this same period, 72 Access to Justice consumer Navigators served 3,196 consumers facing debt proceedings.

During two years of the pilot, Housing Court Answers Navigators records indicate answer-filing assistance to 1,371 litigants, 567 of whom were referred to University Settlement for potential services by University Settlement Navigators.

University Settlement records indicate service in 301 cases over this period.

3. Survey Findings for Litigants’ Use of Navigators’ Services

Another measure of use comes from surveys of litigants in the Brooklyn courthouse. Visitors to the courthouse were asked “while you’ve been here today, have you gotten help with your case from anyone?” As Table 1 reports, most people were not helped by anyone on the day they were surveyed: 27 percent reported getting help from someone that day while at the courthouse; 73 percent of litigants surveyed reported that they had received no help from anyone at the courthouse. Those who reported help were asked, “Who helped you? Was this person an attorney or a Court Navigator or someone else?” Of those litigants who reported being helped, the most common source of help reported was actually an attorney. Over two fifths (43 percent) of those reporting help believed that they had been helped by an attorney. Of those about two-fifths, 78 percent reported that the attorney was working with them for the whole case, while 15 percent reported receiving assistance from a “lawyer for the day.” Litigant reports thus suggest that during the summer of 2015 about 12 percent of tenants had some kind of attorney

²⁸ See below, Table 3 and accompanying text.

assistance in the Brooklyn Housing Court. However, this figure likely overstates the amount of representation actually received by tenants at that time. It is clear from the comments of the survey takers that tenants sometimes believed that their landlord’s attorney was an attorney representing them, and that some even believed that their landlord’s attorney was counsel appointed for them by the court. This misunderstanding is part of the confusion that pervades the court.

About a fifth (19 percent) of those who reported help from someone believed that they had been helped by a Navigator. This implies that Navigators in the Brooklyn Housing Court were assisting about 5 percent ($=.27 \times .19$) of litigants during the summer of 2015. These reports are an imprecise estimate of Navigators’ use by litigants since, as we have seen, people are not always clear on who has assisted them.

About two-fifths (38 percent) of those who reported getting help at the courthouse from someone reported receiving help from a person who was neither an attorney nor a Navigator, such as a court officer, a clerk or another litigant.

Table 1: Sources of Assistance Received by Litigants in the Brooklyn Housing Court: Summer 2015

Receive help in the courthouse today?	Total	Of those reporting assistance
Yes	27 %	100 %
Helped by		
Attorney	12 %	43 %
For the whole case	9 %	34 %
For the day	2 %	7 %
Court Navigator	5 %	19 %
Someone else	10 %	38 %

Source: Courthouse Visitors Survey. N=679.

Notes: Some quantities may not sum to 100 percent due to rounding and the omission of “don’t know” and declined to answer responses from the table. For example, 1 percent of respondents either did not know or did not want to report whether their attorney was working the whole case or was a lawyer for the day.

4. Litigant Survey Reports of Specific Assistance Received from Navigators

Just as important as whether Navigators’ services are used at all is *which* of the specific services that Navigators are empowered to provide are used by litigants. Tenants who reported assistance from a Court Navigator were more likely to report using Navigator assistance for some portions of their cases than for others.

Based on the information from the sample of people who believed they had been served by Navigators, as Table 2 reports, half (50 percent) of those who reported assistance from a Navigator said that the Navigator had helped them organize papers, 17 percent reported that the Navigator accompanied them in meeting with their landlord’s attorney, while 12 percent reported that the Navigator went with them to meet with the court attorney. Among the few Navigator-assisted survey respondents who had met with the judge before being surveyed, 40 percent said that the Navigator had accompanied them to meet with the judge. Because litigants do not typically know what kind of Navigator they are working with, their reports do not permit us to compare the activities of different kinds of Navigators.

Table 2. Types of Assistance Litigants Received from Court Navigators in the Brooklyn Housing Court: Summer 2015

Help organize papers	Accompany to meet with landlord's attorney	Accompany to meet with the court attorney	Accompany to meet with the judge
50 %	17 %	12 %	40 %

Source: Courthouse Visitors Survey.

Notes: Don't know, would rather not say, and not applicable responses excluded.

N=33 people reporting assistance from a Court Navigator on the day they were surveyed, of whom 5 had met with a judge, 26 had met with a court attorney, and 24 had met with their landlord's attorney.

5. Navigator Survey Reports of Activities

Navigators' reports of their own activities do allow separate examinations of the activities of the three different kinds of Navigators. They also permit a first comparison of the activities of Access to Justice Navigators working in different courts. In the survey of Navigators, each was asked to report on how frequently she or he provided seven different forms of assistance in each courthouse in which she or he reported working. Table 3 reports on results of an analysis of the activities of Access to Justice Navigators in each of the courts where they worked, as well as those of Housing Court Answers and University Settlement Navigators working in the Brooklyn Housing Court. The Table reports, for each type of assistance, the percentage of each group of Navigators who reported "frequently" or "almost always" providing each type of assistance to the unrepresented litigants whom they served.

a. Activities Reported by Access to Justice Navigators

The first panel of the Table reports on Access to Justice Navigators' activities overall and in each of the courtrooms where each reported working during his or her period of service as a Navigator. The first row reports the percentage of Access to Justice Navigators who said that they "frequently" or "almost always" gave each type of assistance in any courtroom in which they worked. Consistent with the design of the Access to Justice Navigators pilot project, the most commonly reported activities are answering litigants' questions and providing information, either about the courthouse itself (56 percent of Access to Justice Navigators reported doing this at least frequently) or about court processes (53 percent of Access to Justice Navigators reported doing this at least frequently). The next most common activity reported was escorting litigants around the courthouse (42 percent of Access to Justice Navigators reported doing this at least frequently in at least one of the courthouses where they worked). A fifth (40 percent) of Access to Justice Navigators reported that they typically helped litigants with papers or documents. Access to Justice Navigators were less likely to report that they typically accompanied litigants to talk to court attorneys or the other side's attorney (30 percent and 33 percent, respectively, reported doing these activities at least frequently). A quarter (25 percent) of Access to Justice Navigators said that they at least frequently accompanied litigants to meet with judges.

Access to Justice Navigators are meant to engage in all of the activities queried, so it is interesting to ask why they are more likely to perform some forms of assistance than others. One possibility is, of course, that litigants are more open to some kinds of help than others. However, an analysis of Navigators' reports of what they do in different courts is instructive. The second panel of Table 3 presents Access to Justice Navigators' reports of their activities in different courts. Each court in which Access to Justice Navigators work is designated by a randomly chosen letter. As the table shows, Navigators were more or less likely to perform specific tasks depending on the court in which they were working. For example, helping litigants with papers or documents was common in most courts, but not all: for example, in Court B, only 25 percent of those Navigators who had worked there reported that they frequently or almost

always helped litigants with documents in Court B. This specific finding is an example of a general pattern: Access to Justice Navigators report different patterns of activity in different courts. As we will see, a review of the evidence reveals that an important part of the differences seen across courts is associated with differences in Navigator supervision and in the openness of courthouse professionals to Navigators' presence and work.

This analysis reveals the importance of two key supports for the efficacy of this new role: supervision and cooperative court staff. The importance of supervision is illustrated by the comparison of Courts A and B to Courts D and E. Courts A and B are both environments where supervision of the Access to Justice Navigators was relatively light, while in Courts D and E supervision was active and engaged, with dedicated staff time set aside for this work. When working in the courts with dedicated supervisory staff, Access to Justice Navigators were, across the board, more active, reporting that they were more likely to provide to litigants every service that we asked them about. For example, in Court B, few Access to Justice Navigators (17 percent) reported frequently or almost always accompanying litigants to talk with the other side's attorney; few (17 percent) reported frequently or almost always accompanying litigants to talk with the court attorney; and fewer (8 percent) reported frequently or almost always accompanying litigants to meet with the judge. The picture of activity is different in Court D, where 42 percent reported frequently or almost always accompanying litigants to talk with the other side's attorney, 31 percent reported frequently or almost always accompanying litigants to talk with the court attorney, and 15 percent reported frequently or almost always accompanying litigants to meet with the judge.

The differences between Courts A and E are even more striking, and reflect the importance not only of supervision, but of the cooperation of court staff. Court A was for several months presided over by a judge who was described as "hostile" to Navigators, and who worked with a court attorney described as indifferent. It is telling that in this environment Navigators were unlikely to report that they frequently accompanied litigants to meet with the court attorney (13 percent reported doing so frequently or almost always) or the judge (none reported doing so frequently or almost always). Court E provides an interesting comparison: here, both the judge and the court attorney embraced the Access to Justice Navigators project. In this more cooperative environment, Access to Justice Navigators were much more likely to accompany the litigants they served to their meetings with the court attorney (78 percent reported doing so frequently or almost always) and the judge (89 percent reported doing so frequently or almost always).

b. Activities Reported by Housing Court Answers Navigators

The third panel of Table 3 reports on the activities of Housing Court Answers Navigators. As we described above, the Housing Court Answers Navigators focus their efforts on the front end of the case: the first trip to the courthouse to file an answer to a nonpayment petition received from the landlord. Housing Court Answers Navigators reported activities are consistent with this vision of their role: their most commonly reported activities are helping litigants with papers or documents (90 percent reported doing this frequently or almost always for litigants) and answering questions or providing information about court processes (100 percent reported doing this frequently or almost always for litigants).

c. Activities Reported by University Settlement Navigators

University Settlement Navigators take cases selected from those referred by Housing Court Answers and then follow those cases through their time in court to resolution and afterwards. University Settlement Navigators activity reports are consistent with this vision of their role: they report high rates of

“frequently” or “almost always” accompanying litigants throughout activities in the courthouse, including meetings with the other side’s attorney, the court attorney, and the judge, as well as providing information about court processes.

Though all Navigators have the same in-court capacities, the different projects exhibit distinctive patterns in the extent to which Navigators actually use each of the specific capacities. These differences reflect a range of factors, including differences in how Navigators are supervised in the different pilot projects and courthouses, and differences in the openness of judges, clerks and court attorneys to interacting with Navigators.

B. Competence of Court Navigators

Competence is reflected in work product – for example, legal documents, legal advice, or information – of satisfactory quality. Our evaluation of Navigator work product will focus on Navigators’ assessment of their own competencies, assessments of Navigators’ competence from stakeholders who interact with them or observe them at work, legal documents (answer forms), litigant understanding, and case outcomes.

1. Navigators’ Self-Assessments of Competence

As we saw above, Navigators in the different projects reported different activities. Similarly, Navigators working in the different projects also reported different activities as more successful or effective. What different types of Navigators reported actually doing (above, Table 3) paralleled their assessments of what they were successfully providing to the people whom they served. Table 4 draws on questions that asked Navigators what benefits or services they felt best able to provide to litigants. The quantities in Table 4 are the percentage of each group of Navigators who ranked each kind of assistance among the two they felt best able to provide; that is, the percentage who assigned a rank of 1 or 2 to that particular form of assistance.

Table 4 groups the different types of assistance into three categories and provides the information separately for Access to Justice Navigators and for Housing Court Answers and University Settlement Navigators.²⁹ Three kinds of assistance involve providing goods that support a positive experience of procedural justice: information about court processes, information about the courthouse, and moral support. Two kinds of help could be considered material assistance: connecting litigants to other useful services that they may want or need and helping litigants to accomplish the tasks they are in the courthouse to complete. Finally, we asked Navigators how able they felt they were to provide litigants with specifically legal help.

Providing information and support is at the core of the role intended for Access to Justice Navigators. Access to Justice Navigators see themselves as fulfilling this role. Access to Justice Navigators felt particularly effective at providing information to litigants about what was happening in their cases: 93 percent of Access to Justice Navigators ranked this form of assistance as first or second among those they felt best able to provide. Two fifths (40 percent) of Access to Justice Navigators ranked moral support as among the two forms of assistance they felt best able to provide. About the same proportion of Access to Justice Navigators (42 percent) believed that connecting litigants to useful services was among the most successful parts of their work.

²⁹ To protect Navigators’ confidentiality, the responses of Housing Court Answers and University Settlement Navigators are combined in this report. See Appendix A for details about the Navigator Survey.

Table 3. Types of Assistance Navigators Reported Giving “Frequently” or “Almost Always,” by Type of Navigator and Court

	Help with papers or documents	Answer questions or offer information about the courthouse	Escort them to a place in the courthouse	Answer questions or provide information about court processes*	Accompany litigants when talking with the other side’s attorney	Accompany litigants when they were talking with the court attorney ⁺	Accompany litigants when they were meeting with the judge ⁺
ACCESS TO JUSTICE NAVIGATORS	40 %	56 %	42 %	53 %	33 %	30 %	25 %
Court A	50 %	63 %	50 %	50 %	38 %	13 %	0 %
Court B	25 %	50 %	33 %	33 %	17 %	17 %	8 %
Court C	67 %	67 %	56 %	78 %	44 %	50 %	33 %
Court D	62 %	85 %	77 %	85 %	42 %	31 %	15 %
Court E	44 %	78 %	56 %	78 %	67 %	78 %	89 %
HOUSING COURT ANSWERS NAVIGATORS	90 %	60 %	30 %	100 %	30 %	30 %	20 %
UNIVERSITY SETTLEMENT NAVIGATORS	60 %	60 %	80 %	80 %	80 %	80 %	80 %

Source: Navigators Survey.

See Appendix A for a description of the Navigators Survey.

* p < .05 for χ^2 test of significant difference across the three types of Navigators.

⁺ p < .10 for χ^2 test of significant difference across the three types of Navigators.

While the Access to Justice Navigators’ role is designed to enhance the procedural justice of litigants’ courthouse experiences, Housing Court Answers and University Settlement Navigators’ roles were designed to change how these cases turn out. Our analysis of where Navigators saw their own efficacy bears these design features out. Two fifths (40 percent) of Housing Court Answers and University Settlement Navigators ranked the two forms of material assistance -- connections to services and help doing necessary tasks at the courthouse -- as among the services they were best able to provide. These Navigators also felt effective at explaining to litigants what was happening in their cases, with 53 percent ranking information about court processes as among the two forms of assistance they felt best able to provide.

None of the Navigator roles is meant to encompass *any* of the tasks currently considered as part of the practice of law. Indeed, all three roles are explicitly designed to provide different kinds of help to people in court for a legal problem without straying into giving those people any kind of legal advice or representation. An important component of the Navigators’ initial training is designed to communicate the importance of *not* taking actions or giving advice that might shade into legal practice. Navigators’ assessments of their own effectiveness were consistent with this limitation. All types of Navigators were unlikely to say that they felt best able help litigants with their legal problems.

Table 4. Percentage of Navigators Ranking Specific Types of Assistance as Among Those They Felt Best Able to Provide to Litigants

	Housing Court Answers and University Settlement Navigators	Access to Justice Navigators
Information and support		
Information about court processes**	53 %	93 %
Information about the courthouse	9 %	13 %
Moral support	20 %	40 %
Material assistance		
Connections to useful services	40 %	42 %
Help doing what they needed to do in court that day	40 %	23 %
Legal assistance		
Help with their legal problems	13 %	18 %

Source: Navigators Survey.

** $p < .01$ for χ^2 test of significant difference across the two groups of Navigators.

2. Review of Legal Documents (Answers)

We turn now to a review of evidence about competence as illustrated in a specific work product, legal documents. One assessment of the quality of a legal document is whether it performs successfully as the document it is meant to be – as a will, or a power of attorney, or a decree of divorce, or an answer to a petition for unpaid rent, for example.

In the sample of Brooklyn housing case files that we reviewed, every single answer filed with the assistance of a Housing Court Answers Navigator successfully performed as such. In fact, every answer

in the files we reviewed successfully performed as such. No doubt this was in part a result of two factors. The first is the codification of legal expertise into the form itself, which lists for the respondent the possible defenses to the claim of rent owed (see Appendix B). The form greatly simplifies the process of constructing an answer, and likely facilitates assistance by nonlawyers. The second is the fact that clerks did not file answers that would not function as such. This screening of answers is part of clerks' interaction with litigants. The finding that all answers performed is not trivial: this specific court process has been designed so that litigants can successfully complete it without attorney assistance, when success is defined as the creation of a legal document that performs as intended.

While all answers performed, they were not all the same. In New York law, defenses must be asserted at the time of initial answer; consequently, what is asserted on the answer form shapes the possibilities for how a respondent may develop her defense to the claim of nonpayment and the possibility of eventual eviction. Thus, a key first step in defense against a nonpayment claim is the assertion of all applicable defenses at the time of answer.

We will draw on two sources of data to investigate how Navigator assistance may have shaped defenses asserted on the answer form. In both instances it is important to recognize that cases and litigants who receive service and those who do not are not necessarily drawn from identical groups. While Housing Court Answers Navigators did not target specific litigants, but rather worked the line of those waiting at the clerk's office, litigants who accepted their services may have been different in some ways from those who did not. For example, litigants who accepted their help may have been more motivated to get or hopeful about getting a good resolution for their cases, they may have been more confident talking to strangers in a bustling place like a courthouse, and so forth. These differences in who accepts assistance may have implications for how people are likely to conduct themselves as their case goes forward. Thus, while our analyses can provide some insights into how Navigators shape the conduct of cases, they are not a definitive test of a "Navigator effect." Rather, the study is an assessment of available evidence about whether such an effect might be in operation.

The first source of data is an analysis produced by Housing Court Answers and University Settlement in collaboration. They reviewed a random sample of 100 Brooklyn Housing Court case files, comprised of 50 cases assisted by Housing Court Answers Navigators and processed in the courtroom where Navigators operate in Brooklyn and 50 cases that did not receive Housing Court Answers assistance and were processed in a different courtroom. The Housing Court Answers-assisted case files included answers that raised an average of 4.1 defenses, while the sample of unassisted cases raised an average of 1.3 defenses.³⁰

The second source of data is our review of random samples of case files selected from the records of each pilot project and from the case files of unassisted litigants. All cases were assigned to the same courtroom, the Brooklyn courtroom where all three kinds of Navigators work.³¹ Both Housing Court Answers and Access to Justice Navigators can assist with the answer step of the nonpayment process. Housing Court Answers Navigators specialize in this activity and provide this service to every litigant they serve. We compared the answers raised by tenant-litigants who received Housing Court Answers Navigator assistance to those who received no assistance. Housing Court Answers-assisted litigants raised an average of over two defenses more than those who received no recorded assistance (see below, Table 7). Navigator assistance is associated with a statistically significant difference in a key element of legal process in these nonpayment cases: the assertion of specific defenses to the claim of nonpayment and the possibility of eviction.

³⁰ See DATA BRIEF, included with the Snapshot Report described in Appendix A.

³¹ See Appendix A for information about the sample.

3. Courthouse Professionals' Assessments of the Quality of Information Provided by Navigators

An important part of the Navigator's role is to provide accurate and useful information. In this section we assess available evidence about the accuracy and utility of the information Navigators provided to litigants. This assessment could potentially be conducted in a variety of ways. Above, we reviewed Navigators' self-assessments: the vast majority (93 percent) felt able to provide information about court processes. Here, we draw on interviews with key informants for their assessment of the quality of the information Navigators were able to provide. Courthouse professionals who interact with Navigators or with litigants who report being assisted by Navigators provide a useful perspective on the accuracy and utility of the information that Navigators provide.

Among these observers of Navigators' work, University Settlement Navigators and Housing Court Answers Navigators were widely seen as competent and providing accurate and useful information to litigants, among other benefits.

Across the different courthouses where Access to Justice Navigators worked, many Access to Justice Navigators were described as highly competent, motivated, effective assistants to unrepresented litigants. However, in courthouses where Access to Justice Navigators were more lightly supervised, views of their work could be more varied. Some staff in these courthouses described incidents where they believed that Access to Justice Navigators had given litigants incorrect information, creating problems for court staff who then had to spend time re-educating litigants. As one staff member put it, "Some people want to do other people's jobs, and that's fine, but I have to fix their mistakes." At the same time, when asked directly about this issue, other staff who had frequent contact with Access to Justice Navigators in these courthouses "didn't find problems with them creating work" for courthouse staff members.

4. Litigant Reports of Understanding Court Process

An important part of moving successfully through a housing case is understanding the next steps. Litigant understanding, like the information that is meant to enhance it, could be assessed in a variety of ways. For example, we could quiz litigants before and after they received assistance from a service provider and see if their understanding of their cases improved. Another way of assessing litigant understanding is to ask for litigants' self-assessments of how well they understand their situations, which is what we do here. Tenant-litigants at the Brooklyn courthouse who had seen a judge or visited the clerk before being surveyed that day were asked how well they felt they understood what happened during their meeting with the judge or clerk and how well they understood what would happen next.

Table 5 compares the responses of litigants who reported receiving Navigators' services to those who reported no assistance at the courthouse on the day they were surveyed. The Table reports, for each category of assistance, the percentage of litigants who agreed or strongly agreed with the statement that they were "able to understand what was happening" when meeting with the judge or clerk, and that they "understand what to do next" in their case. Because most people (just under three quarters) reported receiving *no help* from anyone at the courthouse on the day they were surveyed, and only about a sixth (17 percent) had met with a clerk or judge at the time of survey, the cell sizes for the analysis are in some instances quite small; thus, small differences are less likely to be statistically significant.

Table 5. Tenant Understanding of What Happened in Contacts with Judge or Clerks and What to Do Next, by Type of Helper: Brooklyn Housing Court, Summer 2015

	Understood what was happening	Understand what to do next
Helped by		
No one	86 %	85 %
Navigator	100 %	100 %

Source: Courthouse Visitors Survey.

N=75 people who had met with a judge or clerk on the day they were surveyed. “Don’t know” and “prefer not to say” responses excluded.

The differences between assisted and unassisted tenants are not statistically significant, but they are notable. While rates of reported understanding among all litigants were generally high, those among Navigator-assisted litigants were universally high. Most litigants (at least 85 percent) reported that they understood what was happening when they met with the judge or clerk, and that they understood what to do next -- regardless of whether they received any kind of help at the courthouse. While this high rate of reported understanding may reflect some people’s wish to be agreeable with the survey-taker or desire not to appear confused in front of a stranger, it is also consistent with findings from other studies of how people understand and handle civil justice problems. These studies find that people often report that they believe that they understand their situations and their options for handling them.³² All (100 percent) of the litigants who reported being assisted by Navigators agreed or strongly agreed with the two statements about understanding.

Another lens on tenants’ understanding comes from analysis of open-ended responses to the last question on the litigant survey. At the end of the survey, people were asked “What kinds of help would have made today’s visit to the courthouse easier for you?” Several themes emerged in these responses: wishes for legal assistance, need for money to pay a lawyer or rent, need for more information, a sense that the court was unfair, a sense that court staff were hostile or rude. In these open-ended responses, 15 percent of tenants expressed a wish for more information. This percentage was basically identical whether the tenant reported being assisted by a Navigator (15.2 percent of those assisted wished for more information) or not (15.6 percent of unassisted tenants expressed a wish for information).

5. Litigant Reports of Procedural Justice Experiences

When people believe that a decision process was fair and incorporated their participation, that they were treated with respect, and that the decision-maker was impartial, they experience what social psychologists have termed “procedural justice,” a positive sense of the just-ness and fairness of the process leading to a legal decision or outcome. An early investigation of the Navigator program found that people who had received Navigators’ services evaluated the experience of receiving those services in highly positive ways. In a survey of 61 litigants helped by Navigators, most respondents reported that “Navigators were helpful, courteous and understood their questions.” Most agreed that Navigators had helped them to “understand what was happening in their case” and to “feel that progress was being made in their case.”³³

³² WHAT WE KNOW AND NEED TO KNOW ABOUT THE LEGAL NEEDS OF THE PUBLIC, Rebecca L. Sandefur, *University of South Carolina Law Review* 67:443-459, 2016.

³³ Navigator Snapshot Report, p. 7. See Appendix A for details.

Another lens on procedural justice focuses not on satisfaction with a service received, but rather the experience of the actual process itself: the experience of moving through a nonpayment proceeding or receiving a court’s decision.

Evidence about the relationship between Navigator service and the procedural justice of these experiences is provided by examining whether service from a Navigator is associated with increases in people’s sense of procedural justice when they do have interactions with court personnel. Table 6 reports on the results of another analysis of the litigant survey. Litigants who had seen a judge or clerk at the time of the survey were asked about aspects of the procedural justice of that experience.

Table 6. Procedural Justice Experiences of Litigants, by Type of Help Received: Brooklyn Housing Court, Summer 2015

	Had chance to tell own side of story ⁺	Treated with respect	Treated fairly
Helped by			
No one	64 %	91 %	80 %
Navigator	100 %	100 %	80 %

Source: Courthouse Visitors Survey.

N=75 people who had met with a judge or clerk on the day they were surveyed. Don’t know and prefer not to say responses excluded.

⁺ p<.10 for χ^2 test of significant difference between Navigator-assisted and unassisted cases.

Table 6 compares Navigator-assisted and unassisted litigants on three conventional measures of procedural justice. Each aspect of procedural justice is measured by tenant-litigants’ report of their level of agreement with statements describing their experience with the judge or clerk: “I had a chance to tell my side of the story”; “I was treated with respect”; “My case was handled fairly” (for those who saw judges) or “I was treated fairly” (for those who saw clerks). The table reports the percentage of litigants who agreed or strongly agreed with each statement by type of assistance received.

The pattern of differences and similarities is instructive. No significant differences emerge in comparisons of whether the litigant was treated fairly or treated with respect. However, a large difference emerges in the comparison of whether litigants had a chance to tell their own side of the story: 64 percent of those receiving no assistance reported that they had a chance to tell their own side of the story when they met with a judge or clerk, while all (100 percent) of those reporting Navigator assistance said that they had a chance to tell their own side of the story. Having a chance to tell one’s own side of the story of course depends on the listener, but it also depends importantly on the speaker, her preparation of the story and her confidence in her right to tell it. Navigators were meant to encourage this kind of legal empowerment³⁴ for unrepresented litigants.

C. Case Outcomes

The final lens on efficacy is provided by an analysis of case outcomes. Navigators’ work is of course not the only factor that shapes how cases turn out – there are judges, arguments, attorneys for the other side, evidence and other facts of the situation, as well as laws that guide what happens in a case. However, the

³⁴ See MEASUREMENT OF LEGAL EMPOWERMENT THROUGH THE SUBJECTIVE PERCEPTIONS OF INDIVIDUALS, Robert B. Porter, *Impact Assessment and Project Appraisal* 32(3): 213-221, 2014.

three different Navigator pilot projects were designed to affect cases in distinct ways, in some instances by changing legal and/or real-life outcomes.

Drawing as we do on case files for our analysis of outcomes, we have available to us only some of the life history of these cases: that which is recorded by the court in the file. Case files are both a rich and a challenging source of information. They are rich in that they include a very large number of facts, such as how much money was demanded and how much was awarded, whether a warrant of eviction was issued and under what terms, what specific defenses were addressed by the judge, and many others. As a source of information, case files are challenging because the variations in case details and in record-keeping across cases can make it difficult to construct measures that are comparable across cases. For example, the case files do not reliably contain information that allows us to determine whether an actual eviction took place. We will not learn everything we want to know from reviewing case files, but we can explore how Navigator assistance is associated with certain key moments in case histories.

The analysis draws on four samples of Brooklyn Housing Court case files: those assisted by Access to Justice Navigators; those assisted by Housing Court Answers Navigators; those assisted by University Settlement Navigators; those that received no Navigator or attorney assistance.³⁵ In consultation with legal aid attorneys and creators and supervisors of Navigator projects, we identified a set of case process and result outcomes that Navigators might be reasonably anticipated to affect and which could be measured in comparable ways across case files.

All of these cases were conducted in the same courtroom, and most were presided over by the same judge. Thus, by design we provide some control for an important factor shaping case outcomes: the typical practices of a given judge and the standard operating procedures of a given courtroom. The case files were collected in summer 2015, and were drawn from cases that commenced between March 2013 and March 2015, thus allowing at least three months for each case to conclude. Most cases (91 percent) commenced in calendar year 2014.

1. Overview of Case Characteristics

Before turning to differences in the outcomes of cases served by Navigators and those that received no service, it is instructive to review the characteristics of these cases in general. The case files reveal a picture of eviction cases that is highly consistent with the image from contemporary media accounts: very low rates of lawyer representation for tenants and high rates for landlords; rent demands in the thousands of dollars; and, a decision in the landlord's favor. Specifically, the typical nonpayment case in this court:

- Pits a landlord with lawyer representation against a tenant with no representation
- Demands from the tenant an average amount of almost \$3,500.
- Concludes within three months (no more than 90 days between the date of the petition and the last recorded activity in the case).
- Is resolved in two or fewer appearances.
- Awards money to the landlord.
- Results in a formal judgment against the tenant, with a warrant for eviction issued forthwith.

³⁵ See Appendix A for a description of the case file sample.

2. Case Process Outcomes

Our analysis of case outcomes investigates two different types of case activity. One type of activity is a set of what might be termed “process outcomes”: these measures provide information about how the case moves through different activities in the court. The process outcomes we examine here are:

- Number of visits to the courthouse. This is a measure of both litigant and court burden, as each appearance requires work on the part of the court as well as time and travel on the part of litigants or their representatives. We begin counting visits after the tenant has filed an answer. We define a “visit” as an instance where both parties appeared before a judge to try to resolve the dispute or an occasion when one or the other side came to court to take legal actions once the case began. Typically, this latter kind of appearance is a tenant filing an Order to Show Cause to raise issues that can delay the execution of an actual eviction. Less often it is a landlord’s attorney filing an Order to Show Cause to receive a judgment when a tenant has not complied with a stipulated settlement.
- Duration of the case. This also is a measure of both court and litigant burden.
- Orders to Show Cause. We collected information about the number of Orders to Show Cause filed in each case. This is one measure of the use of legal maneuvers in a case.
- Use of court interpreters. New York is a diverse city, with over three million residents of the five boroughs born outside the United States.³⁶ In Kings County, which is coterminous with the borough of Brooklyn, almost half (46.3 percent) of residents speak a language other than English at home (see Appendix A). Nevertheless, the language of the courts is English: legal documents are written and recorded in English, most courthouse signage is in English, and court proceedings and many hallway interactions are carried out in English. People who lack English language facility thus face a real possibility of being unable to understand and participate in their own cases.

3. Case Results Outcomes

The results outcomes we discuss here are:

- Whether any of the tenant’s defenses were addressed in the stipulations that resolve the case. The defenses raised on the original answer form are the groundwork for any legal defenses against a nonpayment claim. Whether those defenses are addressed in the resolution of the case is one measure of litigants’ success in getting their claims addressed.
- Judge referrals to social services. These actions can help connect tenants to needed assistance that can aid them in maintaining their housing or working out a smooth transition to a new residence. For each case, we determined whether the judge had referred the tenant to the Department of Social Services or appointed a Guardian ad Litem for the tenant.
- Formal judgment on file. Preventing the entry or securing the vacating of a formal judgment is an important “win” for tenants, as having a judgment on record not only renders eviction imminent, but can affect future access to housing and credit. For each case, we determined whether a formal judgment had been entered and remained on file.
- Who will pay whom. In all of the cases under review, landlords are making claims of nonpayment of rent against tenants. Stipulations and judgments record parties’ agreements and/or the court’s

³⁶ “New York City (NYC) Foreign-Born Population – By Country of Birth. 2012 Estimates,” <https://www.baruch.cuny.edu/nycdata/population-geography/foreign-birthcountry.htm>.

determination about how much money is owed to whom. Routinely, tenants agree to or are ordered to pay landlords. However, in some instances landlords forgo rent or pay tenants if tenants will agree to move out.

- Judge orders repairs. Low-income housing stock is often in poor repair. Poor conditions and needed repairs are a common defense asserted against nonpayment petitions. A judge's order for repairs potentially improves the housing stock and also suggests an assumption or prediction that the tenant will remain in the apartment.
- Judge orders city inspection of repairs. Judges may choose to direct the landlord to inspect and repair, or they may order a city inspection of the repairs, providing independent evaluation of the premises and whether they correspond to housing code standards.
- Rent abatement for repairs. In nonpayment cases, a possible remedy for poor conditions is the abatement of rent to the tenant.
- Judge reviews rent history. Rent demands are not always accurate and do not always reflect lawful rents. One tool for assessing the accuracy and legality of rent demands is a review of the rent history for the apartment.

Table 7 reports on the analysis of case characteristics and process outcomes, while Table 8 reports on results outcomes. Each Table presents this information both for the full sample of cases in which tenants received no lawyer assistance and, separately, for cases with no Navigator assistance and cases receiving assistance from each of the three pilot projects. Interesting differences emerge in the analysis.

4. Case Characteristics, Process Outcomes and Results Outcomes for Access to Justice Navigators

Access to Justice Navigators are navigators-for-the-day, providing service to people who sign up requesting their assistance. The Access to Justice Navigator project was not designed to affect case outcomes, but rather to support people going through stressful and confusing proceedings. Certainly, in the Brooklyn Housing Court, Access to Justice Navigators provided service in particularly burdensome cases. As Table 7 reports, the cases Access to Justice Navigators worked involved significantly higher demands for back rent, by about \$1,000. Access to Justice Navigator-assisted cases involved more visits to the courthouse, more Orders to Show Cause, and lasted longer than cases that received no assistance. The analysis of case results, reported in Table 8, finds that Access to Justice Navigator-assisted cases were significantly more likely to conclude with formal judgments than were unassisted cases. There were no other significant differences in results measures: compared to unassisted tenants, Access to Justice Navigator-assisted tenants were no more likely than unassisted tenants to have any of their defenses recognized in the stipulations resolving the case, no less likely to agree or be directed to pay money to the landlord, no more likely to have the judge order repairs, and not significantly more likely to be referred to social services by the judge.

Access to Justice Navigators have relatively brief involvement with any given case – they assist on days the project happens to be staffing a given courthouse, helping litigants without lawyer representation who accept an invitation to Navigator assistance. The review of case files suggests that people who are taking up Access to Justice Navigators services are in complex and perhaps dire situations: they face larger demands for unpaid rent, their cases take longer and are in some respects more involved. Their cases tend to end less favorably. Since an Access to Justice Navigator touches a case usually only once and briefly, it is unlikely that their activities cause the differences in case outcomes that we see. Rather, the differences we see reveal a substantial need for assistance. The body of evidence is consistent with a service model that has no impact on case outcomes, but is used by tenants facing very challenging situations.

5. Case Characteristics, Process Outcomes and Results Outcomes for Housing Court Answers Navigators

Housing Court Answers Navigators are navigators-for-the-day, providing service to people screened while waiting in line at the clerk's office. The principal Housing Court Answers Navigators project goal is to assist tenants in identifying and asserting viable defenses to the claim of nonpayment. The findings support an assessment of effectiveness in achieving this goal. Compared to unassisted cases, Housing Court Answers Navigators-assisted cases look very similar in terms of the amount of rent demanded, the duration of the case and the amount of activity the case involves. However, Housing Court Answers Navigators-assisted cases differ from unassisted cases in two important respects. First, as Table 7 reports, Housing Court Answers Navigators-assisted tenants raised significantly more defenses in their answers than did unassisted tenants. Unassisted tenants raised an average of about two defenses, whereas Housing Court Answers Navigators-assisted tenants raised twice as many defenses. Second, not only did Housing Court Answers Navigators-assisted litigants raise more defenses, they were more successful in getting those defenses recognized. About two-fifths (39 percent) of unassisted tenants had one or more of their defenses addressed, while almost three-quarters (73 percent) of Housing Court Answers Navigators-assisted tenants had at least one of their defenses recognized. A common defense is a claim of substandard conditions. Housing Court Answers Navigators-assisted litigants were also more likely to see the judge order repairs than were unassisted tenants. Housing Court Answers Navigator assistance is associated with achievement of the aims intended in the pilot project's design.

6. Case Characteristics, Process Outcomes and Results Outcomes for University Settlement Navigators

University Settlement Navigators are navigators-for-the-duration. Housing Court Answers Navigators-screened litigants who meet University Settlement's service priorities are referred to University Settlement for possible assistance. University Settlement Navigators work on their cases throughout the time of legal process and beyond, providing both in-court assistance and a range of out-of-court supports, such as assistance in securing benefits, medical treatment, and counseling.

In terms of basic characteristics, the cases worked by University Settlement Navigators look very much like cases that do not receive assistance: the amounts at stake are about the same, the time to conclusion is about the same, the number of visits to the courthouse and the number of Orders to Show Cause filed are all about the same. One important difference, however, is that University Settlement Navigators-assisted tenants are much more likely to be assigned a Court Interpreter – about four times more likely, 15 percent versus 4 percent. This is consistent with University Settlement Navigators service priorities, which include limited English proficiency of litigants as a service priority. All University Settlement Navigators-assisted tenants are first assisted by Housing Court Answers Navigators, and also raise significantly more defenses than unassisted tenants.

Assistance from University Settlement Navigators is associated with statistically significant differences in case outcomes. As Table 8 reports, compared to tenants with no assistance, University Settlement Navigators-assisted tenants are more likely to have their defenses recognized by the court, and more likely to have the judge order repairs.

7. Real-World Outcomes of Eviction Cases

The case files themselves do not provide reliable information about whether evictions occurred for any group of tenants. However, we can compare Navigator project records to city eviction data to get a sense

of how Navigator service may relate to changed case outcomes. The city eviction figures for cases filed and cases calendared can give us a rough idea of how likely evictions are, but cannot be used to calculate a precise annual eviction rate for the city: not all cases calendared in a given year conclude in that year, and we cannot know how all cases filed but not calendared were resolved. Administrative records indicate that, for example, citywide in 2015 one actual eviction occurred for every 9.2 cases filed and for every 5.1 cases calendared.³⁷

The records of the University Settlement Navigators pilot project indicate that, over the first project year, the percentage of University Settlement Navigators-served cases that resulted in actual eviction was zero percent. University Settlement records indicate that this Navigators pilot project retained housing for 96 percent of the tenants it served during the first project year. Those few tenants served by University Settlement Navigators who left housing did so voluntarily rather than through eviction.³⁸ Thus, for every case served by University Settlement Navigators in the first project year, no actual evictions occurred. By comparison, across New York City, one eviction was occurring for about every nine cases filed and every five cases calendared.³⁹ The University Settlement figures thus compare very favorably with the citywide figures.

The legal and real-life outcomes of University Settlement Navigators-served cases are different from those of unassisted nonpayment cases and from citywide trends. It is instructive to consider where these differences may come from. The main difference revealed in the case file review was the court’s recognition of the tenant’s defenses: University Settlement Navigators-assisted tenants were significantly more likely to have defenses recognized than were unassisted tenants. But this finding also held true for those tenants assisted by Housing Court Answers Navigators, and all University Settlement Navigators clients are first assisted by Housing Court Answers Navigators. University Settlement Navigators-assisted tenants were no less likely than unassisted tenants to have a judgment on file, and most judgments were attended by warrants for eviction “to be issued forthwith.”

This pattern of findings suggests that what University Settlement Navigators do *outside of court* -- by connecting tenants with benefits and services that provide resources to help them reliably pay their rent

³⁷ Over the past six years, the numbers of cases filed and calendared per formal legal eviction were:

Cases per Eviction		
	Cases Filed	Cases Calendared
2010	8.3	5.0
2011	8.0	4.6
2012	7.6	4.6
2013	7.6	4.5
2014	7.8	4.7
2015	9.2	5.1

Source: Housing Court Answers, “Eviction Trends,” <http://cwtfhc.org/wp-content/uploads/2009/06/EvictionTrends1998to20151.pdf>.

³⁸ According to the records of the pilot project, these were instances in which the tenant left the apartment voluntarily because the rent burden was simply too high given her income.

³⁹ In 2015, 203,119 nonpayment cases were filed, 111,409 cases were calendared, and 21,988 evictions were carried out by city marshals. This amounts to one eviction for every nine filed cases ($9.2 = 203,119/21,988$) and one for every five calendared cases ($5.1 = 111,409/21,988$). See Housing Court Answers, “Eviction Trends,” <http://cwtfhc.org/wp-content/uploads/2009/06/EvictionTrends1998to20151.pdf>.

and comply with the terms of judgments and stipulations -- may be at least as important as the in-court services they provide.

D. Conclusions and Potential Enhancements: Efficacy

Our assessment of the efficacy of the three Navigators projects focused on usage of the service and competence in the service's performance. We considered a range of measures of each, including service records, litigants' reports of their experiences, Navigators' descriptions of their own work, and legal outcomes as revealed in case files. We consider the evidence on efficacy separately for each pilot project below. Without other information, we cannot know precisely how much of the difference in the conduct of Navigated cases is due to case selection and how much is due to these Navigators' work once they become involved in a case. However, services provided in each of the three Navigator projects are associated with impacts desired by program designers.

1. Efficacy of Access to Justice Navigators

Findings for the efficacy of Access to Justice Navigators' work suggest some successes, as well as some opportunities for enhancements.

Navigators working in the Access to Justice Navigators pilot project had served over 9,300 litigants between project inception and August 2016, a service load of about 15 litigants per Access to Justice Navigator who worked in the housing courts. Access to Justice Navigators working in the consumer debt parts of civil court served 3,196 litigants over this period, a service load of about 44 litigants per Navigator working in this context. These figures reveal very different service rates for Access to Justice Navigators in the two different types of courts. These differences reflect differences between housing and consumer cases, and also differences between courts in how Navigators' work is made known to litigants, supervised, and incorporated into the workflow in the different courts where Navigators work. Some Access to Justice Navigators in housing court reported feeling underutilized, wishing that more people would accept their assistance. This concern was seldom if ever raised by Access to Justice Navigators working on consumer debt cases.

All three pilot projects share the same core capacities of information, moral support and accompaniment through activities in the courthouse. Navigator-assisted litigants report universally high levels of understanding their cases and feelings of being able to tell their sides of the story. They do not report a greater sense of fairness. Access to Justice Navigators are more efficacious when they have active supervision and support available to them while they are on the courthouse floor, and when court staff are open to their participation in the cases. Describing Access to Justice Navigators in a courthouse that provided this kind of supervision and support, one observer concluded that Access to Justice Navigators helped *both* the litigant *and* the court. In this observer's view,

[A] Navigator is somebody that they can give an outline of their goals for conference or trial. [This] keeps them focused, close to what they want. Sometimes they're flustered, emotional, angry. [The Navigator] facilitates the conference [with the court attorney]. Some are good at reminding litigants about what they should say. [Access to Justice Navigators are] good even just for the emotional support.

The findings of the case file review suggest that the litigants who turn to Access to Justice Navigators for help are involved in particularly challenging cases, in the sense that more money is at stake, the cases last longer, and the cases involve more visits to the courthouse and Orders to Show Cause. Given that an

Access to Justice Navigator has a brief involvement in any given case and can provide only basic information and support, it is unlikely that Access to Justice Navigators' involvement in these cases causes the complexity we observe. The more likely scenario is that assistance from Access to Justice Navigators is accepted by people who have found themselves in very complex situations.

The Access to Justice Navigators pilot project does not currently coordinate intake with any other service. Litigants reach Access to Justice Navigators largely through their own initiative: litigants are offered the service and can take it up or not. Thus, Access to Justice Navigators' services are used by people who, for whatever reason – lack of eligibility, lack of capacity in other programs, lack of information about available resources – have not connected with other services. Some coordination with other Navigator projects and other resources available in the courthouse or the community could assist in a more efficient matching of needs to services.

2. Efficacy of Housing Court Answers Navigators

Findings for the efficacy of Housing Court Answers Navigators' work are consistent with both usage of the service and competence in its performance. The Housing Court Answers Navigators pilot project is at capacity under its current service model, with Housing Court Answers Navigators fully occupied in working with litigants during all the hours the project is in operation. The purpose of the Housing Court Answers Navigators project is to assist tenants in identifying and raising valid, viable defenses at the time of answer to a nonpayment petition. A review of case files suggests that litigants assisted by Housing Court Answers Navigators raise significantly more defenses than unassisted litigants, and these defenses are significantly more likely to be recognized by the court. These findings are consistent with success in the major goal of the project.

3. Efficacy of University Settlement Navigators

Findings for the efficacy of University Settlement Navigators are also consistent with both usage of the service and competence in its performance. The University Settlement Navigators pilot project operates at capacity under its current service model. A review of case files uncovers differences in legal process that may be related to later differences in legal outcomes, as illustrated in the analyses of tenants' answers to nonpayment petitions and access to interpreter services. A comparison of eviction rates for the City of New York to eviction rates in University Settlement Navigators project records finds that the percentage of University Settlement Navigators-assisted cases that resulted in a tenant being evicted was zero percent -- no actual evictions occurred in the cases served by University Settlement Navigators. The percentage of University Settlement Navigators-served cases that resulted in a tenant moving out for any reason, in these instances voluntarily, is roughly two-thirds to four-fifths *lower* than the citywide percentage of nonpayment cases that result in a tenant being evicted. At the same time, there are similarities between University Settlement Navigators-assisted cases and unassisted cases in terms of the markers available in the case files, yet University Settlement Navigators-assisted cases result in very different outcomes from the modal nonpayment case. This pattern suggests that the services University Settlement Navigators provide out of court may be at least as important as those they provide at the courthouse in preventing eviction.

This assessment of efficacy is echoed by key informants who have observed and worked with University Settlement Navigators. As one member of the Brooklyn courthouse staff told us,

The [University Settlement Navigators are] great. Because they...take complex cases where tenants have viable defenses, navigate benefits [for them and help them to work

with] other offices. A tenant might have taken six months to navigate the bureaucracy, and, by that time, might have been evicted.

V. Findings of the Evaluation -- Sustainability

The ultimate test of sustainability is, of course, time: models that persist are by that result revealed to be sustainable. New York City Court Navigators, like many Roles Beyond Lawyers programs, are at a pilot stage. The challenge is to identify markers of sustainability, including those that provide evidence about how and how successfully pilot projects may be taken to scale. RBL programs face two main challenges of sustainability: they must establish legitimacy with key audiences, including potential adversaries or competitors for the same resources, and they must be perceived to create sufficient value to justify stakeholders' support.

We collected information about a range of stakeholder groups whose support, or at least acquiescence, would be necessary for the success of Navigator programs: courthouse staff, who include clerks, court attorneys, and judges; attorneys on the opposing side of Navigated cases; Navigators themselves; funders and potential funders of Navigator projects; and litigants.

A. Legitimacy of the New York City Navigator Program

The legitimacy of any innovation, such as Court Navigators, will reflect the degree to which a range of audiences accept it as an appropriate and acceptable way of doing some work or accomplishing some goal. In New York City, assessments of Navigators' legitimacy were divided. An important division arose between those who saw the Navigators' purpose as providing moral support and information and those who saw Navigators as an important tool in eviction-prevention. Among court staff and other service providers, legitimacy was threatened when Navigators' role was not understood and when Navigators were perceived as poorly trained or supervised. Navigators' legitimacy was enhanced when stakeholders understood their role and when Navigators were perceived as competent. Among attorneys on the opposing side of Navigator-assisted cases, legitimacy was threatened when Navigators' work affected standard operating procedures.

1. Judges, clerks, court attorneys, and other service providers

For some stakeholders, particularly those associated with the courts, Navigators were a legitimate innovation only if their work expressly *did not* affect the outcomes of court cases. These stakeholders questioned whether it was desirable that Navigators' work affect the actual outcomes of cases, since "in no way shape or form do Navigators provide legal advice or representation." These stakeholders believed strongly in the court's impartial role in the cases it hears. They felt that court support of a service that actually changed the outcome of cases would violate that impartial role.

These stakeholders did highlight the value of Navigators' ability to provide moral support, basic information, and connections to out-of-court services. They also pointed to the benefits of the Navigators program for the Navigators themselves, for example, celebrating ways the Access to Justice Navigator project allowed young people to give back to their communities and explore possible careers.

Table 7. Brooklyn Housing Court Case Files: Case Characteristics and Process Outcomes

	Case Characteristics			Process Outcomes			
	Average petition amount	Landlord has attorney	Court interpreter assigned	Average visits to the courthouse	Duration in days	Average number of Orders to Show Cause filed	Average number of defenses raised in Answer
Total	\$3,449	99 %	6 %	2.4	86	1.1	3.6
No recorded assistance	\$3,154	100 %	4 %	2.3	72	1.1	1.9
A2JN	\$4,165 ⁺	100 %	4 %	3.9 ^{***}	154 ^{***}	2.6 ^{**}	2.7 ^{***}
HCAN	\$3,225	99 %	4 %	2.1	78	0.9	4.3 ^{***}
USN	\$3,887	100 %	15 %	2.3	79	0.8	3.7 ^{***}

Source: n=181 Brooklyn Housing Court Case Files. A2JN = Access to Justice Navigators; HCAN = Housing Court Answers Navigators; USN = University Settlement Navigators.

*** p< .001 for test of significant difference between this group and the unassisted group

** p< .01 for test of significant difference between this group and the unassisted group

* p< .05 for test of significant difference between this group and the unassisted group

+ p <.10 for test of significant difference between this group and the unassisted group

Table 8. Brooklyn Housing Court Case Files: Results Outcomes

	Judgment on file at review date	Any of tenants defenses' recognized in stipulations	Money to landlord	Judge refers to social services	Judge orders repairs	Judge orders city inspection	Judge inspects rent history	Rent abatement for conditions
Total	70 %	63 %	99 %	3 %	57 %	< 1 %	4 %	0 %
No recorded assistance	59 %	39 %	96 %	0 %	41 %	0 %	9 %	0 %
A2JN	86 % ⁺	42 %	100 %	10 %	52 %	5 %	0 %	0 %
HCAN	74 %	73 % ^{***}	100 %	2 %	63 %	0 %	4 %	0 %
USN	63 %	73 % ^{**}	97 %	3 %	60 % ⁺	0 %	3 %	0 %

Source: n=181 Brooklyn Housing Court Case Files. A2JN = Access to Justice Navigators; HCAN = Housing Court Answers Navigators; USN = University Settlement Navigators.

*** p < .001 for test of significant difference between this group and the unassisted group

** p < .01 for test of significant difference between this group and the unassisted group

** p < .05 for test of significant difference between this group and the unassisted group

+ p < .10 for test of significant difference between this group and the unassisted group

When stakeholders who took this view of Navigators' role doubted its legitimacy, it was usually because they had concerns about how the role was being implemented, rather than about how it was designed. Stakeholders taking this view were concerned about unevenness in Access to Justice Navigators' competence, observing that "some [Navigators] are better than others." Some of these observers believed that certain personality traits and skills were important for Navigators to be successful, and that Access to Justice Navigators were not always well-selected for these traits. Others believed that more active supervision or the requirement of longer service commitments by Navigators would improve the quality of the services that Access to Justice Navigators were able to provide.

By contrast, another group of stakeholders regarded Navigator projects as legitimate only if they did change the outcomes of court cases. For these observers, Navigators were a legitimate innovation only if they created what these stakeholders perceived as the important value: preventing evictions. Otherwise, the projects were seen as poor uses of scarce resources. As one put it, success for the Navigator projects "would really have to boil down to evictions being prevented for low income people. No matter what anybody tells you about 'They were happy with the result of their case. They got \$10,000 to move,' they're not going to find housing in New York City" after being evicted. As another observed about those Navigator projects focused on providing information and facilitating procedural justice: "if that's all they're doing...that's something that a good court attorney could do."

An additional factor that affected the pilot projects' legitimacy with court staff and other service providers working in the courts concerned how the projects were introduced to the various courthouses. When communication from central court administration to clerks, judges, court attorneys and court officers about the pilot projects was clear and timely, the results were better than when communication was confused or delayed. With a large-scale program, word of mouth and personal experience would have quickly communicated knowledge of the innovation. Here, the small scale of the pilot projects made formal communication about the projects particularly important, as the personal experience of most court staff would not have included contact with any kind of Navigator. As one Navigator put it, "there should be more communication about the program. I found myself working with court staff who never heard about the program and were not sure about the role of a Court Navigator."

2. [Opposing attorneys](#)

Attorneys on the opposing side of Navigator-served cases have not to date engaged in organized efforts to limit Navigators' impact, but they have expressed some dissatisfaction. At least initially, Navigators received some push-back from lawyers on the other side, who complained to judges or court attorneys that Navigators were acting as advocates or otherwise engaging in the practice of law. As one member of a court staff described to us, after Navigators arrived

[Opposing] attorneys are getting more difficult cases because defendants are more empowered. [When the Navigators programs were first rolled out,] court attorneys got some complaints about [Navigators being] seen as that person's advocate, [because] now people are prompting the litigant not to clam up.

Without exception, all courthouse stakeholders with whom we spoke believed that these claims were unfounded and reflected opposing attorneys' frustration at having their normal business practices disrupted. As one put it, describing the work of Navigators he had observed, "I have never seen anyone crossing the line."

3. Litigants

Litigants' views of Navigators are generally positive, but many litigants are unaware of Navigators and how they can help. As revealed in an earlier study (see appendix A), in our conversations with Navigators and their supervisors, and in reports by survey takers, people who receive assistance from Navigators are often very grateful and perceive the service to have been appropriate and to have benefited them. A number of program supervisors shared with us testimonials from litigants praising Navigators and their work. At the same time, many litigants who are offered Access to Justice Navigators' services are not accepting them, as described in the accounts of Access to Justice Navigators who expressed frustration that they wished to be helpful, but felt that litigants seldom wanted their help. It is possible that part of litigants' hesitancy in embracing the service reflects a lack of information: in the survey of litigants in the Brooklyn courthouse, only 17 percent reported that they had ever heard of Court Navigators. Once again, the pilot scale of the programs means that few people could learn of them by direct experience or through word of mouth, making active outreach more important.

4. Conclusions: Legitimacy

Overall, most stakeholders have come to accept Navigators in the courthouse, if not necessarily to embrace them. Navigator legitimacy is threatened when stakeholders lack information about what they do or how they will fit in to existing roles and tasks. Stakeholders doubt Navigators' legitimacy when they perceive them as incompetent in their roles, and or as acting outside the bounds of what these stakeholders perceive as their appropriate role -- whether by affecting the conduct and outcomes of court cases, or by failing to do so, depending on which view of Navigators' role they take.

B. Perceived Value of the Navigator Program

Stakeholders can differ in their assessment of perceived value in at least two ways: they can differ in their assessment of how much of a specific kind of value a program provides, and they can differ in their views of what specific activities or contributions constitute values rather than costs, or are simply irrelevant. In the analysis of perceived value, a key difference emerged between those who saw Navigators' contribution as providing information and moral support and those who saw their value in changing legal outcomes. In this analysis, we focus on perceived value for two key groups of stakeholders: Navigators themselves and current and potential program funders.

1. Perceived Value among Navigators

A central challenge in sustainability is creating a role that incumbents value staffing. As we have described, Access to Justice and Housing Court Answers Navigators are volunteers, while University Settlement Navigators are employees. The survey of Navigators revealed that most Navigators believe that they both create and receive value. When Access to Justice Navigators were asked how often their work as a Navigator helped people, 52 percent responded that it always or almost always did so, while an additional 39 percent said it frequently did so. Asked how often their work made a difference in the outcomes of people's court cases, 30 percent of Access to Justice Navigators responded that their work always or almost always did so, and an additional 43 percent responded that it frequently did so. When Housing Court Answers and University Settlement Navigators were asked how often their work helped people, 60 percent said that it always or almost always did so, and an additional 33 percent said that it frequently did so. When Housing Court Answers and University Settlement Navigators were asked about how often their work made a difference in the outcome of people's court cases, 20 percent said that it

always or almost always did so, and an additional 67 percent said that it frequently did so. Clearly, all types of Navigators see themselves as providing valuable and impactful services.

Nonetheless, some Access to Justice Navigators expressed frustration about what they were able to do. Some felt that more on-the-job training or better support while on task would have helped them. As one Access to Justice Navigator wrote in the Navigators survey, “the work feels kind of bleak because there are so few resources. I wish a supervisor would be available for questions.” Others wished for a broader scope of action and impact, expressing disappointment that they were not able to be more helpful.

Though Navigators indicated some areas where they desired improvements, they also reported receiving a range of benefits from their service experience. As Table 9 reports, they believed that the experience had been educational, had provided them with rewards such as personal fulfillment and self-esteem, and would be helpful to them in future work. Another telling finding from the Navigators survey was the number of volunteer Navigators who were willing to volunteer when they could have been working elsewhere for pay: almost three-quarters (72 percent) of Navigators reported that they could have been working for pay during the time they spent volunteering as a Navigator. At the same time, more than one respondent to the Navigators survey suggested that Navigators should be a paid position, as an employee of the court. These Navigators felt that their role was essential and should be a regular part of the court staff, like a clerk or a court officer.

Table 9. Navigators’ Evaluation of the Benefits of Serving as a Navigator: Percent agreeing or strongly agreeing with each statement, by type of Navigator

	Access to Justice Navigators	Housing Court Answers and University Settlement Navigators
Serving as a Navigator...		
[Is something I do] because I feel it is important to help others	95 %	87 %
Increases my self-esteem	74 %	71 %
[Helps me make] new contacts that might help my career	68 %	33 %
Lets me learn through direct "hands on" experience	95 %	87 %
Allows me to gain a new perspective on things	98 %	87 %
Allows me to explore career options	75 %	67 %
I can learn how to deal with a variety of people	98 %	80 %
Will look good on my resume	83 %	60 %
Is personally fulfilling	86 %	73 %

Source: Navigator Survey.

2. Perceived Value among Current and Potential Funders of Navigator Projects

The three Navigator pilot projects currently operate with different models of staffing and compensation. Effectively, Access to Justice Navigators are subsidized by the court system. Access to Justice Navigators are volunteers, and their training and supervision are provided by court staff. Because of limited funding

in the state court system, the predominant model is that a court attorney incorporates Access to Justice Navigator supervision into his or her initial job description, taking on Navigator supervision as an additional duty. In a minority of instances, Access to Justice Navigators work with dedicated supervisors. Housing Court Answers Navigators are also volunteers, but are supervised and supported by dedicated paid staff from Housing Court Answers. University Settlement Navigators are full- or part-time employees, whose salaries, benefits and supervision are paid for by a range of sources, and who are supervised by paid staff. Expanding any of these projects will require larger commitments from funders, whether those be philanthropies, local, state or federal government, or the court system.

Outside of the court system, potential funders of continued or expanded Navigator projects are for the most part uninterested in procedural justice and moral support for unrepresented litigants. They are interested in eviction prevention and in Navigators as one tool among several in the use of law as an anti-poverty strategy. In our conversations with these stakeholders, they indicated a willingness to consider supporting Navigators, but only if they could be shown to prevent evictions. Some funders looked forward to an expanded cadre of University Settlement-style Navigators. Others envisioned Access to Justice Navigators as adjuncts to legal aid programs, providing assistance to litigants who did not have the kinds of complex and meritorious cases that legal aid societies select for full representation.

3. Financial Sustainability of the Access to Justice Navigators Project

The court system is the current funder of the Access to Justice Navigators project. This funder prioritizes the moral support and enhanced litigant experience of procedural justice that Access to Justice Navigators were designed to provide. Keeping the projects at their current pilot scale, supplying the dedicated supervision for Access to Justice Navigators that this analysis suggests is needed for both efficacy and sustainability would require an investment of about one full time equivalent (FTE) staff annually per project per courthouse, in addition to the .4 FTE central court administration currently invests in supervising the pilot project throughout the city. Thus, providing dedicated supervision in all courthouses participating in the current Access to Justice Navigators pilot project would require an additional four FTE staff, given that Access to Justice Navigators already have dedicated, on-site supervision in two courthouses. With greater supervision, Access to Justice Navigators might be able to handle more cases than they do currently, so it is possible that expansions in scale would be possible without comparable cost increases.

4. Financial Sustainability of the Housing Court Answers Navigators Project

Housing Court Answers Navigators are volunteers working under paid supervisors. Outside of school terms, when college student volunteers are not available, supervisory staff work the project. Under the current service model, Housing Court Answers Navigators work the line of people waiting at the Clerk's office, spending one to two minutes conducting eligibility screening of each litigant. Litigants who are not eligible for Housing Court Answers Navigators services may be referred to legal services providers, to the city's Human Resources Administration, or the Help Center in the courthouse. Tenants screened as eligible who want Navigator assistance will spend 15 to 20 minutes completing the answer form with the Housing Court Answers Navigator. The Housing Court Answers Navigator then accompanies the litigant in waiting to file the answer with the Clerk's office. When the Clerk's office is busy, this third step can require as long as an hour. Under the current service model, the long lines at the courthouse limit how many people the project can serve. If Clerk's office lines were shorter, or if the project created a service model that allowed Housing Court Answers Navigators to serve more than one litigant at a time, the number served could be increased.

During one project year, Housing Court Answers Navigators screened 3,559 people for eligibility for their services and helped 544 people file answers, at a total cost of just over \$88,000. Considering only the 544 answers filed, the “per case” cost under this model is about \$162. This does not include services provided in the form of referrals or other information given to the 3,015 people who were screened and not found eligible.

Expansion of the Housing Court Answers Navigator project would require additional investment. Approximately 79,000 cases are filed in the Brooklyn courthouse each year. Based on Housing Court Answers service records, about 15 percent of tenants are eligible for and will accept Housing Court Answers Navigators services.⁴⁰ This implies a possible service population of around 11,850 people per year. Under the current service model, and not accounting for possible economies of scale, serving the entire interested and eligible population in the Brooklyn courthouse would cost roughly \$1.9 million annually. Expanding the project to housing courts in other boroughs would require comparable investments.

4. Financial Sustainability of the University Settlement Navigators Project

The University Settlement Navigators pilot project selects for service cases from among those referred to the project by Housing Court Answers Navigators. The University Settlement Navigators pilot project focuses on tenants who may be particularly vulnerable to eviction, such as those with limited English proficiency, limited literacy, cognitive limitations, or underlying social service needs that may be contributing to housing insecurity, those facing claims for substantial amounts of back rent, and those eligible for rent subsidies or other social programs. The services provided by University Settlement Navigators include not only assistance with paperwork and accompaniment through each stage of the litigant’s case, but also out-of-court work connecting the litigant with resources that can assist her in staying in housing, such as public benefits, medical treatment, eviction-prevention grants, and counseling.

In the last contract year, University Settlement Navigators provided these services to 140 tenants, at a total cost of \$149,250. Including the cost of both Housing Court Answers Navigators and University Settlement Navigators services, the total per case cost in the pilot projects under this coordinated service model averages \$1,228. By comparison, a recent report on civil legal aid in New York City estimates that service by a legal aid lawyer costs approximately \$2,500 per case.⁴¹

Expansion of the University Settlement Navigators project would also require additional investment. Housing Court Answers currently refers around two fifths (38 percent) of the tenants they serve to University Settlement Navigators. If the Housing Court Answers Navigators project were scaled up to full capacity in the Brooklyn Housing Court, they would be referring about 4,500 cases a year to the University Settlement Navigators project. If University Settlement Navigators were to take every referral, that would imply an annual caseload of roughly 4,500 cases for University Settlement Navigators. Under the current service model, the annual costs of a University Settlement Navigators project that size would be about \$4.5 million. Combining this with the estimated cost of expanding the Housing Court Answers Navigators project, around \$6.4 million would be required annually to serve all eligible and interested tenants at the Brooklyn Housing Court. By comparison, providing legal aid services to this population would cost roughly \$11.3 million. Expanding the program to housing courts in other boroughs would require comparable investments.

⁴⁰ This estimate is based on Housing Court Answers’ report of providing service to 544 of 3,559 people screened while waiting in line at the Clerks’ office.

⁴¹ This is the mid-point of the estimate range presented in Stout Risius Ross, Inc., *The Financial Costs and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A*, (2016), p. 7

D. Conclusions and Potential Enhancements: Sustainability

Our analysis of sustainability has focused on legitimacy and perceived value. We investigated both of these factors for a range of stakeholders, including court staff, litigants, funders, and Navigators themselves.

Many stakeholders value the New York City Court Navigators program and its three pilot projects. Navigators themselves value the work they do, believe that they benefit from it, that it helps others and is worth doing. Volunteer Navigators are often willing to forgo income in order to serve in this role. Litigants who are aware of and receive Navigators' services value those services. Other stakeholders, including court staff, other service providers and potential funders of Navigator projects, are divided in their assessments of Navigators' legitimacy and value. These divisions reflect the distinctive goals that these groups of stakeholders have for the Navigator program. Stakeholders focused on legal and life outcomes are less appreciative of other benefits such as procedural justice and moral support. Stakeholders who believe Navigator programs should have no impact on legal outcomes are less appreciative of projects that strive to create those impacts.

Two key opportunities for improvements emerged in the analysis of sustainability: communication and, unsurprisingly, resources. The legitimacy of the Navigator program could be enhanced by better communication with litigants, judges, court attorneys, court officers, court clerks, and the landlords and debt-buyers bars about what Navigators are and what they can do. When the arrival of Navigators changes established work routines, good communication is an important means of creating a space for the new role and openness to its use. In environments as confusing, chaotic and multilingual as the New York City courts, it can be difficult to communicate to litigants what the different roles and services available in the courthouse are and how these can help, but this is essential if litigants are to be aware of services available to them.

Expanding any of the three pilot projects will require greater investment. This is true even for the project that is currently least expensive to operate on a per-case basis, Access to Justice Navigators. There is no way to expand the Access to Justice Navigators project and support its efficacy without consistent supervision by qualified staff. This means that in high volume courts, the Access to Justice Navigators project cannot be expanded based on its current model, which often adds Navigator supervision to the existing duties of an already busy court attorney. Cost estimates for expanding the Housing Court Answers and University Settlement Navigator projects are higher than for expanding the Access to Justice Navigators project, but are substantially less – by roughly half -- than the estimated cost of providing legal aid lawyers' services to the same population.

VI. Recommendations for Future Research

As with any empirical research, the evaluation provides answers while raising further questions. Among the most important questions for further research are:

- How do project efficacy and sustainability change with increased scale? All three Navigator projects are at the scale of pilots. This small scale provides many opportunities to learn, but also means we lack some useful information. First, when projects are at a small scale, samples of people who have received assistance will be small, so researchers have less information to evaluate impact than would be the case if the projects were larger. Small differences are difficult

to detect in relatively small samples and in populations in which there is large variability in examined factors. Second, when innovation projects are at a small scale, they do not have the capacity to broadly affect the standard operating procedures of the courts or other agencies where they operate. Scale itself can change the environment for an innovation, for example affecting people's awareness of its existence. If the projects are expanded, researchers should take advantage of the existence of more data points to explore the significance of small differences and explore how increased scale affects the projects' operation and impact.

- How much of the differences in outcomes are due to case and litigant selection and how much are due to the impact of Navigators' work? This is a general question that emerges from all observational research that seeks to explore the effects of any kind of intervention. The evaluation finds a number of significant differences between the experiences and case outcomes of assisted and unassisted litigants. A determination of how much of these observed differences are due specifically to the services provided by Navigators, how much is due to differences between cases that receive Navigators' services and those that do not, and how much is due to differences between litigants who accept and do not accept assistance from Navigators would require more information. Different kinds of selection mechanisms are operating in the different Navigator projects. Access to Justice Navigators offer services broadly, and take all litigants who wish for their services. Housing Court Answers Navigators screen potential clients individually and offer their services to litigants who meet program eligibility requirements. University Settlement Navigators select cases based on judgments about their ability to make a difference, much as legal aid lawyers do.

One straightforward method for gathering information that would permit estimating more precisely the effect of Navigators' services would be a randomized controlled trial, where litigants are randomly assigned to different types of service. Given the potential cost savings of University Settlement Navigators over attorneys, such an experiment could fruitfully compare University Settlement assistance to attorney assistance in these cases.

- How could increased coordination shape the efficacy and sustainability of the projects? Currently, the Housing Court Answers Navigators project and the University Settlement Navigators project coordinate intake activities, while the Access to Justice Navigators project conducts intake independently. All Navigator projects make referrals to other programs, including the court Help Center and legal aid. There is currently no systematic process to guide people to the most appropriate service given their needs. Some mechanism of triage could be designed that might more effectively match people and cases to the services for which they are eligible and that are most appropriate for their situations.
- What role do judges and court environments play in shaping Navigators' activities and impact? Because the projects are at a pilot scale, a large share of the information about their impact comes from a single courthouse and a single courtroom. The courthouse is adverse in some ways and supportive in others. The court is a particularly busy and chaotic one. At the same time, the courtroom where Navigators work was for a substantial period of the Navigator pilots supervised by the same judge, who was highly supportive of the New York City Navigators program. It is clear from this research that courthouse environments shape what specific assistance Navigators are likely to perform, as well as many other aspects of litigant experience. Future research should

explore the efficacy and sustainability of Navigator programs in different kinds of court environments.

- What role does community context play in shaping Navigators' activities and impact? The evidence revealed here suggests that an important mechanism enabling University Settlement Navigators' impact is the existence of benefits and services to which Navigators can connect litigants. In comparison with other areas of the country, New York City is comparatively rich in these resources. Future research should explore the efficacy and sustainability of Navigator programs in other kinds of communities, with different amounts and types of out-of-court support.

Appendix A. Sources of Data

1. Navigators Survey

Between July and September 2015, we administered a web-based survey to past and current Navigators. The Navigator projects provided email contact information for 247 past and current Navigators. Fourteen of the email addresses were no longer valid at the time of survey, leaving 233 valid addresses. From contacts with these addresses, two potential respondents wrote us to explain that they had never actually served as Navigators. From these 231 potential respondents, the survey received 72 responses, for a response rate of 30 percent. This is a common response rate for web-based surveys,⁴² and not surprising given that many Navigators were students at the time of their service and had graduated and were therefore no longer using their college email accounts.

Table 10. Respondents to the Navigator Survey, by Project

Navigator Project	N
Housing Court Answers	10
Access to Justice: Housing Court	41
Access to Justice: Consumer Debt	16
University Settlement	5

Just as litigants were not always certain who had helped them, Navigators were not always certain about which Navigator project they had participated in. In particular, several Access to Justice Navigators who had worked in the housing courts identified themselves as “Housing Court Answers Navigators.” As a result, more people identified themselves as Housing Court Answers Navigators than had ever worked in the Housing Court Answers Navigators project. Since Housing Court Answers Navigators work only in Brooklyn, it was possible to identify most of the Access to Justice Navigators who had misclassified themselves by isolating those who reported being Housing Court Answers Navigators but working in other boroughs. These Navigator-respondents were reclassified as Access to Justice Navigators, as were Navigators who could not identify the project in which they worked.

2. Courthouse Visitors Survey

During June and July 2015, teams of survey-takers recruited visitors to the Brooklyn Housing Court to take a brief, five-minute survey about their experiences in the courthouse. The survey was presented to potential respondents as the “Courthouse Visitors Survey.” Survey-takers had contact with a total of 1,493 visitors to the courthouse. Seven hundred-twenty agreed to participate, for a response rate of 48 percent. While most respondents were tenants, a few indicated that they were landlords, attorneys or building managers. The findings reported here exclude all respondents who were discernibly not tenants, leaving a sample of 679.

Table 11 reports on selected characteristics of respondents to the survey and residents of the borough. As is common in all kinds of survey research, women were more likely to agree to participate than men. The most striking differences between the demographics of the borough and those of the surveyed litigants concern race and language. The language of the survey, like that of the court, is English. And, while

⁴² See, e.g., COMPARING RESPONSE RATES FROM WEB AND MAIL SURVEYS: A META-ANALYSIS, Tse-Hua Shih and Xitao Fan, *Field Methods* 20(3): 249-271, 2008.

bilingual survey takers did report translating the survey a few times for some litigants, most surveys were conducted in English. Respondents who did not feel comfortable speaking to a stranger in this language likely declined to participate, and for this reason they may be under-represented among the survey respondents.

The second finding of difference concerns the race of the visitors to the Brooklyn Housing Court. The respondents to the survey are much more likely to be African American or Black and much less likely to be Asian or White than are the residents of the borough. We strongly suspect that this difference reflects differences between racial and ethnic groups in vulnerability to eviction actions, rather than differences in response rates to the survey. Survey takers were asked to report their best guess about selected demographic characteristics of the people they approached who declined to participate. Survey takers identified 61.7 percent of nonrespondents to the survey as African-American/Black, a proportion similar to the group’s representation among respondents to the survey. Similarly, survey takers identified 13.1 percent of nonrespondents as White, a proportion similar to that among respondents. In the Brooklyn Housing Court, African-American and Black tenants are over-represented.

Table 11. Selected Characteristics of Respondents to the Survey and Residents of Kings County

	Kings County (US Census)	Kings County Courthouse Visitors Survey
Gender		
Male	47.4 %	39.8 %
Female	52.6 %	58.4 %
Race/Ethnicity		
African-American/Black	35.2 %	57.4 %
Asian	12.1 %	1.6 %
Hispanic/Latino	19.5 %	19.1 %
White, not Hispanic or Latino	35.8 %	13.4 %
American Indian, Native Alaskan or Native Hawaiian	1.1 %	0.6 %
Two or more races	2.4 %	
Language spoken at home		
English	53.7 %	89.1 %

Sources: US Census (<http://quickfacts.census.gov/qfd/states/36/36047.html>) and Courthouse Visitors Survey.

3. Key Informant Interviews

During summer and early fall 2015, we talked with a range of stakeholders, including project supervisors, potential and current project funders, Navigators, judges, court attorneys, and clerks. Our conversations ranged over a variety of topics, including those related to appropriateness, efficacy and sustainability. A few of the conversations were audio-recorded with the key informant’s permission; in all cases, we took detailed notes. All informants were promised confidentiality; for that reason, we do not provide information that would permit informants to be identified.

4. Case File Review

During June and July 2015, with the assistance of state court data staff and clerks in the Brooklyn Housing Court, we collected random samples of housing court case files of four different types: those served by Access to Justice Navigators, those served by Housing Court Answers Navigators, those referred by Housing Court Answers Navigators to University Settlement Navigators, and those initially assigned to the same courtroom (the “Navigators courtroom”) but not served by any of the Navigator projects. At the time the research was conducted, Navigators did in-courtroom work in only one courtroom in the Brooklyn courthouse. Because this project is interested in evidence of the impact of Navigators, we must do what we can to control for the impact of other factors on how cases turn out. Differences in specific judges’ behavior and in courtroom practices shape these aspects of case histories, so our sample controls for these differences by limiting the analysis to a single courtroom and comparing Navigated cases to other cases processed in that courtroom.

Our requests to the court produced 214 files, which were scanned and reviewed. We received 34 files for cases served by Access to Justice Navigators; 143 files for cases served by Housing Court Answers Navigators; 39 files for cases served by University Settlement Navigators; and 48 files that received no Navigator assistance. The different sample sizes for the different case groups reflect a range of factors, including the record-keeping practices of the different Navigator projects and the availability of specific court files at the time we made our requests. Not all of the scanned files were usable in the analysis: some were defaults, some were missing important pieces of information and, in a few, tenants were served by Volunteer Lawyers for the Day. These files were excluded from the analysis, leaving 181 files that could be analyzed.

Because of the way the projects are designed, it is possible for a case to be served by more than one type of Navigator. All University Settlement Navigators cases are first served by Housing Court Answers Navigators, and cases that Housing Court Answers Navigators serves but University Settlement Navigators does not take up can later receive services from Access to Justice Navigators. However, in our sample, we did not discover any cases where a Housing Court Answers Navigators-assisted person later received assistance from an Access to Justice Navigator.

5. Snapshot Report

In February 2015, the Committee on Nonlawyers and the Justice Gap, working with Professor Jeffrey Butts of John Jay College of Criminal Justice and state court data staff, produced an initial report on the Navigators programs in the Brooklyn Housing Court. The Snapshot Report drew on a small survey of litigants assisted by Navigators, survey-takers’ observations, a review of case files, and conversations with a small set of key informants. The report is available here: <http://nylawyer.nylj.com/adgifs/decisions15/022415report.pdf>.

Appendix B. Answer Form

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF _____: HOUSING PART

Index No. _____

Petitioner(s),
-against-

LANDLORD/TENANT
ANSWER IN PERSON

Name: _____

Address: _____

Respondent(s).

Respondent / Person claiming possession has appeared and orally answered the Petition as follows:

SERVICE

1. _____ I did not receive the Notice of Petition and Petition.
2. _____ I received the Notice of Petition and Petition, but service was not correct as required by law.

PARTIES

3. _____ My name appears improperly , or by the wrong name , or does not appear on the Notice of Petition and Petition ; the tenant is dead .
4. _____ The Petitioner is not the landlord, owner of the building, or otherwise a proper party.

RENT

5. _____ The Petitioner never asked me or properly asked me for the rent, orally or in writing, before starting this case.
6. _____ I or someone on my behalf tried to pay the rent, but the Petitioner refused to accept it.
7. _____ The monthly rent asked for is not the legal rent or amount on the current lease.
8. _____ The Petitioner owes money to me because of a rent overcharge I paid for repairs or services
9. _____ The rent, or a part of the rent, has already been paid to the Petitioner.

APARTMENT/HOUSE

10. _____ There are or were conditions in the apartment and/or the building/house which the Petitioner did not repair and/or services which the Petitioner did not provide.
11. _____ The petition does not properly describe the apartment/house: wrong apartment/house number ; wrong or missing program(s) and/or laws covering my tenancy .
12. _____ The apartment/house is illegal.

OTHER

13. _____ The Petitioner has harmed me by waiting too long to bring this case (laches).
14. _____ General denial.
15. _____ **NEW YORK CITY ONLY** The Petitioner has harassed me _____
16. _____ I serve in the military or depend on someone in the military.
17. _____ The petition seeks the HUD or Housing Authority Section 8 part of the rent . The petitioner did not notify HUD or the Housing Authority about this case Other : _____
18. _____ **COUNTERCLAIM:** I seek a judgment and/or order based upon the above defense(s).
19. _____ Other counterclaim(s) : _____

Dated

Clerk / Judge's Initials

COURT DATE

DATE: _____ TIME: _____ PART: _____ ROOM: _____

THE CLERK CANNOT CHANGE YOUR COURT DATE. YOU MUST COME AND BRING THIS FORM AND ALL OF YOUR PROOF (RECEIPTS, PHOTOGRAPHS, ETC.) WITH YOU. BE AT THE COURTHOUSE AT LEAST 30 MINUTES BEFORE YOUR COURT DATE, TO ALLOW TIME TO GO THROUGH THE METAL DETECTORS. IF YOU ARE LATE OR DO NOT APPEAR, YOU MAY LOSE YOUR CASE AND BE EVICTED. IF YOU ARE UNABLE TO SETTLE YOUR CASE, YOU MAY HAVE AN IMMEDIATE TRIAL. IF YOU WILL NOT BE READY FOR TRIAL, YOU MUST ASK THE JUDGE FOR A NEW DATE. THE JUDGE WILL THEN DECIDE IF YOU HAVE SHOWN A GOOD REASON TO POSTPONE YOUR CASE.

For assistance visit a Help Center in the courthouse or the Court's website: <http://nycourthelp.gov/>

Appendix C. Summary of Goals, Design, Evidence of Impact and Possible Improvements

Program Goals	Tasks Performed	Evidence of Impact	Possible Improvements
<p>Access to Justice Navigators (courts throughout the City of New York)</p> <p>Moral support, information about the system and process, procedural justice and sense of fairness, empower to tell own side of the story.</p>	<p>Provide services for the day only and in court only. Provide information, accompany unrepresented litigant through tasks at the courthouse, including meetings with attorneys, judges and clerks. Assist in organizing papers. Assist in the use of court-provided “Do It Yourself” computer technology to create legal documents.</p>	<p>Surveys of litigants revealed that litigants who received the help of any type of Navigator were 56 percent more likely than unassisted litigants to say they were able to tell their side of the story. No other statistically significant differences in procedural justice experiences were found.</p>	<p>The project is most successful under two conditions: (a) when Navigators have dedicated supervision and additional “on-the-job” training to supplement their initial training; (b) when judges, court attorneys and other court staff are well-informed about Navigators and their role and not opposed to their presence. Though this is the least expensive Navigator program, increases in funding for Navigator supervision and greater investment in training court staff are indicated.</p>
<p>Housing Court Answers Navigators (Brooklyn Housing Court)</p> <p>Improve tenants’ understanding and ability to put forward their side of the case. Change legal outcomes by assisting tenants in raising legally valid defenses to eviction.</p>	<p>Provide services for the day only and in court only. Provide information and assistance in completing a legal document, the Answer to the landlord’s petition of nonpayment. Accompany litigant to meet with the clerk, file answer and receive court date.</p>	<p>Tenants assisted by Navigators asserted more than twice as many defenses as tenants who received no assistance. They were 87 percent more likely than unassisted tenants to have their defenses recognized and addressed by the court. For instance, judges ordered landlords to make needed repairs about 50 percent more often in Navigator-assisted cases.</p>	<p>Increased resources would permit expanded service. A modified service model might permit service to a larger number of people with the same resources.</p>
<p>University Settlement Navigators (Brooklyn Housing Court)</p> <p>Prevent evictions.</p>	<p>Provide services for the life of the case, both inside and outside court. Provide information, moral support and accompaniment to meetings with judges, attorneys and clerks. Work with tenant to make connections to benefits and human and social services that can support the timely and full payment of rent.</p>	<p>Zero percent of tenants assisted by Navigators experienced eviction from their homes by a marshal. By contrast, in recent years, one formal eviction occurs for about every nine non-payment cases city-wide.</p>	<p>Increased resources would permit expanded service.</p>

Appendix D. Acknowledgments

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Any errors or omissions that remain are the sole responsibility of the study's authors.