Dismissed:
How Rent Courts Process and Punish Low-Income Tenants in Washington, DC

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“I am not hungry for berries.
I am not hungry for bread.
But hungry hungry for a house
Where at night a man in bed

May never hear the plaster
Stir as if in pain.
May never hear the roaches
Falling like fat rain.”

-Gwendolyn Brooks
“The Ballad of Rudolph Reed”
from *The Bean Eaters*

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ABSTRACT

Drawing from a year of ethnographic fieldwork in court, long-form interviews with tenants outside court, case law review, and a preliminary analysis of administrative court records, this research examines the central institution in Washington, DC’s eviction landscape: Landlord-Tenant Court (LTB). Each year, more than 30,000 cases are filed in LTB, and the court is tasked with processing each case—to varying degrees and through various mechanisms. I find that rather than providing an environment in which adjudication of the law unfolds neutrally, LTB is structured in such a way that prevents tenants from fully realizing their rights and, thus, in a way that disadvantages tenants irrespective of the merits or claims of their case. Specifically, the court’s procedures burden tenants and favor landlords; opportunity costs associated with court compliance pressure tenants into waiving rights and resources and not showing up in court; and the proximity of landlord attorneys to the court and its staff creates an underlying deferral to the interests of landlords.
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# Table of Contents

**INTRODUCTION** .................................................................................................................................................. 1

RESEARCH QUESTION, THESIS, & ROADMAP ........................................................................................................ 4

WHY DO EVICTIONS MATTER? .................................................................................................................................. 8

WHAT CAUSES EVICTIONS & HOW ARE THEY CARRIED OUT? ................................................................. 9

WHY STUDY EVICTIONS THROUGH COURTS? ..................................................................................................... 12

**BACKGROUND** .................................................................................................................................................... 18

CHAPTER OVERVIEW ............................................................................................................................................... 18

WHAT IS THE PATH OF A CASE IN LTB? .............................................................................................................. 22

WHAT IS A TYPICAL DAY LIKE IN LTB? ................................................................................................................ 24

WHAT ARE THE PHYSICAL CHARACTERISTICS OF LTB? .................................................................................. 33

**DATA AND METHODS** ....................................................................................................................................... 41

RESEARCH APPROACH .......................................................................................................................................... 41

FIELDWORK IN LTB ................................................................................................................................................. 44

TENANT INTERVIEWS .............................................................................................................................................. 49

ADMINISTRATIVE RECORDS .................................................................................................................................. 50

CASE LAW, RULES, & LAWS .................................................................................................................................. 51

RESEARCH LIMITATIONS ....................................................................................................................................... 52

**CHAPTER 1: RUN AROUND** ................................................................................................................................. 54

CHAPTER OVERVIEW ............................................................................................................................................... 54

WHAT IS PROCEDURAL BURDEN & WHY IS IT POWERFUL IN LTB? .......................................................... 56

HOW DO PROCEDURES SHIFT power & BURDEN TENANTS? ................................................................................. 59

CHAPTER SUMMARY ............................................................................................................................................... 73

**CHAPTER 2: IF I WASN'T HERE** .............................................................................................................................. 74

CHAPTER OVERVIEW ............................................................................................................................................... 74

WHAT ARE OPPORTUNITY COSTS IN LTB? ............................................................................................................. 76

HOW DOES LTB’S STRUCTURE IMPACT OPPORTUNITY COSTS? ...................................................................... 80

WHAT ARE THE RESULTS OF OPPORTUNITY COSTS & DISPARATE TEMPORAL STAKES? ............................... 84

CHAPTER SUMMARY ............................................................................................................................................... 89

**CHAPTER 3: THEY DON’T SEE US** ........................................................................................................................ 91

CHAPTER OVERVIEW ............................................................................................................................................... 91

WHAT IS PROXIMITY IN LTB & HOW DOES IT DEVELOP? .................................................................................. 93

HOW DOES PROXIMITY IN LTB IMPACT PROCEEDINGS & OUTCOMES? ......................................................... 98

CHAPTER SUMMARY ............................................................................................................................................... 109

**CONCLUSION** ..................................................................................................................................................... 110

RESEARCH SUMMARY & FINDINGS ...................................................................................................................... 110

WHAT ARE THE IMPLICATIONS OF THIS RESEARCH? ............................................................................................ 111

WHAT ARE AVENUES & METHODS FOR FUTURE INQUIRY THAT ARISE FROM THIS RESEARCH? .................. 113

WHY IS THIS WORK IMPORTANT? ....................................................................................................................... 115

**REFERENCES** ....................................................................................................................................................... 117

**APPENDICES** ....................................................................................................................................................... 123

APPENDIX A: ADDITIONAL DETAILS FOR LTB PATH OF A CASE, DAY-IN-THE-LIFE, & PHYSICAL DESCRIPTIONS ..... 123
APPENDIX B: JUDGE’S MORNING ANNOUNCEMENT ................................................................. 126
APPENDIX C: FIELDWORK & INTERVIEW CODE BOOK ..................................................... 130
APPENDIX D: FIELDWORK MATERIALS ............................................................................. 137
APPENDIX E: FULL SYSTEMATIC DATA SET FROM FIELDWORK ...................................... 139
APPENDIX F: QUARTER-SHEETS EXPLAINING RESEARCH .............................................. 140
APPENDIX G: INTERVIEW SCRIPT ....................................................................................... 141
APPENDIX H: FULL PRELIMINARY ANALYSIS FROM ADMINISTRATIVE DATA CODING .......... 147
APPENDIX I: RULES, REGULATIONS, & LAWS THAT GOVERN IN LTB .............................. 150
INTRODUCTION

I met Janae on a cloudy September morning in the first floor hallway of DC’s Landlord-Tenant Court (LTB).\(^1\) Janae is African American, 65 years old, and has lived in DC all of her life—always in the city’s two wards east of the Anacostia River, Wards 7 and 8. She is a proud mother, grandmother, and, recently, great-grandmother. Janae is soft-spoken and resolute. She exudes wisdom and having seen and experienced things. Her eyes, she will tell you, are tired.

Janae was in LTB that morning because her landlord—Horning Brothers Management—had filed a suit to have her evicted.\(^2\) They claimed that she had not paid three months’ worth of rent for her two-bedroom, Ward 7 apartment off Benning Road NE, from June to August 2018. To Horning Brothers, Janae was a problem that needed fixing. She was a line on the account book that—for some unknown reasons—had stopped producing and needed to be replaced.

Janae, though, told the story differently.\(^3\) A year prior to my meeting her, her husband died. In addition to the pain of losing him, their two incomes became just Janae’s, from her work as her church’s outreach coordinator. Her two eldest daughters—both college educated, one with two daughters of her own—came and moved into the apartment. Janae said that, “Over the past 20 years, we’ve always been good tenants and good neighbors—no breaking, no nothing. I have respect, my family has respect. We take care of the property the best we can. We don’t start trouble with other neighbors. I’ve worked with Horning Brothers for 22 years with respect and integrity.” By March 2018, though, both her daughters had lost their jobs, her hours with the church dried up, and money became even tighter.

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\(^1\) Landlord-Tenant Court is the Landlord-Tenant Branch of the District of Columbia Superior Court system. Thus, its acronym is LTB, rather than LTC.

\(^2\) For sake of parsimony, my use of the word “landlord” throughout this work includes both landlords and property management companies. In some cases I use the term “property management company” or “property manager” to specifically distinguish between the two.

\(^3\) I met Janae in LTB on September 14, 2018. On October 1, 2018, I interviewed her at the Dorothy I. Height Library.
In the summer of 2018, a pipe beneath Janae’s apartment burst and sewage began seeping up through her floor. Mold sprouted and spread on her walls and ceilings, particularly in her kitchen and older daughter’s room. At first, Horning Brothers ignored Janae’s pleas to address the leaking sewage and mold. Eventually, they agreed to send a plumber—who immediately recommended emergency repairs that required Janae and her family to temporarily relocate to an Extended Stay America hotel for seven days. Though they were legally obligated to pay for the entire seven-day relocation, Horning Brothers only paid for three nights of Janae and her daughters’ stay in the hotel. When Janae returned to the apartment, there was still mold and much of her personal property had been damaged by the workers; she doubted the pipe had been permanently fixed. And then, Janae got word of the eviction that had been filed against her in July 2018. Of the entire situation, she told me, “It’s very humiliating, but if you don’t have a job, you don’t have money, it happens. It’s not because you don’t want to pay, it’s because you can’t pay.”

These stories—the story of Janae and Horning Brothers Management—come together in LTB. While the mission of adjudicating landlord-tenant disputes seems straightforward, what actually happens in the court is much more complicated. For tenants, their homes and their livelihoods are at stake; for landlords, their property and potential wealth is at stake. In a rapidly gentrifying city, many of the fears, questions, and tensions that surround displacement, the right to the city, and home—and that are undergirded by race, class, gender, and age—manifest in the cases, people, and conflicts that pass through LTB on a daily basis (Richardson et al. 2019).

Last year, the court processed more than 31,000 cases. Each morning, scores of people file into the front doors of 510 4th Street NW, through the metal detectors, into the hallway, and find

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4 Janae says that she never received notice—through a document called a Summons and Complaint or Notice to Quit—of Horning Brothers’ filing against her. Though every plaintiff who files a case is required to serve notice on the defendant, Janae’s lease agreement from 22 years ago apparently has a clause that waives her right to receive notice.
a seat in the building’s main courtroom, B-109. These people are elderly black women with canes and walkers (like Janae), nurses, security guards, Metro workers, fathers pushing strollers, and construction workers. Attorneys are almost entirely white, as are the judges who rotate through the court on a daily and weekly basis. Tenants are almost entirely black, as are the court’s staff—security marshals, clerks, administrators, and janitors. Every day, the court speeds through an average of 148 cases. Proceedings move very quickly and without much instruction. There is little signage in the building. B-109 and the hallway outside of it are loud and difficult to hear in: babies squirm, the wooden benches squeak upon the slightest of movements, keys clang, side conversations break out, and cell phones ring. Proceedings begin and run late. Attorneys and clerks sprint down the halls between rooms, papers and manila folders in hand. The hallway and the courtroom are a sea of yellow papers—the Summons and Complaint forms tenants receive on their doors notifying them of their case.

What goes on in LTB is animated principally by two features: math and conflict. Judges ask attorneys how much rent is owed; attorneys, in turn, do math on legal pads and in the margins of court forms; tenants produce pictures of the conditions in their unit and of text messages and emails with their landlords; everyone has manila folders chalk-full of check deposit slips, pay stubs, receipts, spreadsheets, and ledgers. Division is the game and iPhone calculators are the instruments of competition. And while the math brings some semblance of order to the court, conflict brings the chaos. Yelling, crying, and shouting pierce the hallways and courtrooms. Curses are flung. Physical fights break out on the steps and in the parking lot outside the building. Brothers and sisters file evictions against one another as their mothers watch, forced to pick a side; young women defend incarcerated boyfriends; recently-divorced men file against their ex-wives; mothers file against daughters. Organizers and activists argue with the court’s staff and get kicked out of the building. More than other courts, LTB is “a theatre of conflict” (Bezdek 1992).
As a court of law governed by legislation, case precedent, procedures, rules, and staff, LTB is tasked with making legal sense of the morass that is its day-to-day. As we do of other American legal institutions, we expect that LTB will mediate conflict between parties, allow facts of the case and arguments to be presented, and adjudicate on the matter, doling out punishments when necessary. We expect LTB—through its processes, rules, and staff—to do so fairly, neutrally, and without bias. We expect that it protect and administer due process under the law. And, perhaps most fundamentally, we expect that neither side of a case receive benefits from the court simply because of who they are; that is, we expect that LTB does not favor certain parties over others.

**RESEARCH QUESTION, THESIS, & ROADMAP**

The central question that guided this research is: *How do the structures and processes of LTB impact the experiences of tenants in the court?* Inherent to this question is identifying the major structures and processes in the court and understanding how they are experienced by tenants—and by landlords and attorneys, for that matter. This line of inquiry is informed, at least in part, both by a practical and a moral concern about LTB. That is, it is informed by a need to understand how the court’s structures and processes actually impact case outcomes for parties and also how courts should be structured to most fairly adjudicate the law.

The answer(s) to my research question should, to some extent, provide evidence for the ways LTB meets these expectations—of fairness, neutrality, and no bias—and falls short of them. Of course, this research cannot accomplish that task fully. I hope, though, that it can began to probe at the issue.

For Janae—and for the thousands of low-income tenants with cases in the court each year—LTB fails to meet these expectations. Janae told me that compliance with her case was almost impossible logistically, which made succeeding in the case substantively impossible. She had to show up to multiple court hearings, taking time off of work or shaving off time she would have spent looking for additional work each time. She traveled far distances and paid for parking.
She had to be accompanied by one of her daughters because navigating the court physically was
difficult for her with her walker and at her age; her daughter, in turn, had to find and pay for
daycare for Janae’s granddaughter. Janae found the court and its staff “unfriendly,” lacking
compassion and mercy, “intimidating,” and “fearful.” She did not know where to go in the court
and found asking too embarrassing. She did not know her rights, especially when in one-on-one
conversations with Horning Brothers’ attorney. She lacked internet access and literacy, and thus
could not do any research before showing up to court. Throughout the process, she felt lost and
without hope, like she was without “rights or recourse” in LTB.

Janae’s story is not unique. In fact, Janae is representative of the eviction experience both
demographically and in terms of her and her family’s story (Desmond 2012). Throughout the seven
months I spent doing ethnographic research in the court, conducting interviews with tenants,
reviewing case documents and law, and sifting through the court’s administrative data, stories like
Janae’s—and parts of stories like parts of Janae’s—kept coming up. By the time I completed my
research and had a firmer grasp on the eviction literature, I felt confident that I had compelling and
well-substantiated answers to my research question. I present these answers in the pages that
follow.

I argue that LTB is structured in such a way that prevents tenants from fully realizing their
rights and, thus, in a way that disadvantages tenants irrespective of the merits or claims of their
case. Put slightly differently, I argue that tenants are disadvantaged before their case is even called
and sometimes before they even enter the court. In this sense, LTB fails in specific and significant
ways to meet the basic and fundamental American expectation of providing fair, neutral, and
unbiased legal processes and arbitration. The court fails to do so in three main ways.

The procedures of LTB are not neutral; instead, they constantly burden tenants and favor
landlords and, especially, landlord attorneys. This burden—which I and others call *procedural*
burden—is the subject of Chapter 1: Run Around. I define procedural burden and provide examples of procedures in the court that become burdensome, especially for tenants. In particular, I show how unmonitored conversations between parties, roll call dismissals, little assistance for parties experiencing mental health or disability concerns, and a dearth of and inconsistent instructions in LTB operate collectively as a set of procedures to burden and disadvantage tenants and impair their full realization of rights.

Opportunity costs associated with court compliance, explored in Chapter 2: If I Wasn’t Here, pressure tenants into waiving rights and resources and failing to appear in court. I outline some of these opportunity costs: missed work, travel time and costs, paying for childcare, missing school, taking care of family, or missing appointments. In turn, I show how their disproportionate impact on tenants creates disparate temporal stakes in the court. And, because of late and wasted time and a lack of information about temporal expectations, tenants often waive rights and resources or do not show up to court at all.

Finally, the proximity of landlord attorneys to the court and its staff creates an underlying deferral to the interests of landlords. Proximity and its effects on the court is the content of Chapter 3: They Don’t See Us, in which I show how proximity is often correlated with visibility in LTB. As such, it is predicated on and fostered through the difference in number of landlord attorneys and tenants and through their relative social locations and subordination or privilege. I argue that proximity is not just important theoretically, but impacts the outcomes of cases by allowing landlord attorneys to shape rules and procedures, gain advantages in scheduling, have a clear sense of expectations of the court, and, through the network of other landlords’ attorneys, create a safety net that lower the stakes for mistakes. Taken together, these advantages create an underlying environment in the court that defers to landlords and disadvantages unrepresented tenants before they even step into the building.
In the pages that follow, I first provide some basic background information on LTB—what the typical path of a case looks like, how an average day unfolds, and how the court is laid out physically. Next, I elucidate my research methods and attempt to explain why I utilized the techniques I did and what challenges and limitations—especially in terms of my own social location and position—arose throughout the course of my research. Then, in Chapter 1, Chapter 2, and Chapter 3, I make the three substantive claims that comprise my overall argument that emerges from this research: that LTB is structured in such a way that prevents tenants from fully realizing their rights and, thus, in a way that disadvantages tenants irrespective of the merits or claims of their case. I conclude by pointing to the implications of this research, avenues for future inquiry which emerged from it, and the importance of studying rent courts.

Ultimately, understanding LTB and evictions is central to understanding access to and security of home—as both place and feeling—for marginalized individuals and communities in DC. For Janae, “Home is peace. It's peace. It’s a decent place to stay. Home is a place you love to be. [It’s a place] you're proud to live in. Whenever you close the door, whatever you’ve got going on, one couch, no couch, you sit on the floor; it's your peace. It's yours. It's humane. It's your covering—your covering from the elements.” In this sense, the stakes in LTB are very high and very intimate. The processes, the costs attendant to compliance, and the social organization in LTB can impact cases; the outcome of cases, in turn, can lead to evictions and thousands of individuals and families being physically thrown out of their homes; and evictions, in turn, can profoundly impact the access to home for individuals affected by them. It is my hope that this work candidly sheds light on the ways that LTB makes home more contentious and more precarious for tenants. And I hope, too, that it can help us begin to make LTB a place where home is not jeopardized or snatched away due to processes, costs, or status, but instead a place where processes, compliance, and social organization ensure fair outcomes.
WHY DO EVICTIONS MATTER?

Background

The literature surrounding evictions, their underlying causes, and their individual and community-wide effects provides the social, economic, and cultural backdrop against and because of which the legal proceedings in LTB unfold. Recent and important research has drawn attention to eviction as a primary cause of residential displacement and to the relationship between evictions and entrenched urban poverty on the individual and community level (Desmond 2012, Hartman and Robinson 2003, Purser 2016, Garboden and Rosen 2018, Cusak and Montgomery 2017, Shelton 2018, Sullivan 2017, Desmond 2016). Until Matthew Desmond’s work, we knew very little about almost every aspect of what is now the eviction field, from the rudimentary—How many people are evicted and from where?—to the more complex—What causes eviction? What are its effects? How do evictions fit within and interact with a broader set of questions about urban poverty in America? (Hartman and Robinson 2003). Now, though, an emerging scholarship has begun help us understand more about evictions.

Individual & Community Impacts

Evictions are important to study because of the devastating economic and social effects they engender. Most immediately, evictions impact the subsequent housing of evicted tenants in important ways. Forced displacement—through informal and formal eviction, landlord foreclosure, and building condemnation—not only increases mobility of poor renters, but also increases subsequent unforced mobility (Desmond et al. 2015). Evicted tenants often have to settle for a subsequent unit with worse conditions and then choose to leave that unit to try to find something better again (Desmond et al. 2015). Tenants who are evicted end up in poorer and higher-crime neighborhoods as well (Desmond and Shollenberger 2015).

Evictions and housing instability more generally precipitate other kinds of insecurity as well. Workers facing housing insecurity, for example, are between 11% and 22% more likely to
be laid off (Desmond and Gershenson 2016). Mothers who are evicted or facing eviction, compared to those who are not, suffer more material hardship, depression, negative health impacts for themselves and their children and more stress surrounding parenting (Desmond and Kimbro 2015). These effects, in some cases, are pronounced even two years after the eviction (Desmond and Kimbro 2015). Evicted tenants come from neighborhoods of high neighborhood and network disadvantage, but they end up in neighborhoods of even more pronounced neighborhood and network disadvantage (Desmond and An 2015). Such neighborhoods are correlated with negative life impacts, principally including health impacts like asthma, diabetes, and depression (Desmond and An 2015). Tenants facing residential mobility—forced or chosen—face increased household instability—the number and composition of people living in a household (Desmond and Perkins 2016).

In these ways, evictions have pronounced and enduring consequences for those caught up in their crosshairs. These consequences are felt both by individuals and residential communities and have the potential to further exacerbate underlying urban inequality that makes individuals vulnerable to eviction in the first place.

**WHAT CAUSES EVICTIONS & HOW ARE THEY CARRIED OUT?**

*Causes of the Eviction*

From a structural perspective, evictions are driven by the combination of stagnant wages and soaring rents characteristic of the past 25 years (Desmond 2018). Individual renters by and large experience increased and straining rental burdens, particularly but not exclusively in America’s urban centers (Desmond 2018). As rental burdens have grown, however, funding for low-income housing assistance has not kept pace, a reality evidenced by the 75% of qualified families who meet the eligibility requirements but do not receive a housing choice voucher (Desmond 2012). These trends underscore the ways in which evictions are impacted by a broad set of macroeconomic questions connected to public policy decisions. At least to some extent, this
mode of analysis contends that individual actors and decisions made by individual actors are less relevant to the underlying explanations of evictions and their prevalence.

Desmond and others have documented, too, the role of smaller-scale and more specific factors that correlate with an increased chance of being evicted (Shelton 2018). Family size, job loss, neighborhood crime and eviction rates, and network disadvantage are most predictive empirically in this regard (Desmond and Gershenson 2017, Desmond et al. 2015). Specific populations—African American women or American veterans, for example—are more likely to be evicted (Desmond 2012, Cusak and Montgomery 2017). Nuisance ordinances on residential properties, as another example, create conditions under which landlords are incentivized—economically and under threat of criminal conviction—to evict women who call the police, often for incidents of domestic violence (Desmond and Valdez 2013).

Local context of the legal, geographic, political, and economic variety is also crucial in understanding the factors that contribute to evictions (Sullivan 2017). “Distinctive” state policies in Texas, for example, shape eviction outcomes for low-income tenants in mobile home parks (Sullivan 2017). Even with regulations on the state level, tenants in mobile home parks are left vulnerable to economic forces because of autonomous decision-making capabilities of individual landlords of entire parks (Sullivan 2014).

Related to the question of what causes evictions and why they are prevalent is how evictions are distributed across a given geography. Until the spring of 2018, this question was difficult to answer, given the dearth of data kept about evictions (Hartman and Robinson 2003). With the launch of Princeton University’s Eviction Lab, however, we know more empirically about how evictions map geographically in cities and counties across the country. These data also show the relationship between the geography of evictions and the geographies of race, poverty,
income, and rent burden. Generally speaking, evictions and eviction filings are most prevalent in poor, African American neighborhoods (Desmond et al. 2018).

**Carrying out the Eviction, Formally & Informally**

To understand the role of LTB and how it functions, it is important to understand the particular ways in which evictions are carried out. Rather than distinct and singularly identifiable moments, evictions take shape in “circles of dispossession” that occur over multiple days, weeks, and months (Purser 2016). When a landlord or property manager determines that rent has not been paid in full or on time, or the lease has been breached in some other way, he or she has two main options for seeking eviction: through formal mechanisms or informal ones.

Evictions are commonly understood as occurring through the formal process, which begins when a rental payment is allegedly made late or incompletely or a lease is breached. Then, an eviction notice is filed and delivered to the tenant. Evidence is presented in front of a court of law and a judge or jury makes a determination about the validity of the eviction claim. If granted, the eviction is carried out by a sheriff’s department or marshal’s service. The civil court of law—called LTB in DC and rent court, eviction court, or housing court in other cities—is the single most important legal and physical location in the formal eviction process. Despite their importance, rent courts have been the focus of very little scholarship.

An emerging body of scholarship points to the prevalence of evictions that occur informally, outside the formal mechanisms outlined above. An informal eviction might include a landlord paying a tenant some sum of money in cash to leave; taking off the door of a unit or changing its locks; or threatening a tenant with a formal eviction (Desmond 2016). In fact, according to data from the Milwaukee Area Renters Survey (MARS), informal evictions are twice as prevalent as court-ordered evictions carried out by law enforcement (Desmond 2012, Holder 2017). Even high-quality data—like Eviction Lab’s—does not capture the full eviction picture, as
it underrepresents the prevalence of evictions by not including informal evictions. Studying informal evictions relies on extensive, thorough, and large-scale surveying. Because of this methodological constraint, far less is known about informal evictions and their prevalence across the country.

Landlord discretion is embedded within the eviction process—whether formal or informal—and is one of the primary drivers of when, how, and on what basis an eviction is levied against a tenant. Many landlords use arrearage as a threat that allows them to circumvent maintenance and repair responsibilities (Garboden and Rosen 2018). Most landlords also try to avoid filing evictions, which they see as costly and time-intensive (Garboden and Rosen 2018). Instead, landlords use arrearage that hangs over tenants’ heads and the threat of eviction to compel them to pay arrearage in installments or to leave the unit (Garboden and Rosen 2018). Again, this happens over a prolonged process, one that can span many months and is layered with unequal power dynamics between landlords and tenants (Garboden and Rosen 2018, Rosen 2014).

WHY STUDY EVICTIONS THROUGH COURTS?
Rent courts are crucial to understanding the eviction process. Yet despite a growing research that highlights some of the causes and impacts of evictions, we know little about rent courts themselves. Because of this reality, much of the literature that informed how I think about LTB from a theoretical perspective comes from research about criminal courts and a related strand of scholarship about how poor Americans are policed.

What Indigent Courts Tell Us About LTB
Processes and procedures that govern courts serve an outsized role in shaping outcomes of cases and present burdens to indigent defendants. In New York City’s misdemeanor courts, processes and procedures fundamentally change the justice enterprise: “Lower criminal courts in NYC’s age of mass misdemeanors have largely abandoned the adjudicative model of criminal law administration—concerned with deciding guilt and punishment in specific cases—and instead
operate under the managerial model—concerned with managing people through engagement with the criminal justice system over time” (Kohler-Hausmann 2018). Misdemeanor courts and their processes—a physical and theoretical location dubbed “misdemeanorland”—mark defendants, hassle them procedurally, and force them to perform their governability (Kohler-Hausmann 2018). Procedures and processes create underlying incentives and disincentives for individuals to engage in future processes (LeBlanc 2003).

Another framework posits that lower courts dole out costs not in sentences or fines, but through costs incurred before proceedings commence: lost wages from employment, fees to bail bondsmen, and wasted time (Feeley 1979). Because of these factors, the accused are not principally motivated by achieving justice via the formal procedures of the court; instead, they want to minimize time and money spent in court (Feeley 1979). Attorneys on both sides of cases agree that process and procedural burden are enough to “teach the defendant a lesson” (Feeley 1979). The criminal legal system has thus shifted away from a concern about rehabilitation and crime deterrence to one about control of social and economic life—a shift made possible by order maintenance practices of policing and sentencing (Garland 2001).

Procedural punishment is doled out through individual court actors: judges, clerks, marshals, other court staff, and attorneys. Front-line, low-level workers and bureaucrats, then, have influence in the administration of public policies designed to help defendants and clients (Lipsky 1980). In the context of LTB, various low-level court staff convey the processes and procedures of the court to tenants. Because of huge caseloads, limited resources, unclear public policy goals, and significant discretion, the gulf between the intentions of the law and its manifestation is wide (Lipsky 1980). Instead of dealing with the cases of poor clients on a case-by-case basis, bureaucrats “routinize” client interactions and mass-process cases (Lipsky 1980). Not only do bureaucrats and
the bureaucracies they exist within “reroute” the direction of policy or law, they also undermine trust in the system on the part of poor clients (Lipsky 1980).

Previous scholarship on rent courts shows that “the court system prioritizes efficiencies which privilege the landlord’s bottom line, and as a result, decidedly ignore two predominating realities of poor renters and their housing” (PJC 2015). First, tenants lack representation and knowledge of how the rent court process works (PJC 2015). Second, social relations influence the behaviors and actions of actors within rent court (Bezdek 1992). All things being equal in a case, the court defers to landlords: Despite the “veneer of due process and the ordered resolution of disputes, rent court…systematically excludes from the law’s prescriptions litigants who are members of socially subordinated groups” (Bezdek 1992). “Expressive functions” of the court are factors that impede or promote a tenant’s participation in court proceedings, while “instructional functions” of the court are the set of features of the process which reify the powerlessness of tenants (Bezdek 1992).

The distinction between “expressive” and “instructional” functions of rent courts is helpful in LTB because DC offers several resources for low-income tenants in eviction cases. On the second floor of the courtroom, the LTB Resource Center and the Law Students in Court (LISC) programs provide legal advice for tenants at no cost. This advice usually takes the form of a 15-minute conversation in which attorneys or law students advise a tenant in plain terms on how to proceed in a case and what different legal options mean. These programs do not, however, provide legal counsel in courtroom proceedings themselves for tenants. DC also provides the Emergency Rental Assistance Program (ERAP), through which tenants can apply for emergency rental assistance to pay their arrearage. DC offers tenants the right to redemption in nonpayment of rent evictions cases, which allows them to pay their arrearage up to the minute the US Marshall comes to their door to change its locks and evict them. If they do so, the eviction will not be carried out.
The judge reads a ten to 15-minute announcement each morning which attempts to explain what will happen in LTB in simple terms.

In conjunction with the myriad administrative and procedural burdens within LTB, the resources available in DC for tenants facing eviction simultaneously provide and foreclose the opportunity to participate. In this way, the expressive function framework makes sense out of otherwise seemingly conflicting aspects of LTB. Similarly, the instructional function framework helps elucidate how the court’s failure to clarify the legal process compounds educational, vocational, and resource disparities between tenants, landlords, and attorneys.

**The Role of Norms, Expectations, & Discretion in Courts**


Norm policing and governance manifests on the individual level as well. Violence in the inner-city, precipitated by a history of structural and economic racism, has formed a “set of informal rules governing interpersonal public behavior, including violence”: the “code of the streets” (Anderson 1999). According to the code, players are distinguished between those who operate within and those who operate outside: “decent” and “street” (Anderson 1999). Moreover, African Americans, regardless of their class or place of residence, must constantly prove that they are not of or like the ghetto as they move through non-ghetto, particularly white, America (Anderson 2012). Another framework demarcates between those with criminal justice system
contact and those without it: “dirty” and “clean” people (Goffman 2014). What these distinctions convey, more broadly, is the way that opportunities take form based on one’s position or perceived position within a set of given circumstances. In LTB, this distinction operates along a slightly different axis: between “good tenants” and “professional tenants” (Rosen 2018). The distinction allows landlords, and thus the court, to sort tenants into preconceived boxes and use the respective lens to then judge the tenant’s actions. For a “good tenant,” calling in to let the judge know why they cannot make it to court for a hearing is deemed responsible; for a “professional tenant,” that same action may be read by the court as emblematic of poor planning or shrugged off as untrustworthy.

In LTB, landlord discretion is central to understanding the path and life of a case. Discretion is the vehicle through which landlords and their attorneys bring into court expectations of the poor and tropes of the good and professional tenant, hoping that they will influence how the court reads tenants throughout the duration of a case. Landlords get to initiate the litigation and thus make subjective decisions about when to evict a tenant and for what kind, or degree, of a lease breach. Because the court tries to push as many cases as possible outside the courtroom—to be resolved between the two parties with a payment plan in the hallway or mediation room—landlords are able to leverage their discretion through attorneys against tenants in a judicially unsupervised capacity.

**Recent Scholarship on LTB & Other Rent Courts**

The role and dearth of legal representation for low-income tenants in eviction proceedings has been examined most heavily of any aspect of rent courts. Because eviction proceedings are adjudicated under civil jurisprudence, indigent counsel guaranteed in criminal courts—per *Gideon*
v. **Wainwright** in 1963—is not guaranteed in eviction proceedings.\(^5\) In New York City, for example, tenants secured representation in only 10% of cases, while landlords secured it in 90% of cases (Capps 2017). In cases in which tenants did have representation, though, they were evicted 70% less frequently (Capps 2017). Several other studies have documented the landscape of legal representation in rent courts, the importance of it, and its cost-effective benefits (Engler 2009, Yale Law Journal 1973, Greiner et al. 2013).

Since the launch of Eviction Lab, rent courts have increasingly been the focus of journalism (Donovan and Marbella 2017, William Morris Institute 2005, Kramer 1995, Williams 2018). Particularly salient for this project is Pam Fessler’s three-part 2016 series “Staving Off Evictions” about evictions in DC. She interviews several tenants with active cases in LTB and points to rent burdens and lack of representation as causes of evictions and the huge number of eviction filings in DC (*NPR* 2016).

**Restating the Importance of Courts in the Study of Evictions**

While LTB and other rent courts have not been the subject of a great deal of social science research, they are the most important institution in the formal eviction process. Not studying them is akin to studying the causes and effects of mass incarceration, but never stepping foot in a criminal court. Evictions represent the growing unaffordability of housing, a problem prevalent in diverse and far-reaching geographic parts of the US. They are a distinctly racialized phenomenon. Evictions, most importantly, are predicated on and reproduce poverty. Evictions’ effects, especially economic and social, are indelible. To better understand evictions and how they impact the economic and social fabric of the US, it is vital that we turn our attention to rent courts across the country.

\(^5\) In some select jurisdictions—the Bronx, New York, being the first—low-income parents are guaranteed an attorney at no cost in family court proceedings where the termination of parental rights is at stake.
BACKGROUND

CHAPTER OVERVIEW

LTB processes all suits for the possession of real property and suits by property owners who have disputes with their tenants, including evictions (DC Courts). Such disputes most typically involve either nonpayment of rent or violation of the lease by the tenant (DC Courts). In addition, LTB uses the Housing Conditions Calendar to handle requests by a tenant that ask the court to enter an order requiring that the landlord repair a rental unit (DC Courts). To fulfil its mandate, the court creates a platform for parties to present evidence, call on witnesses, and argue their case.

31,043 cases were filed in LTB in 2017. Data from Eviction Lab show that these filings are disproportionately made against tenants who live in census tracts in the eastern part of Washington, DC that are majority African American, low-income, poor, and highly rent-burdened—as shown below in Figure 1 and Figure 2:

![Figure 1](image1.png)  
**Figure 1.** Eviction filings (orange) are concentrated in African American tracts (purple).

![Figure 2](image2.png)  
**Figure 2.** Eviction filings (orange) are concentrated in poor tracts (purple).
These same realities hold true for the geography of evictions as well. Individuals who are evicted live in census tracts in the eastern part of the city that are majority African American, low-income, poor, and highly rent-burdened—as shown below in Figure 3 and Figure 4:

Eviction filings are also intensely concentrated spatially. Four zip codes in the eastern part of DC—20002, 20019, 20020, and 20032—accounted for nearly 70% of all eviction filings in 2018. Figure 5 shows this distribution by zip code:
Filings are made against tenants mostly for the equivalent of one month’s rent. My original analysis of a sample of the court’s administrative records shows that the median rent owed by tenants was $1207.5, while the median rent of tenants in the sample was $1209—as represented by Figure 6 and Figure 7 below:

Figure 6. Total amount due by tenants in sample.

![Figure 6](image)

Figure 7. Monthly rent of tenants in sample.

![Figure 7](image)

Though the reasons for why tenants miss rental payments are not the same or always clear, Bezdek (1992) finds that as a group they miss payments because they live “so close to the edge,” experiencing “marginal economic circumstances.”
Missed rental payments leading to an eviction filing usually occur over a short period of time. The median duration of missed rental payments from the sample—as illustrated in Figure 8 below—was 30 days:

![Figure 8. Duration of missed rental payments in sample.](image)

Thus, tenants who have evictions filed and entered against them come from the most economically vulnerable communities in DC and owe roughly one month’s worth of rent over a missed payment period of one month. Instead of creating a legal environment in which these tenants are best able to understand proceedings and realize their rights, my research finds that LTB is structured in such a way that tenants cannot fully realize their rights and, thus, in a way that disadvantages tenants irrespective of the merits or claims of their case. The argument draws from three primary aspects of the court and its functioning: its procedures, the costs it entails, and the social and legal proximity it favors. To understand clearly these aspects of the court, it is crucial to understand the basics of what goes on in LTB: the path of a case, a typical day in the court, and the layout of the court.
This chapter addresses these rudimentary questions by providing background on LTB. I begin by briefly presenting the path of a case in LTB, from its original filing to its ultimate conclusion. Next, I describe a typical day in LTB, highlighting some of the people, processes, and senses that characterize the court. Finally, I sketch a description of 510 4th Street NW—the LTB building—and some of the challenges that arise from the spatial layout of the court.

**WHAT IS THE PATH OF A CASE IN LTB?**

All cases in LTB begin with a plaintiff filing a standardized Summons and Complaint Form. In most cases, the first appearance—the initial hearing—is set three weeks from the filing of the Summons and Complaint Form. It must be served on the defendant at least seven business days before the initial hearing. Proof of service must be made to the court five days prior to the initial hearing.9

Once the case is in court for the initial hearing, it is first called during roll call. During roll call, if both parties are present, the case will be recalled later for the initial hearing. If the plaintiff is present and the defendant is absent, a default may be entered against the defendant. Conversely, if the defendant is present and the plaintiff is absent, the case will be dismissed for want of prosecution under Rule 11. If neither party is present, the case will be dismissed without prejudice. If the case has a note attached to it—because it was not filed correctly by the plaintiff—it cannot have a default entered during roll call and will be called immediately following roll call to address the note.

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7 For additional details on the LTB path of a case, day-in-the-life, or physical descriptions of the court, see Appendix A.
8 The citations from this section come from Bread for the City’s 2013-2014 DC Law Students Manual. For the sake of brevity, I do not cite each sentence; however, the entire section comes from a combination of my fieldwork and firsthand understanding of proceedings and the path of a case, supplemented by the Bread for the City manual.
9 Proof of service is made by the completion of a Form 3.
10 Once the default is entered, judgment for possession will be entered upon the plaintiff’s filing of the Servicemembers Civil Relief Act affidavit, which attests that the defendant is not a currently or previously serving military member. In nonpayment of rent cases, plaintiffs have to also file Form 6, the Notice to Tenant of Payment to Avoid Eviction form. If the defendant is present during roll call but fails to appear subsequently, a default may be entered against the defendant upon presentation by the plaintiff of *ex parte* proof.
Cases move next to the initial hearing stage, during which the court asks the plaintiff to explain the basis of the complaint and allows the defendant to respond to the complaint and its contents.\textsuperscript{11} Only about 10\% of all cases filed annually in LTB proceed beyond this initial hearing stage; the rest are either dismissed or settled.\textsuperscript{12} To settle the case, the court will pass it to allow parties to try to come to an agreement on their own, outside the court’s direct purview. In those instances, parties agree either to a \textit{consent judgment agreement}—whereby judgment against the defendant is entered and then stayed for payments to be made—or a \textit{settlement agreement}—whereby the parties agree to a payment (and, often, repair) plan but no judgment is entered against the defendant.\textsuperscript{13}

Some cases are set for further initial hearing after the initial hearing stage—to allow parties to come to an agreement, because one party had an unforeseen conflict with the initial hearing date, or for another reason the parties and the judge agree upon.

If the parties cannot reach an agreement, the case will be set for trial. Bench trials—adjudicated by the judge—are held in courtroom B-109, while jury trials—adjudicated by a jury—are held in courtroom B-53. All parties whose cases are set for trial must attend at least one session of mediation provided by the court’s Multidoor Dispute Resolution Division.\textsuperscript{14} At trial, parties may present evidence and make arguments in front of the court. At the conclusion of trial, the judge or jury will rule on the case. If the court rules with the defendant, the case is usually dismissed. If the court rules with the plaintiff, judgement for possession of the property will be

\textsuperscript{11} In all non-payment cases, defendants are entitled to “Trans-Lux,” or redeem their tenancy. Per \textit{Trans-Lux Radio City Corp. v. Service Paring Corp.}, the defendant can stay in the unit if they pay the amount owed—including arrearage and court costs—up until the moment the physical eviction is carried out. As such, plaintiffs must complete the Form 6 to notify tenants of what their Trans-Lux amount is.

\textsuperscript{12} Data compiled in Bread for the City’s 2013-2014 DC Law Students Manual.

\textsuperscript{13} These agreements use Forms 4a and 4b, respectively. For either kind of agreement, the parties complete a \textit{praecipe} form which details the substance of the agreement and is then brought before the court—either the judge or the interview and judgment officer—to be approved.

\textsuperscript{14} Parties do not have to reach an agreement during mediation, but their presence is a prerequisite for having the case brought to trial.
entered for the plaintiff and against the defendant. This ruling marks the conclusion of the case in LTB.\textsuperscript{15}

At any time during the life of a case, parties can settle the case, have it dismissed, or file a motion. Motions can ask to have cases dismissed, have defaults entered, compel repairs, or request certain kinds of hearings. Motions are typically called in courtroom B-53. Parties can also use a motion to request a protective order, through which defendants make future monthly payments into the court registry instead of directly to the landlord until the case is resolved.\textsuperscript{16}

The time it takes for a case to be resolved in LTB depends on how many hearings and motions are set in the case; if the case goes to trial; the schedules of individual parties and legal counsel in the case; and the schedule of the court’s calendar. In general, though, cases that are settled can be resolved at the initial hearing. Cases with several motions or hearings set but that do not go to trial can take anywhere from several weeks to roughly three months. Cases that go to bench trial take several months to resolve, while those that go to jury trial can take up to or over a year.

**WHAT IS A TYPICAL DAY LIKE IN LTB?**

LTB opens each morning at 8:30am, 30 minutes before proceedings in courtroom B-109 commence. At that time, the quiet inside the building is punctured only by the occasional opening of the front doors when an employee of the court arrives and greets the security staff. Outside the front of the building—in the parking lot—is quiet, too, as the sun slowly creeps up the front of the building that faces east on 4\textsuperscript{th} Street NW. By 8:40am, there is a steady stream of cars arriving and individuals wearing business casual attire and lanyards denoting their positions within the court

\textsuperscript{15} The plaintiff still has to file for a Write of Restitution, the document that gives the US Marshal Service the authority to carry out the eviction.

\textsuperscript{16} If the parties do not agree on the amount of monthly rent that should be paid for the protective order, a bell hearing will be set to determine that amount.
walking into the building through the front doors. At 8:45am, a stream of tenants and attorneys begin walking into the court.

Upon entering the building around 8:55am, there is usually a line of four to six people waiting their turn to go through the security checkpoint on the first floor. The four security marshals—all African American, all men, and all wearing the same matching black pants, white shirt, and oversized, black vest—greet people as they go through the line and metal detector, joking with them, offering fist bumps, and fielding complaints about the weather. At this point, the hallway outside B-109 is lined with people waiting to go into the courtroom—mostly African American tenants. There are older people with canes and walkers, children tugging at their mothers’ pants, construction workers in bright, neon-yellow vests, women in blue nurses scrubs, father’s with children flung across their shoulders or pushing baby strollers, Metro employees, older men wearing navy blue baseball caps with the word “Veteran” printed across the front in big, yellow letters, security guard employees, and attorneys. LTB also attracts large groups of law students who want to observe proceedings, attorneys in training, housing organizers from community empowerment organizations in DC, activists of various causes, and private investigators and process servers looking for work.17

Many of the older people in the hallway sit together, while the younger ones sit alone, often glancing down at their phones. Phone conversations and music spill out into the hallway, dress shoes clip clop down the hall, sneakers squeak, children cry, and the sound of plastic bins and keys going through the metal detector abounds. As the court’s staff pass through the hallway balancing cups of coffee and towering stacks of paper and manila folders, they greet one another and the attorneys they recognize. Many tenants wander up to the paper docket outside the front door to B-109, looking for their case. Others wander into the clerk’s office in B-110, only to be told to go

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17 Fieldnotes from October 10, 2018, September 4, 2018, and October 23, 2018, respectively.
back in the hallway until B-109 opens. Fatigue and anxiety are palpable, both on the faces of those in the seats outside the courtroom and in the air itself.

As people wait in the hallway for B-109 to open, social roles begin to form. Feeley (1979) argues that “regular and reoccurring patterns of interaction” are a central feature of courts. In LTB, some, like an African American woman in her 50s who I observed on October 10, 2018, try to lift the spirits of those around them by handing out chocolates, making jokes, or citing biblical passages. Others share subtle smiles, rolls of the eye, or shaking of the head as events throughout the day unfold. Some people meet for the first time and become friendly through commiseration; others show up to court and recognize neighbors, friends, and family. Some people seem to be community leaders, like an African American woman in her 60s I met on September 14, 2018 who knew many of the other African American women waiting in the hallway and was giving them advice about where to go, who to speak to, and what actions to take for their cases. To one woman next to her, she said, “Listen, though. Don’t say that you can pay tomorrow unless you can actually pay tomorrow! Otherwise, just tell them how much you really can pay. Cause if you can’t pay, there will be some serious consequences.”

Through these roles and relationships, community forms and knowledge is shared in the waiting times and spaces of LTB.

Around 8:58am, a security marshal walks down the hallway between the two rows of packed chairs, saying, “Ladies and gentlemen, no eating or drinking is allowed in the courtroom at all. Absolutely no cell phone use is permitted in the courtroom. Any cell phone use of any kind is prohibited and can result in the confiscation of your phone. Gentlemen, all hats must be taken off while you’re in the courtroom. Thank you!” Almost as soon as the marshal leaves, one of the courtroom clerks emerges from B-109. As the clerk opens the door, he or she says, “Good morning, ladies and gentlemen. Courtroom B-109 is now open!” A crescendo of noise—talking, clanging

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18 Fieldnotes from September 14, 2018.
and banging of keys, feet hitting the floor, the door itself opening—rises as the doors of the courtroom open. People crowd to get in through the front door to the courtroom—creating something between a bottleneck and a flock.

Once inside, the crowd spreads across the sea of open seats in the courtroom, quieting almost instinctively. The judge has not arrived yet. Various clerks sit and stand in their assigned desk area at the front of the room. Though proceedings are scheduled to begin at 9:00am, my fieldwork shows that judges do not show up for another 15.37 minutes on average. People sitting in the courtroom become restless as they wait for the judge to arrive. They shift in their seats, get up to leave and reenter the room, take phone calls, and curse under their breath. The clerks joke around with one another and some of the attorneys in the room, their talking punctured by the rhythmic clanging of industrial-sized stamps against court documents for the day. As the 15.37 minutes come to close, more and more tenants, landlords, and attorneys enter the courtroom.

Not only do social relationships and roles form in LTB, but social patterns form as well. LTB is deeply stratified along racial lines. Throughout my fieldwork, the vast majority of tenants I saw and met were African American. The vast majority of attorneys in the court, though, are white. On the rare occasion that an African American attorney stood at the stand for a case, the presiding judge sometimes assumed they were a landlord or tenant. Judges are mostly white, while the rest of the court’s staff—clerks, security marshals, administrative staff, and facilities workers—are mostly African American. This stratification plays out not only among the people in LTB, but in many of the ways they interact—even the most rudimentary. In both courtrooms, for example, tenants mostly sit in the left row of benches, while attorneys mostly sit in the right row

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19 Seeing a white tenant always came as a surprise to me, so much so that I often made note of seeing a white tenant in my notes.
20 Fieldnotes from November 5, 2018, for example. In a case in B-53, the tenant was an African American man in his forties, while the landlord’s attorney was an African American woman in her 50s. The attorney, when she stepped up in front of the court for the case, said, “Annie Goodson on behalf of plaintiff.” The judge looked up at her and said, “You’re an attorney?” She responded, “Yes, I am.”
of benches. This means that most of the white people in B-109 sit on the right side of the room, while most African American people sit on the left. Older parties tend to sit in the front of the room, while younger ones—and those with small children—sit toward the back.

Before entering, the judge knocks twice on the door that connects the front of the courtroom with the entrance to the court staff’s office behind the court. One of the clerks at the front of the courtroom will stand, announcing, “All rise! The Honorable Judge [Judge’s name], now presiding over the Landlord-Tenant Branch of the Civil Division of the District of Columbia. This honorable court is now in session. Draw nine and take a seat.” In B-109, the judge each day rotates between Katherine Weidmann and Sherry Trafford. Once seated, the judge says good morning to the room and then asks the Spanish interpreter to announce the court’s translation services.21 Once the interpreter has made their announcement, the judge begins the morning’s proceedings with a ten- to 15-minute morning announcement meant to familiarize all parties in the room with how proceedings will play out over the course of the day in LTB. She covers the basic structure of the day, resources available in the court, and basic legal options available to parties.22

Upon the conclusion of this announcement, one of the clerks sitting in front of the judge begins the morning’s roll call. During roll call, the clerk calls every case on the docket for the day, allowing parties to state their name to announce their presence to the court. Rather than a perfunctory, logistical aspect of LTB’s undertaking, roll call is one of the most important aspects of what goes on during proceedings because of how high the stakes are if a party fails to appear. On average, roll call takes 26.59 minutes from start to finish.

When roll call is finished, the judge allows parties to leave the courtroom to try to seek legal counsel, meet with the opposing party, or partake in mediation. The courtroom—at this point

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21 A different interpreter rotates in B-109 each day of the week.
22 She also allows one of the mediators to make a brief announcement about the mediation services. See Appendix B for an example from my fieldwork of the judge’s morning announcement in full.
with 74 people in it—clears quickly when this happens and explodes with noise: neighbors begin talking, attorneys take calls, and the benches beneath everyone squeak as they rise. The mediator stands at the back of the courtroom, speaking with a group of three to five people interested in mediation services. The attorneys, who sat towards the back of the room during roll call, move towards the front of the room in anticipation of their cases being called. Hushed conversations break out on the edges of the room.

The first case is called before the court right away, amidst the chaos of the clearing room. The judge in B-109 begins by calling cases with technical notes attached to them. After these, the court calls initial hearings and further initial hearings, which take a variety of forms. For some, the cases are dismissed or have defaults entered, depending on which parties are present or not. In others, the court passes the case to allow the parties to converse or seek mediation services. Many cases are settled at the further initial hearing stage.

While initial and further initial hearings are being called in B-109, the majority of tenants, landlords, and attorneys are outside the courtroom, either in the hallway or in B-113. Immediately following roll call, the clerk’s office—B-110—is also flooded with tenants standing in line to ask questions about their case at Window #4 and plaintiffs and their attorneys attempting to file motions or other documents at Window #2. Out in the hallway, the noise crescendos with conversations, yelling, children playing, attorneys running from one room to the next, the clanging of keys and plastic bins through the security line, and cell phones ringing. Some attorneys stroll up and down the hallway, looking for a party in the case they are working on: “Is anyone here for

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23 For the most part, those notes are resolved in four ways. First, the court may have outdated information that shows a technical issue that has since been resolved by the plaintiff. Second, the court will give the plaintiff time to resolve the issue with the case and set a further initial hearing date at which the plaintiff must show evidence that the issue has been resolved. Third, the tenant may waive the issue related to the case and the case will move forward immediately. Fourth, the case may be dismissed if the issue is substantive and cannot be remedied—these kinds of issues are referred to as “fatal.”

24 In the vast majority of cases, initial and further initial hearings are not the legal stage at which parties can make normative arguments or present evidence. Instead, they are used to resolve cases immediately or establish the set of procedures and timeline via which future hearings will proceed.
BHA Motors?“Any folks here for William C Smith cases?” “Is there a Mr. Taylor here? David Taylor?”

Some tenants are waiting to have their cases called, while others are attempting to strike deals with their landlord or landlord’s attorney to reach a settlement or get the case dismissed. B-113 is central to this process. Though the room is labeled as the “Mediation Center,” only two of its five rooms are used by mediators of the court. The other three are used by plaintiff attorneys who represent a large number of landlords with cases on that day’s docket. These attorneys rotate through the rooms depending on the day of the week, or even the hour of the day. Tenants whose cases are being represented by these attorneys wait in the main seating area in B-113 to be called into one of the side rooms by the attorney representing their landlord. The meetings are designed to reach consent judgement agreements, and the attorneys posted up in B-113’s rooms for that day process as many cases as possible during their time there. B-113 and the first floor hallway, then, become the marketplace—a “complex bargaining and exchange system, in which values, goals, and interests are competing with one another”—in which the business of LTB takes place (Feeley 1979).

Once a tenant has had time with the attorney for their landlord and comes to a consent judgment or settlement agreement, they are directed out into the hallway to a portion of the chairs labeled, “These Seats Are Reserved for Tenants Who Have Reached Settlement Agreements.” On most mornings, seven to 11 tenants sit in this row of chairs at a time, waiting to meet with the interview and judgement officer to have the case signed off on by the court. The interview and judgment officer spends about five minutes with each tenant before moving on to the next one.26

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26 Because these meetings happened behind the closed door of the interview and judgment officer’s office and are not open to the public, I was not able to observe them or their contents firsthand. After speaking with many tenants about these meetings, though, I was able to surmise that the interview an judgement officer ensures that the tenant has willingly signed the agreement and was not coerced into doing so; he reviews each item of the agreement to make
In some cases, these settlements are brought before the court in B-109 for the judge’s approval. Once signed and stamped by either the interview and judgment officer or the judge, the agreement becomes valid and its stipulations are enforceable.

Up on the second floor of the courtroom, the hallway is also alive with scores of people, most of them tenants. Many have come upstairs to put their name down on the list to consult with one of the attorneys in the Resource Center. If they have done so, they must wait in the chairs opposite the Resource Center window until their name is called. Once called, the tenant meets the assigned attorney and finds a place on the second floor to sit down and speak with them. Other tenants put their names down on the list to meet with a law student part of the LISC program, housed in a small enclave at the north end of the second floor hallway. Tenants wait in this enclave until their name is called and then meet and sit with the law student assigned to their case. A much smaller group of tenants who have qualified for full legal representation by one of the non-profit organizations staffing the Attorney of the Day office sit at the south end of the hallway waiting to meet with their attorney.

Inside B-53, proceedings move much more slowly and quietly than in B-109. The judge in B-53 begins calling cases at 9:30am. The first cases that are called are motions to vacate the stay on consent judgment agreements, usually because the tenant has failed to make their agreed upon payments. Until the lunch recess, a variety of different motions are called before the court in B-

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27 Judges in B-53 rotate on a weekly schedule.
28 These cases follow a fairly rote formula. The judge turns to the plaintiff’s attorney and asks them to explain the situation. The attorney then makes the same speech with different numbers for every case: A consent judgment settlement was reached on [date] and since then the tenant has failed to make (or failed to make in full) the payments on [dates]. The monthly rent is [amount of monthly rent] and the Trans-Lux amount is [amount of Trans-Lux], plus court costs of [amount of court costs]. The judge then turns to the tenant and asks them if the amounts are right or if there is any other information the court should know about. Usually the tenant does not know what to say or says the information is correct. The judge grants the plaintiff’s application to terminate the stay, and the process to carry out the eviction begins. In this way, evictions are mostly carried out in a machine-churning, mass-production capacity in B-53, rather than in B-109.
53, usually in an order that allows an attorney with multiple cases to have them all dealt with at the same time. Parties in B-53 have to sign in on a blue clipboard at the front of the room for their cases to be called.29

Both courtrooms—B-53 and B-109—break for lunch recess around 1:00pm for an hour. During this time, some tenants and landlords stay in the building, but most leave temporarily for the recess. The building becomes quieter and less chaotic, though many attorneys and law students working upstairs continue working with their clients during the recess.

After lunch, the hallways on both floors of the court are clearer and quieter and both courtrooms are less populated. By this point, both courtrooms are calling more substantive cases: bell hearings, trials, and ex parte proof hearings. In B-109, the court calls bell hearings and trials throughout the afternoon until the it closes at 5:00pm. Rather than quickly churning through initial and further initial hearings, the court now spends more time on each case it calls to allow evidence to be presented and arguments to be made. Though trials are set to begin at 10:30am—and bell hearings are called before trials—I rarely observed either be called before the lunch recess at 1:00pm. In B-53, motions continue being called before the court. Because the Resource Center closes at noon, the hallway becomes less populated after the lunch recess.

By 3:00pm or 3:30pm, trials are almost exclusively being called in both courtrooms. By this point, conversations and negotiations to reach agreements in cases have ended and the hallways are nearly empty and very quiet. Both courtrooms are sparsely populated and there is typically a one to three minute lag between each case that is called.

LTB closes at 5:00pm, by which point very few parties are left in the building. The judges in both courtrooms will announce that the case they just called will be the last for the day and that

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29 Cases are called much more slowly in B-53; indeed, there are often pauses of two to six minutes between cases. Because the courtroom is smaller, parties sitting in the audience are quieter than in B-109 and side conversations rarely break out.
parties should go to the clerk’s office with any remaining questions or if they think their case should have been called but was not.

**WHAT ARE THE PHYSICAL CHARACTERISTICS OF LTB?**  
*The Court’s Layout*

LTB is located at 510 4th Street NW, nestled within the broader array of DC Superior Court buildings and offices. The building sits across the street from the Judiciary Square stop on the Washington Metropolitan Area Transit Authority’s (WMATA) Red Line and is accessible by metro, bus, and car. The main entrance to the court is on the 4th Street-side of the building. Because the main entrance is not handicap accessible, individuals in wheelchairs or with other kinds of accessibility issues must enter via a small, ramped entrance on the F Street-side of the building. There is no signage at the front of the building indicating where this handicap entrance is located, or even that it is available.

![Pictured: LTB’s front entrance from 4th Street NW.](image)

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30 The following buses are within walking distance of the court: 42, 70, 74, 79, 30, 32, 34, 35, 36, 80, D1, D3, D6, P6, and X2 (DC Courts). For those who drive, the court has a small parking lot in front of the building’s main entrance on 4th St. That lot, though, is mostly filled by the court’s staff and, thus, most parties have to find street parking—available at an hourly rate on the streets that surround and branch out from the court—or a private parking lot.

31 There are three sets of doors—the middle of which is the only set through which entrance is possible—that require going up two small sets of stairs, each of about ten steps.

32 From October 5, 2018.
Immediately upon entering the building, there is a security checkpoint through which all non-court staff individuals must go. Individuals must put their belongings into small plastic containers that go through a security monitoring machine and then pass through a metal detector. Once through security and having collected their belongings, individuals are in the main hallway of the first floor of the court.

The first floor houses both the Small Claims and Landlord-Tenant branches of the DC Superior Court system. A small piece of paper below eye level at the front of the security checkpoint says “Small Claims” and “Landlord-Tenant” with arrows pointing left (south) and right (north), respectively. The first floor of LTB has one main hallway with courtrooms and offices that open up on each side into the hallway. Between the LTB and Small Claims sides of the hallway is a squarish enclave with four elevators and a doorway to the stairs. The hallway, on both sides, is lined with chairs.

Beyond the offices and court spaces associated with Small Claims, the south side of the first floor hallway has the men’s restroom and the court’s navigation program. The navigation program is designed to help parties in both courts—LTB and Small Claims—navigate the court processes by answering questions and giving directions about where to go. No signage at the entrance to the building, though, indicates where the navigation program is located or where it exists. In fact, LTB’s webpage within the DC Courts website does not mention or link to any information about the navigation program. I rarely observed or met tenants who visited the navigation program or even knew that it existed.

On the LTB (north) side of the first floor hallway are the main offices and court of LTB. B-109 is the courtroom for LTB on the first floor.33 Inside the courtroom, there are two rows of 13

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33 The courtroom has two doors—one that opens into the front part of the courtroom in front of where parties ‘step in’ when their case is called, and one that opens into the back part of the courtroom’s audience seating area. The paper version of the day’s docket is mounted on the wall directly next to the front door of B-109.
wooden benches that each seat four to six people. At the front of the room sits the judge, two clerks to the right side of the judge, and two clerks in front of the judge. In front of this latter pair of clerks are two tables, the left one for defendants and their counsel and the right for plaintiffs and their counsel. This area—for the judge, clerks, and parties—is separated from the audience seating by a wooden rail. B-109 is used for initial, further initial, bell, status, and trial hearings.

Pictured: A typical morning in LTB’s main courtroom, B-109.  

B-110 is the clerk’s office. The interview and judgement officer sits in room B-111.  

B-113 is the Mediation Center. B-104, across the hall from the back entrance to B-109, is also labeled a “Mediation Room” and is used by an additional plaintiff attorney who represents landlords with significant caseloads on the day’s docket. B-112 and B-114, along with the women’s restroom, round out the LTB wing of the first floor. B-112 houses the LTB Public File Room, while B-114 houses the LTB Branch Chief.

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34 From September 25, 2018.
35 B-111 is directly behind B-109 and connected internally by a door in the back of B-109 only accessible to court staff.
LTB-affiliated offices and resources, as well as courtroom B-53, take up the entire second floor of the building. Like the first, the second floor is comprised of one main hallway lined with chairs on each side. B-53 is much smaller than B-109, with two sets of only six rows of wooden benches that each sit four to six people. B-53 is used for all hearings not heard in B-109 and jury trials.

36 From September 25, 2018.
37 The front of the B-53 courtroom, like in B-109, is separated by a wooden rail and has a seating area for the judge and two clerks to the judge’s left. There are also ten chairs organized in two rows of five to the right of the judge for jury trials, in addition to the two wooden tables for each party in a case.
38 From November 5, 2018.
The LTB Resource Center, staffed by attorneys from the DC Bar Association, is housed in B-208. The LSIC program is located next to B-208 in B-210. B-221 houses the Attorney of the Day, a program that provides qualified low-income tenants with representation. Rooms B-228, B-225, B-224, B-223, B-52, and B-205 are also on the second floor. These rooms, respectively, contain: Senior Judges, LTB Hearing Room, Jury Room of the Civil Division, Office of the Parent Coordinator, Magistrate Judges, and Board of Professional Responsibility.

The third floor of the building is used by the court’s staff and is unavailable by stairs or elevator to the public.

Each room on the first and second floor of the building has a small sign beside the corresponding door with the room number and function in English, Spanish, and Braille.

**Challenges from the Physical Layout**

While it may seem rudimentary and unimportant to the proceedings that go on inside it, the physical layout of LTB makes proceedings more difficult to understand. From the moment one enters the building, LTB presents little and, at times, inconsistent instruction for navigating both the physical building and its proceedings. There is very little signage about where to go, who to speak with, or where services are located. For parties without prior experience in the court, entering LTB can be disorienting and confusing. Instead of trying to make navigating the court easier, many

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39 According to the court, “the Resource Center provides free legal information to both unrepresented landlords and unrepresented tenants who have residential housing disputes” (DC Courts). More specifically, the court can “help self-represented persons understand court proceedings; assist self-represented persons prepare pleadings; coach self-represented persons how best to present cases in court; provide information on how to obtain continuances and retain counsel; make referrals to legal service providers in appropriate cases; and inform low-income litigants of financial and other social service resources that might be available and refer them to the appropriate resources” (DC Courts). The Resource Center cannot provide actual in-court representation and is open from 9:15am to noon each weekday.

40 The program allows “students from local law schools are available during the school year to provide advice to unrepresented tenants and assist them in filling out forms and pleadings. In some cases, a student supervised by a licensed attorney will represent a tenant throughout the case” (DC Courts).

41 Bread for the City and Legal Aid rotate staffing the program on each weekday and typically provide two to seven attorneys and clerical staff on their assigned day.
judges and court staff in LTB actively shirk answering questions or providing clarity. For example, on November 11, 2018, Judge Lee Satterfield told a tenant: “Ma’am, the court does not take the time to explain the rules. I am not going to answer any more of your questions.”

In B-109, many tenants come to the front of the courtroom thinking they need to check in. When they see the sign-up sheet for mediation, many assume it is a sign-in sheet, but are admonished by one of the clerks to take a seat and wait for their name to be called during roll call. In the upstairs courtroom, B-53, all parties do need to sign in to have their case called. On multiple occasions, I witnessed tenants wait for upwards of 30 minutes in B-53 because they did not know that they needed to sign in. During roll call, some judges ask for parties to stand up when they state their name, appearance, and request, but most do not. Likewise, some judges ask for parties to just state their name to announce their presence during roll call (Judge Sherry Trafford); others ask parties to state their name followed by the word “here,” as in “John Doe, here” (Judge Katherine Weidmann).

The sheer size of B-109 makes proceedings and procedures of LTB hard to follow. The cacophony of sounds in the room—combined with its size and the speed of proceedings—create auditory conditions in which information is missed completely or misunderstood, sometimes to serious effect.

On an average day in LTB, 74 individuals sit in the courtroom during roll call. Because of the size and physical design of the room, even small sounds are amplified. Most of the wooden benches are squeaky and make a sharp noise each time someone sitting on them moves to stand up, sit down, or shift in their seat. Parties can also enter and exit the courtroom through one of its two doors at will if their case is not being called. Because parties are often late or need to get up

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42 The court—through its staff—also consistency demonstrates a lack of knowledge about proceedings. For more details and analysis in this regard, see Appendix A.
to take a phone call or use the restroom, the sound of the doors opening and closing is ubiquitous throughout proceedings. Frequent coughing, rustling of papers, hushed conversations, and small children crying are also pervasive. Occasionally, cellphone ringers go off and the sound of court clerks using large stamps to stamp documents ripples throughout the room.

Feeley (1979) notes that courts make decisions by “noisy exchanges and rushed judgements,” a sentiment buttressed by my observations of LTB. Sounds are constant and make proceedings difficult to follow. Unless an individual sitting at one end of the room makes a strenuous effort to raise their voice—and most do not—many individuals sitting at the other end of the room are not able to hear what is being said. Particularly during roll call, this reality produces unsettling results. In an average of 2.34 cases per day, I observed a tenant call out their name to state their presence, but the clerk and judge did not hear them do so. On December 4, 2018, for example, I saw six such occurrences. As a result, these 2.34 tenants per day have defaults entered against them merely as a result of the hearing difficulties in the courtroom.

Hearing difficulties prevent vital information from being disseminated before roll call even begins, when the judge asks the language interpreter(s) in the room and the day’s mediators to make an announcement of their services. Because they do not make this announcement into a microphone, parties sitting in the middle and back sections of the room cannot hear the announcement. On September 21, 2018, for example, an African American woman sitting in the back of the courtroom yelled out, “We can’t hear you!” during the interpreter’s announcement. Eight days later, on September 29, several people yelled this same thing to a French interpreter.

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43 Even on days with a light case docket, when there were fewer cases and fewer individuals in the courtroom, I noticed hearing difficulties. On September 17, 2018, for example, I noted: “Though this is one of the least sparsely populated B-109 rooms I’ve seen, it is one of the loudest. The noise is making it particularly difficult for me to hear what’s going on, to record the data, and to take notes.”

44 This was the only instance I observed a French-speaking interpreter make an announcement before the roll call.
That parties in the courtroom miss this critical information increases the likelihood that those in need of interpretation or mediation services do not receive them.

The speed with which cases are read, too, creates an environment in which tenants are less able to assert their rights. Feeley (1979) notes that “rapid and perfunctory practices foster error and caprice,” while Bezdek (1992) characterizes rent court proceedings as a “smooth and speedy dispatch.” Indeed, actions that slow down procedures or make them “nonroutine” are viewed by the court as “irritating interruptions to an otherwise efficient operation” (Feeley 1979). In LTB, these observations hold true—even to the court’s own admission. Magistrate Judge Katherine Weidmann said, “these are supposed to be proceedings that move along.”45 During roll call, the clerks read the cases very quickly, leaving little time between cases or after a landlord attorney states their presence.

In total, then, the layout of the court and the confusion it produces leaves many parties of the court—especially tenants—with a similar sentiment to the one expressed by an African American woman in her 30s I spoke with outside the court one morning. She told me, “When you go in the court, they tell you to go across the hall [to the clerk’s office]. When you there, they tell you to go upstairs [to the resource center]. And when you up there, they tell you to come all the way the fuck back down [to B-109]. It’s just a big run around! There’s so much run around, in the end you’re just like fuck it, just give me the eviction.”46

45 Fieldnotes from October 26, 2018.
46 Fieldnotes from October 5, 2018.
DATA AND METHODS

RESEARCH APPROACH

I first entered the doors of LTB for the fieldwork of this project in February 2018 with a set of research questions informed by theories of urban poverty on the one hand and sociological theories about courts and the law on the other. I had read little about rent courts themselves and was curious about how the court worked, who frequented it, what rules governed it, and what other logistical information was salient to understanding LTB. I was also interested, more broadly, in how tenants themselves understand evictions, LTB, and the eviction process and how they perceived these phenomena. In part, this interest was guided by tenant organizing work I did with an organization called ONE DC. This work provided color and substance to my understanding of issues—evictions, rezoning, development, and gentrification—I had learned about in classrooms at Georgetown, but had little to no experience with firsthand. My interest in the perspective of tenants was also driven by the fact that in the literature I had read about evictions—and about residential insecurity more broadly—the voices of tenants were largely absent. I saw this as a methodological and moral flaw.

What became abundantly clear to me as I did my fieldwork was that I would have little trouble understanding how LTB works—at least rudimentarily. In fact, I realized that I could go deeper and begin to think about how procedures and processes within the court burden tenants and shape the environment in which tenants operate to fight against evictions. And what also became clear to me was that I would have trouble—as a single, undergraduate with little research experience—understanding the full context of how tenants experienced the court and how they perceived it. Moreover, because of how long it takes for eviction cases to play out, it is difficult methodologically to draw conclusive causality between processes and outcomes in LTB.

In order to address this limitation, I tried to collect a holistic and mutually informative set of data. As such, this research draws on multiple methods, as well as various kinds of data. Each
of my methods allowed me to collect the data I needed to answer my research question—how do the structures and processes of LTB impact the experiences of tenants in the court? And the three answers to my research question—about procedural burdens, opportunity costs, and proximity in the court—relied on these data in different ways.

**Procedural Burden**

My ethnographic fieldwork in LTB—watching, listening, observing, and speaking with various actors—was the foundational lens through which I came to understand how the procedures of the court work and how procedural burdens develop and persist for tenants. While some cases differ in LTB, most share at least some common characteristics and days in LTB are similar in structure. Because of the repetition of events, procedures, and outcomes in LTB, I was able to get a firm sense of the procedures that undergird the court’s functioning. My interviews with tenants complimented this fieldwork and gave me insights into how tenants themselves speak about the procedures of the court. Tenants mentioned procedures or aspects of procedures that they found burdensome, which then directed what I observed in court. Reviewing case law and DC Code helped fill gaps in my knowledge both about how the procedures of LTB work and how they ought to work.

**Opportunity Costs**

Some of the opportunity costs attendant to court compliance are visibly apparent in LTB—wait times, lack of child care services, lack of free parking, lack of handicap accessibility, etc. I could make observations and collect data through my ethnographic fieldwork of these more visible opportunity costs and their effects. Other opportunity costs, though, are less visible—at least upon first glance. How many hours or days a tenant needs to take off from work to make it to court, how many times they need to appear in court for a case, how early they need to leave their residence or how far they need to travel from that residence to the court—all these are opportunity costs that
impact the experience of a tenant in LTB but cannot be uncovered simply by sitting in court. Instead, I needed to talk to tenants to try to understand the less apparent ways their experiences in the court were shaped by opportunity costs. So I began speaking with tenants at length, both in the courtroom informally and outside the courtroom through long-form, recorded interviews. These interviews not only alerted me to opportunity costs I was not observing, but also provided real stories about how the data I was collecting impact real people in LTB. Going through LTB’s administrative records to uncover the amount tenants owe in cases, how much they are charged with paying in court fees, what address and ZIP codes they live in, and who their landlord is also helped me understand opportunity costs.

Proximity

Though it is challenging to measure quantitively, proximity in LTB—and disparities in proximity to the court between parties—is one of the most visible aspects of what goes on. Over the course of my fieldwork in LTB, I was able to observe small impacts of proximity—landlord attorneys skipping the security line, for example—and larger impacts—judicial nudges during roll call, for example. My understanding of proximity was also informed by my original analysis of the court’s administrative data, which shows that ten rental companies account for almost 47% of filings in LTB. And while this entire project and all of its chapters are constantly influenced and informed by previous scholarship in a number of fields, my understanding of proximity was influenced particularly by a scholarship on the role of social subordination in courts.

Avenues of inquiry like these would not have emerged in this research—or even crossed my mind—had I not spent significant time in the field. Yet had I not returned constantly to the various legal doctrine governing LTB and the empirical research about the scale and geography of evictions in DC, my observations from the field would have been rendered largely meaningless. In conjunction, each method clarified the findings of the other; each breathed life in the other.
FIELDWORK IN LTB

In total, from February 2018 to February 2019, I spent more than 426 hours in LTB doing fieldwork. Between February and May 2018, I went to LTB one to two times per week to observe the court’s proceedings. During this time, I rarely took fieldnotes and did not collect systematic data. Instead, this period allowed me to gain informal familiarity with the court: the physical layout, the actors, the general flow of cases, and some of the rules—informal and formal—that govern proceedings. I occasionally visited the clerk’s office or called their general information phone number to ask procedural questions about hours of operation or items allowed in the courtroom. I also asked on multiple occasions about the court’s online CourtView system. In sum, I spent roughly 74 hours in the court from February to May 2018.

After the summer of 2018, I returned to DC and to LTB and began my fieldwork systematically in August 2018. Over the next seven months, I went to court three to five times per week, totaling more than 338 hours. I went to court on every business day the court is open and between all of its hours of operation—from 8:30am to 5:00pm. During my fieldwork, I waited in security lines, sat in the hallways and courtrooms, frequented the clerk’s offices, viewed the court docket, roamed the hallways, and took the elevators. I observed court proceedings and interactions between various court actors inside the courtrooms and in the hallways. I spoke with tenants, landlords, landlord attorneys, and court staff. I saw scores of cases in full, and hundreds more in part.

My fieldwork also included 14 hours of observations of Landlord-Tenant mediation. LTB offers same-day and court-ordered, pre-jury trial mediation services. Same-day mediation takes place in one of the two rooms designated for mediation in room B113; pre-jury trial mediation takes place in a different building—Building C, located at 410 E Street NW on the second floor. I observed roughly equal time in the two kinds of mediation.
Throughout my fieldwork, I took brief, contemporaneous notes about processes, people, and things that I observed and recorded full quotes of tenants, attorneys, clerks, and judges. Each day, when I returned to Georgetown’s campus, I typed these notes in full. In December 2018, and again in March 2019, I uploaded my fieldnotes to MAXQDA, a qualitative analysis software program. I coded them with common themes that arose from my fieldwork, which allowed me to identify important trends, commonalities, and differences across my data.\textsuperscript{47}

\textit{Systematic Data Collection}

During my fieldwork, I also collected systematic data about various phenomena of the court, like the number of cases on the docket, wait times, appearance rates, representation rates, auditory issues, judicial nudges, and more.\textsuperscript{48} These data allowed me to quantify important aspects of what goes on in LTB and strengthen and compliment my qualitative data. When it came time to present how, for example, proximity of landlord attorneys to the court and its staff confers on them the advantage of judicial nudges, I could not only describe this process in great detail and with color, but also demonstrate how often these nudges occur.

Unless otherwise cited—in text or by footnote—statistics that appear throughout this work come from my own research in the court or my analysis of the court’s administrative data. This is significant not just stylistically, but also because these data—about legal representation, caseloads, wait times, roll call, landlord attorneys, and more—have never been collected in LTB to my knowledge. It is my hope that they can help other researchers, advocates, and practitioners better understand LTB and the eviction process in DC.

\textit{Ethnography as a Method}

\textsuperscript{47} See Appendix C to view my codebook in full.
\textsuperscript{48} See Appendix D to view my fieldwork materials. Also, see Appendix E to view the full systematic data set from my fieldwork.
As I set out to do this research, I knew that ethnography would help me understand LTB uniquely: I would be able to understand its processes, how they unfold, and the technicalities of the law as well as how these important aspects of LTB manifest in the lives of real people experiencing the court. Ethnography involves immersing oneself into the “daily routines” of people’s lives and “systematically recording social processes as they unfold” (Desmond 2012, Liebow 1967). As a method, it allows social scientists to understand social phenomena—mediated through relationships and structures—as they happen on the ground, in real time. In short, as I spent more and more time in the court and spoke with more and more people, I was able to develop a keen and intimate picture of how the court works. I could not have gotten such a picture simply from analyzing case law, coding administrative records, or doing interviews with tenants.

My thinking about ethnography has been influenced by a number of books and authors. First and foremost, Desmond’s ethnographic work in two low-income neighborhoods in Milwaukee, Wisconsin helped frame much of how I think about evictions, particularly as someone who has never experienced one personally. *Evicted* taught me a tremendous amount about how to blend ethnographic and quantitative methods to shed light on the devastating human effects of a structural and complicated problem.

*On the Run* demonstrates Alice Goffman’s ability to embed herself deeply into a low-income community in Philadelphia, Pennsylvania to understand the lives of parolees. What her work elucidates, for me, are the far-reaching ways a legal architecture structures the lives of those caught up in its crosshairs, directly and indirectly. Regardless of whether parolees’ perceptions of how their legal status might or might not impact their lives accord with the law, these perceptions shape their lives and the actions they take on a daily basis.

Adrian LeBlanc’s *Random Family* is also impressive in regards to the depth and duration of his research in the field. Salient to my research, LeBlanc shows how the lives of the urban poor
in the Bronx, New York are shaped by the bureaucratic structures they must navigate in order to comply with regulations surrounding welfare, family courts, and law enforcement.

Mitchell Duneier’s Sidewalks, Katherine Edin’s $2.00 A Day, Sudhir Venkatesh’s American Project, Mary Patillo’s Black Picket Fences, and Elijah Anderson’s Code of the Street all sharpened my eyes, ears, and mind to the contours of ethnographic research as well.

Ethnography as a technique for researching a court of law is far less common. In fact, the only examples I came across were Malcolm Feeley’s The Punishment is the Process and Issa Kohler-Hausmann’s Misdemeanorland, both of which became foundational texts for my own research. As I read both books in the summer of 2018, I started getting ideas for how I could best conduct my own research. While many of their observations in misdemeanor criminal courts apply to what goes on in rent courts, I had to work carefully to distinguish between those that do not.

While each of these authors and texts were instrumental in shaping my skills as an ethnographer, I ultimately had to develop and hone these skills on my own as I spent more and more time in court. Every site of ethnography differs and comes with its own set of people, structures, and norms. It became my job to recognize the idiosyncrasies of LTB and allow them to inform my own research methods.

**Gaining Entrée & Positionality**

Gaining entrée is the central challenge of ethnographic research, as it requires building trust with a community so as to enter it fully and see processes unfold as if the researcher were not there. Entrée is developed over time and through relationships and cannot be achieved all at once (Desmond 2012, Rabinow 1997). As such, entrée is particularly difficult to attain in the context of a court, where people—tenants especially—move in and out of the court and may never return to it. Indeed, entrée is made even more difficult in an environment in which parties are enmeshed in
a complex web of antagonistic, contentious, and suspicious relationships and the stakes are very high.

Because entrée is developed through trust, my own social identities and location made entrée in LTB complex. I was legible and visible to all parties in the court, but often read incorrectly. The question *Who you ridin’ for?* came to characterize many individuals’ initial—and sometimes lasting—questions of my presence in the space. Because of my race, tenants often assumed I was a law student, attorney, social worker, or court staff. Attorneys and court staff, on the other hand, knew I was not one of them because of my age and casual attire. They knew also that I was not a tenant—again, because of my race. I became used to explaining who I was and what I was doing in ways that sought to build trust immediately, as I did not have the time to do so over multiple interactions. I also attempted to use my body language, eye contact, tone of voice, and humor to convey empathy for individuals experiencing hardship or discomfort in the court.

Once in conversation with an individual, I tried to be honest about the ways in which I did not and could not understand LTB and the eviction process personally. Right off the bat, I told individuals that I was a student with no personal experience in the court or with evictions and that I was there to learn as much as possible from the actual people going through the process. Because research interactions can be exploitative and objectifying—particularly given my own race, education status, and class background in relation to most tenants in the court—I was up front about the fact that I was in the court to learn and, if the other person was willing, to try to understand and document real stories from the court. Though I could not and cannot understand completely the experience of facing eviction as a low-income, African American tenant in DC, I pledged to listen, to ask questions, and to recount stories exactly as they were told to me.

Though I tried constantly to acknowledge and mitigate them, power imbalances, I am sure, remained between myself and many of the tenants I spoke with in court and interviewed. In fact, I
know that my own social identities and location continue to inform my research and analysis as I write these words. It is my hope that readers, peers, and others in the field, with more knowledge and experience than I, can shed light on the ways that I fail to grapple with these power imbalances and the myriad ways they affected and affect my research and analysis.

TENANT INTERVIEWS
I supplemented my LTB fieldwork with a series of qualitative, long-form interviews with tenants. Interviews lasted between 45 minutes and two hours, with the average lasting one hour and 15 minutes. In order to generate a random sample, I decided to approach the tenant in every tenth case I observed in LTB in full—cases for which a tenant was present. When approaching a tenant in this context, I introduced myself, gave the tenant my card, and explained my project. I asked them if they might be willing to participate in an interview, at a time and location and for a length of time of their choosing. Between October and December 2018, I conducted eight interviews. The demographic characteristics of my interview respondent sample—pseudonym, race, gender, age—are summarized in Table 1 below:

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<thead>
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<th>Pseudonym</th>
<th>Race</th>
<th>Gender</th>
<th>Age</th>
</tr>
</thead>
<tbody>
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<td>Black</td>
<td>Male</td>
<td>39</td>
</tr>
<tr>
<td>Janae</td>
<td>Black</td>
<td>Female</td>
<td>65</td>
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<tr>
<td>John</td>
<td>Black</td>
<td>Male</td>
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<td>Male</td>
<td>45</td>
</tr>
<tr>
<td>Zoranda</td>
<td>Black</td>
<td>Female</td>
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<tr>
<td>Marie</td>
<td>Black</td>
<td>Female</td>
<td>28</td>
</tr>
<tr>
<td>Ashley</td>
<td>Black</td>
<td>Female</td>
<td>25</td>
</tr>
</tbody>
</table>

Each respondent was asked about their own residential background; details of the case for which they were present when I met them in LTB; previous experience with or in LTB; perceptions of LTB and its processes; administrative burdens faced to appear in LTB; and the symbolic and

49 See Appendix F to view the card that I gave tenants to inform them of my research.
emotional meaning of LTB, evictions, and home. These predetermined topics were always covered in interviews; however, the exact order, wording, time spent on each topic and additional topics of each interviewed followed the unique flow of each individual conversation.

Interviews were conducted in various locations across DC—and one in Maryland—in tenants’ apartments, public libraries, restaurants, coffee shops, and hair salons. While I did not conduct ethnographic observations systematically of and with tenants outside LTB, I did eat meals with tenants, meet their families, friends, and pets, listen to their music, ride in their cars, and follow them on trips to run errands or transport a relative or friend. I always took notes of these encounters in short contemporaneously and in greater detail after the fact.

Interviews were transcribed in full and uploaded to the qualitative analysis software MAXQDA to be coded. I coded the interviews using the same code book that I used for my fieldnotes, which allowed me to identify trends, themes, commonalities, and differences across my interview data.

**ADMINISTRATIVE RECORDS**

During the spring of 2019, I analyzed a randomized sample of LTB’s administrative data. I used a random number generator to generate 500 randomized case numbers from the entire set of 2018 cases. For each case, I pulled the Summons (Form 1S) and Complaint (Form 1A, 1B, 1C, or 1D) forms from the court’s electronic access (eAccess) CourtView system, which allows the general public to search cases either by case number or party. Once I searched the case and downloaded the forms, I kept them in folders in the Google Drive for my thesis.

Next, I hand-coded information from the forms into a separate Google Sheet. The information I coded from each case was: case number, plaintiff name, defendant address,

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50 See Appendix G to view my full interview script.
51 I transcribed half of my interviews and the other half I had transcribed by a professional recommended to me by Professor McCabe. Georgetown’s Department of Sociology facilitated the transcription process and the School of Foreign Service Undergraduate Dean’s Fund reimbursed them for the costs of transcription.
defendant zip code, costs of the suit to date, form type, amount defendant failed to pay, rent date start, rent date end, monthly rent, monthly permitted late fees, other fees, total amount owed, subsidy status, amount of rent due from tenant (if subsidized), and money judgment amount.

As I was doing this coding, Professors Brian McCabe and Eva Rosen hired two research assistants to begin coding a larger sample of these records. By April 2019, when each of us had completed our portion of the coding, one of the research assistants began writing codes to analyze our data set. We now have a preliminary set of observations from our analysis of the administrative data, which tell us where tenants who are filed against come from in DC, how much they owe, who made the filing against them, the amount of time the missed payment occurred over, how many months’ rent they missed, and if they have a housing subsidy. These data help buttress the claims from my fieldwork and interviews, especially in Chapter 2 and Chapter 3.

CASE LAW, RULES, & LAWS

Civil courts are underpinned by judicial guidelines, case law, laws and legislation, rules and regulations regarding procedural norms of the court itself, and the actions of the various actors and litigants who both work in and are summoned to court. In order to understand more fully what I was seeing on the ground in LTB, I needed to also be aware of these various component parts of how the court is set up—from a legal and legislative perspective. In this regard, I reviewed LTB rules and regulations, DC Superior Court rules and regulations, case law, DC code, and other DC laws. I also used Bread for the City’s 2013-2014 DC Law Students Manual. These resources were invaluable in helping me understand the various procedures, processes, technicalities, logistics, and legal language that govern what goes on in LTB. While my fieldwork and interviews helped me understand how LTB works in practice, these legal resources helped me understand how it is designed to and should work.

52 See Appendix H for the full results from the preliminary analysis.
53 See Appendix I for more details on rules, regulations, and laws that govern LTB.
RESEARCH LIMITATIONS
Fieldwork in Courts

Sociological fieldwork in a court of law presents distinct and ubiquitous challenges compared to fieldwork in other social environs. In particular, recordings of any kind are prohibited. The court’s security marshals and other staff have significant discretion in enforcement of rules and regulations of behavior in LTB. As such, any individual can be kicked out of the courtroom at any time, for almost any reason. I witnessed individuals be asked to leave for speaking too loudly, using their cellular device, wearing clothing deemed inappropriate, and wearing a hat in the courtroom. Sustained entry in LTB, then, is precarious, and noticeably so. On certain occasions, I was asked by attorneys or court staff to stop conversing with a tenant. Many rooms of the court have doors that can be and usually are locked, away from the eyes and ears of the public. Attorneys are bound by attorney-client privilege and, thus, research—mine included—surrounding the administration, quality, and efficacy of legal representation is necessarily and by definition founded on recollections conveyed by represented parties to researchers.

Lack of Survey Data

When I was in the ideation phase for this research, I envisioned conducting a survey to a randomized sample of tenants in the court to try to learn about the opportunity costs they faced to show up in court, the degree to which they were aware of programs and resources available to them, and the perceptions that they held of LTB and the eviction process. As the project unfolded, it became clear that this kind of an endeavor was unrealistic to conduct as a single, undergraduate researcher.

Without the data that a survey like this would have produced, it is impossible to extrapolate my findings—especially in Chapter 2—across all tenants. My research and analysis lends credence to the likelihood that the findings in Chapter 2 are, at least to some degree, representative of the
opportunity costs that many low-income tenants face and the effects of these opportunity costs. Without survey data, though, this likelihood is not certain.

**Interview Sample Size & Self-Selection**

My interview data is limited in two primary ways. First, my sample size—eight respondents—is quite small compared to the number of tenants that file through the court. Second, the tenant population who shows up in LTB is not representative of the general tenant population who has an eviction filed against them. Research—my own in DC and other across the country—shows that only a quarter of all tenants who have evictions filed against them show up to court for their case (Desmond 2016, PJC 2016). Many explanations for this reality exist and are explored in this research, especially in Chapter 2. One might posit that so many tenants do not show up to fight their eviction because (a) they have resigned themselves to the inevitability of their eviction and/or (b) they face too many opportunity costs to make showing up without representation worthwhile. The LTB population, then, is overrepresented with individual tenants of either a certain psychological or ideological disposition or with more access to resources—or both. Thus, my interview sample is not representative of the entire LTB population or the entire tenant population who has an eviction filed against them in LTB.
CHAPTER 1: RUN AROUND
Procedural Burden in the Court

CHAPTER OVERVIEW

John, a 42-year-old African American tenant, was in LTB in late September 2018 for the same reason many tenants end up there: he had lost his job and did not have the money to pay his rent. John showed up to court on time and sat through judge’s announcement and roll call. Like scores of tenants in LTB, he headed into room B-113 when roll call ended to try to reach a settlement with his landlord’s attorney. He emerged from B-113 with a signed praecipe form. Before heading back into the courtroom to have the agreement signed off on by the judge, John remembered a piece of advice one of his neighbors had given him before he went to court—to check with an attorney in the LTB Resource Center before signing anything.

The agreement John had signed required him to move out of his apartment in three weeks. The attorney in the Resource Center, though, told John that he was actually entitled to much more time and did not need to agree to move out at all. John was shocked. He later told me, “[Talking with my landlord’s attorney] was a bad move. I’ll never do it again, I’ll never talk to the attorney of an opposing team ever again. He serves his purpose, not mine. [He’d] screw me over and get me out of here in two days if he thought he could with no regards for the reality of acting and becoming homeless.”

The attorney in the resource center had encouraged John to ask for more time at the very least. He did, and as a result got seven weeks, not three. For John, this time was crucial to addressing the underlying cause of his housing insecurity: “re-establishing a sufficient income” through employment. The attorney also advised that John sign an agreement that would not enter a judgment against him, and thus avoid having an eviction on his residential history and credit

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54 I spoke with John in court and interviewed him at his apartment on October 7, 2018.
Without this attorney’s help—which lasted just over ten minutes—John told me he would have been lost because the “jargon,” “dialogue,” and general “run around” of LTB and its procedures “completely blow you from what your rights could be. I didn’t understand that I had more rights when it came down to landlord-tenant civil issues, that we have a lot more rights than most people know.”

In American jurisprudence, we expect that courts—through their judges, staff, procedures, and rules—provide a fair, neutral, and unbiased environment in which individuals like John can present evidence, make arguments, and understand their rights. We expect, too, that this environment will dole out justice deliberately and fairly (US Courts, Eldridge 2001). In this sense, we expect that courts utilize procedures to make a conflict that happened outside the courtroom legible within the court and the framework of legal adjudication. In doing so, courts must balance and mediate the disparate people, information, ideas, assumptions, and norms that accompany the cases within their purview. These fundamental expectations of courts—of fairness, neutrality, and lack of bias—hold true of LTB.

In reality, though, the making and adjudicating of justice in LTB unfolds much differently, as John’s story elucidates. Because of temporal, personnel, and fiscal constraints, the court often has an “institutional imperative” that is at odds with its “aspirational” imperatives (Feeley 1979). The court does not have the time, the staff, or the money to take each of the cases that gets filed yearly—more than 31,000 of them—to trial or to explicitly lay out the rights of all parties. Thus, instead of “assessing moral character and rendering substantive justice,” as we expect societally from our legal institutions, LTB is confronted internally with “the desire to avoid” costs (Feeley 1979).

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55 A settlement agreement, not a consent judgement agreement.
LTB’s procedures are the primary vehicle via which the court is able to get through its immense caseload. Procedures, processes, and rules are foundational to outcomes in LTB insofar as they act as intermediaries between people, actions, and information. The operationalization of procedure is equally central in understanding court outcomes. Procedures make up the court’s “institutional setting,” which, in turn, shapes the interpersonal interactions and the social hierarchies—the “cultural locus”—of the court (Bezdek 1992).56

I argue in this chapter that procedures of LTB are not neutral; instead, they constantly burden tenants and favor landlords—and, especially, the attorneys of landlords. I—and others in the field—call this burden procedural burden, and I explore how it impacts case outcomes, particularly for poor, unrepresented tenants like John. Specifically, I point to unmonitored conversations between parties, roll call dismissals, little assistance for parties experiencing mental health or disability concerns, and a dearth of and inconsistent instructions in LTB and show how these procedures act together to burden tenants and exacerbate existing power imbalances in the court. Procedures and procedural burden are among the key features of the court’s structure that prevents tenants from fully realizing their rights and, thus, that disadvantages tenants irrespective of the merits or claims of their case.

WHAT IS PROCEDURAL BURDEN & WHY IS IT POWERFUL IN LTB?

Definition of Procedural Burden

I define procedural burden in LTB as the ambiguities, inconsistencies, obstacles, hassles, and costs attendant to complying with legal proceedings.57 Others conceptualize this burden as “process burden,” “compliance administrative burden,” “administrative burden,” or “bureaucratic

56 For a detailed picture of which rules, regulations, and case law govern LTB, see Appendix I.
57 My thinking about procedural burden was greatly influenced by Rubin (2012), who defines rulemaking as “policymaking and generalized implementation.” He utilizes the conceptual frame of “bureaucratic oppression,” which functions similarly to procedural burden and is characterized by government engaging in “individualized implementation,” or the application of policy to individuals (Rubin 2012). Individualized implementation may be masked simply as adjudication, but in reality it involves “planning, targeting, cajoling, advising, and a variety of similar functions” (Rubin 2012).
oppression” (Feeley 1979, Herd et al. 2013, Rubin 2012). What each of these conceptualizations share is the notion that rules, regulations, processes, procedures, and bureaucracies are not dormant features; instead, they are operationalized in specific ways which can make their compliance onerous. In theory, procedural burden could be levied against all plaintiffs and defendants that bring forward or defend against a case in LTB (Rubin 2012). In reality, though, tenants in LTB are impacted much more severely by procedural burdens because of disparate access to fiscal, temporal, and legal resources across social, economic, and racial groups.

In fact, indigent defendants in various court contexts fail to realize their full legal rights as a result of burdens borne out of procedures, processes, and rules. In misdemeanor criminal courts, indigent defendants are delayed, engaged, and compelled to “conform to the institutional and organizational demands of the court” and its actors (Kohler-Hausmann 2018). As defendants are stretched to appear in court frequently and rearrange their various responsibilities around the demands of the court, procedures are “reappropriated” by the court as a mechanism for social control (Kohler-Hausmann 2018). Because the formal punishments—sentences, fines, fees, community service, or conditional dismissals—of misdemeanor criminal and many civil courts are relatively small, procedural burdens and costs often “outweigh the penalty that issues from adjudication and sentence” (Feeley 1979). In this sense, “the process itself is the punishment” (Feeley 1979).

In LTB, where hundreds or thousands of dollars and the loss of one’s home are at stake for tenants, it is not accurate to state that the specific and cumulative procedural burdens I detail below—and the opportunity costs I detail in Chapter 2—outweigh the penalties and costs that arise.

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58 Rubin (2012) notes that bureaucratic oppression is universal in the sense that it is “part of virtually every individual’s experience in modern society.”

59 Because of their professional mandate and commensurate compensation, I argue that judges, clerks, and other court staff do not face procedural burden in LTB. Indeed, because they play a role in the creation and implementation of procedures, they fall outside the conceptual framework of being burdened by procedure.
from the adjudication of a case. These burdens, though, significantly impact the legal and social environment of the court for tenants, making it harder for them to realize their full suite of legal rights and succeed in their cases. LTB, hidden “behind the veneer of due process,” systematically “excludes from the law’s prescriptions litigants who are members of socially subordinated groups” (Bezdek 1992).

**Facial Inconsistencies, Lack of Representation, & Social Status Exacerbate Procedural Burden**

Procedural burden impacts tenants and LTB’s environment so centrally and powerfully for three main reasons. First, a handful of the court’s procedures are facially inconsistent in a way that harms tenants and their case outcomes. My research cannot ascertain if such procedures are specifically designed or administered to harm and control tenants or if, instead, their manifest impact has strayed from their original intent and design (Rubin 2012, Herd et al. 2013).60 What my research does show, however, is that these set of procedures consistently favor landlords and their attorneys over tenants.

Second, most tenants’ status as legally unrepresented renders many procedures of the court illegible to them. My research finds that only 2.27% of tenants are represented during initial proceedings that commence with roll call, a number dwarfed by the 84.33% of landlords who are represented at the same stage. So much of what happens in LTB is determined by procedures and precise technicalities of the law and its attendant procedures communicated via legally dense language. Without a formal education in the law, ‘legalese’ of the court and the procedures that

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60 On the one hand, Rubin (2012) positions bureaucratic oppression and procedural burden as an “explicit means of controlling.” This can manifest via illegal actions or, much more frequently, via a more implicit “dogged insistence on following the rules when doing so imposes burdens for no purpose” (Rubin 2012). On the other hand, Herd et al. (2013) state that rules and procedures are “intended to reflect policy, constrain bureaucrats, and shape the experiences of citizens in their encounters with the state” and define red tape as “rules, regulations, and processes that remain in force and entail a compliance burden, but do not advance the legitimate purposes the rules were intended to serve.” They posit that “rule-evolved red tape”—rules that once served a purpose but evolve to become red tape—is much more common (Herd et al. 2013). In this view, bad rules are not necessarily designed to be bad or harmful, but have become less useful over time (Herd et al. 2013).
shape proceedings are difficult to understand. This difficulty leaves tenants less able to understand language being communicated to and about them and less able to realize their legal rights.

Third, tenants’ various social and economic identities make the challenge of interpreting court procedure more pronounced. In the face poverty’s pressures and constraints and with less education, tenants in LTB face significant hurdles to understanding procedures that are already difficult to understand for non-attorneys and, in some cases, applied facially inconsistently against them.

**HOW DO PROCEDURES SHIFT POWER & BURDEN TENANTS?**

Procedures shape cases in LTB at every stage of a case’s life, even before the parties appear in court for the first time. Some procedure is mundane and the costs associated with its disparate application are probably small. For example, whether or not a party can bring a magazine into the courtroom—which, in B-109 they may not—likely has no effect on the outcome of a case or a tenant’s ability to realize their full legal rights. Conversely, how judges and clerks push tenants into unmonitored conversations with their landlords’ attorney—as I argue below—has a more significant impact on proceedings and case outcomes.

Below I concretize procedural burden within LTB through four major procedural practices, each of which independently operates to disadvantage tenants.61 Taken together, they burden tenants, favor landlords, and contribute to the impairment of tenants’ full realization of their rights.

**Unmonitored Conversations Between the Parties**

As has been documented in criminal courts across the country, LTB lacks the temporal, fiscal, or personnel resources to take every case to trial or to have substantive evidence produced in every case (Kohler-Hausmann 2018). Thus, parallel mechanisms have developed within and

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61 In this section I focus primarily on courtroom B-109, though not exclusively; when referencing B-53, I indicate doing so specifically. B-109 processes many more cases than B-53. In fact, every case goes through B-109 at least once, while a much smaller subset make it upstairs to B-53.
adjacent to the court to address the problem of too many cases to process given the limited time, money, and staff available in and to the court.

Settlements are one important way courts resolve this tension. In LTB, many cases settle via one mechanism: judicially unmonitored conversations between the parties in room B-113. Settlements and their accompanying processes and procedures are typically understood as parties’ decision-making based on their perception of the merits of their claims and the opposing parties’ claims, as well as on the costs and opportunity costs of litigation (Bezdek 1992). In this regard, settling theoretically assumes that parties are making cost-benefit decisions on relatively equal informational footing and that parties realize and advance their rights voluntarily—the “obligation of rights assumption” (Bezdek 1992).

Pictured: Tenants wait to get into B-113 to meet with their landlord’s attorney.62

This underlying framework, though, does not match the reality of settlements in LTB. In large part, this mismatch exists because of the vast representational disparity and the closed-door

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62 From January 9, 2019.
nature of the enterprise. Settlement negotiations in LTB—between the attorney of a landlord and an unrepresented tenant—are predicated on an immense power imbalance between the two parties. Landlord attorneys are under no obligation to inform tenants of their rights and are not constrained in word or action by judicial oversight. In many respects, to even call them negotiations may not be accurate, for that term implies some equal advancement of rights and give-and-take by both parties. Settlement negotiations are, from the general public’s view, a black box. There is no mechanism for monitoring what goes on in these conversations, and, in the majority of cases, all that emerges is a tenant with some kind of agreement that they may or may not understand. This kind of procedure uses the veneer of consent—that a tenant technically consents to entering the room with the landlord’s attorney and that they end up signing their name to the agreement—to mask the exclusion that takes place by “the operation of the law of litigants who are members of socially subordinated groups” (Bezdek 1992). In effect, the court uses the settlement outcome to justify the entire set of procedures that produce it—no matter what those procedures entail.

Settling often involves tenants’ giving up significant legal options. Though many settlements include language that compels landlords to make repairs to the unit, tenants cannot stop making rental payments under the settlement in an attempt to compel repairs. Had the tenant not signed the settlement, though, this option would likely still be available to them through a suit in Housing Conditions Court. Once they are entered, settlements appear on a tenant’s permanent rental history and credit. Most tenants, though, are unaware of these consequences of settling and the court does not alert tenants to them.

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63 I did not observe any settlement negotiations that took place in B113. I am not aware of any outside parties who are permitted to observe these negotiations.
64 Bread for the City’s 2013-2014 DC Law Students Manual says, “A client who decides to settle must be informed that the [settlement] is a judgment which will be a public record that may have an impact on the defendant's credit history; that the tenant is giving up the right to have a trial or request an abatement due to Housing Code violations; that the tenant essentially waives all rights to claim defenses and that the judgment may have collateral estoppel consequences in subsequent or related cases. The defendant should also be aware that if there is a default in a payment for any reason, a writ of restitution can be obtained in 48 hours whether the defendant has actual notice or not, even if the tenant has withheld rent to force the landlord to repair major Housing Code violations such as a lack of heat.
Settlements through unmonitored conversation between the parties is one of the most important procedures for the functioning of LTB. Without it, the court simply would not be able to handle the amount of cases filed. In other rent courts across the country, these kinds of settlement negotiations take place in the court’s hallway, not in specially designated rooms (Kleinfield 2018). That DC does facilitate settlements in B-113 has its benefits: namely, that tenants enjoy some semblance of privacy. But, by sanctioning this procedure with dedicated space and the court’s literal stamp of approval on the final agreement, LTB has thrust its support—theoretically, procedurally, and legally—behind this procedure and all that it encompasses.

More than just sanctioning them procedurally and logistically on the back end, LTB also frequently pushes tenants into settlement negotiations through informal mechanisms on the front end. Take, for example, when the court goes on a recesses and informs tenants of what they should do during the recess. On November 5, 2018, the court took a recess at 10:06 am:

Once the judge left B-109, the clerk announced the recess would extend until 10:30 am, giving no explanation as to why the court was on recess. The clerk then called a couple tenants’ names whose cases had not been called in front of the judge yet. Of the names that she read, those who were present raised their hands, reoriented their bodies in the clerk’s direction, and called out “here.” The clerk then tells them that they should go to room B-113 to meet with “Attorney [Jennifer] Goodson” [a landlord attorney]. The tenants nod, and head out of B-109.

While this kind of informal procedure may seem insignificant, it flies in the face of what tenant attorneys, advocates, and organizers consider best practice. Many attorneys, advocates, and organizers who I know personally or with whom I spoke during my fieldwork told me that the very end result will be execution of the judgment against the tenant, and added court costs to redeem. Most tenants do not understand the finality of signing a [settlement]; this must be explained carefully.”
first thing that they tell tenants is to never sit down with their landlord or their landlord’s attorney alone. LTB and its staff—with the full weight and power of the court behind it—thus push tenants into unmonitored settlement negotiations without making explicitly clear that they are not required to do so and that they may—and probably should—seek legal counsel before doing so.

Pictured: Tenants wait to speak to the clerk as courtroom B-109 begins a recess.65

One tenant I spoke with summed up the situation well. Paulos, a Hispanic man in his 40s, told me that his case began eight months prior when his ceiling began to collapse due to water damage and leaking. Despite Paulos having asked, his landlord had not fixed the ceiling. Thinking he had no other option, Paulos stopped paying his rent. Paulos had been determined and strong in his convictions when he arrived at court that morning, bringing a manila folder with pictures of his roof and screenshots of text messages with his landlord. By the time I spoke with him, though,

65 From November 27, 2018.
he was resigned to the reality of being evicted. Paulos had spoken with his landlord’s attorney in the hallway, and she had told him, adamantly, that he would be evicted. She assured him that, given his non-payment over the past eight months, the eviction was inevitable. She continued piling on the pressure: “Having an eviction on your credit is not going to help when you try to get another place; it’ll be much easier if you move out now and avoid the eviction.” Paulos told me that he had tentatively agreed to do so, but was just asking for a little bit more time to get his things together and find a place to go. When I asked him about his conversation with his landlord’s attorney and his overall experience in LTB, he told me: “It’s a big fish eating a small fish. But I just don’t want no hassle...I just don’t have any power, man. I’m just tryin’ to float.”

Unmonitored settlement conversations between landlord attorneys and tenants push tenants like Paulos—unrepresented legally, poor, and not privy to their rights—into environments in which power disparities are pronounced and the stakes are very high. Tenants sign off on agreements to try to prolong their eviction with a payment plan. Though the risk of eviction seems remote, if a tenant fails to make meet the stipulations of their agreement—if they are one day late or one dollar short—the eviction process can commence immediately. Thus, that the court sanctions these negotiations—depends on them, even—exemplifies how procedure is levied against tenants and impedes their realization of rights.

**Roll Call Dismissals**

Dismissals are an often overlooked aspect of the roll call process. In large part this is because, from the perspective of a tenant advocate or scholar concerned with tenants’ rights, dismissals ultimately signify a positive case outcome for a tenant; tenants get to stay in their homes, after all. In fact, previous scholarship on rent courts has focused on the default aspect of roll call. Because so many tenants do not show up to court, they are processed through the system and are evicted in a matter of seconds via default (NPR 2016, PJC 2015, William E. Morris Center 2005,
Donovan and Marbella 2017). One white, male landlord attorney in his 40s put it bluntly: “Hopefully they [the tenant] don’t show up, cause then the default’s a lot easier. It’s a harsh reality, but that’s basically how it works.”

The procedures surrounding dismissals during roll call in LTB, though, need be examined—if for no other reason than the sheer volume of dismissals that are entered during roll call. I find that an average of 44.8 cases per day are dismissed by the landlord or their attorney immediately during roll call. This comprises more than 25% of the total cases on the docket each day. At bare minimum, these cases being read and dealt with during roll call take up a significant portion of time—time that might be better allocated to slowing down proceedings or to explaining aspects of the court process and procedure to unrepresented parties.

When I first began my fieldwork, I noticed that there were tenants present for some of the cases being dismissed by landlords and their attorneys during roll call. In some cases, these tenants seemed relieved that their case was dismissed; many would audibly breathe a sigh of relief. Others, though, seemed annoyed and inconvenienced. I once approached a tenant whose case had been dismissed during roll call and asked her why she seemed annoyed. She told me, “I take off work, I take my baby to school extra early…and I come all the way down here for this?” I began recording the number of times this would happen and found that in an average of 5.74 dismissed cases each day, the tenant has shown up in court. This means that close to 15% of all cases dismissed during roll call have a tenant present.

The reason why this happens is that in the time between when the case is filed and the date of the initial hearing the tenant pays off their arrearage. The landlord or their attorney, however, does not move to have the case dismissed before the initial hearing date. In some cases, landlords

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66 Fieldnotes from September 14, 2018.
67 Fieldnotes from January 9, 2019.
may alert tenants ahead of time that the case has been or will be dismissed. If this happens, most tenants do not show up to court. A small but significant group still show up, likely because they want to make sure the case is dismissed and that they do not risk a default being entered against them.

In other cases, though, the landlord or their attorney may not notify the tenant that the case has been dismissed. These are the cases for which I observed exacerbation or annoyance on the part of tenants who may have missed work, paid for childcare, missed school, or made transportation payments to make their appearance, only to have the case dismissed immediately and their presence wasted. It is because the court lacks a uniform procedure for proactively alerting all tenants whose cases have been dismissed before the initial hearing date that some tenants are burdened in this way.

*Little Assistance & Procedure for Mental Illness, Disability, & Illiteracy*

Throughout my fieldwork in LTB, I observed a consistent failure on the part of the court to make proceedings accessible to and supportive of individuals with mental illnesses, disabilities, or literacy concerns. The court never announced any services available to or changes in its procedures for individuals with mental illness, disabilities, or literacy concerns. Individuals with disabilities and mental illness experience homelessness and housing instability at disproportionate rates; as such, their experiences in LTB are especially important (National Health Care for the Homeless Council 2011, National Coalition for the Homeless 2009).

*Mental Illness*

The example of Monique is representative of the other instances in which I saw a tenant experiencing mental illness processed through LTB. Monique is an African American woman in her 50s who I saw over the course of two dates in court.68

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68 Fieldnotes from September 21, 2018 and October 19, 2018.
Before B-109 opens, Monique is walking up and down the hallways muttering and getting worked up and asking people questions, mostly about a lawyer. When B-109 opens at 9:00am, but before the judge arrives, she goes up to the clerk and starts asking him things. She seems a little worked up and animated. He tells her very coldly and matter-of-factly to take a seat. She is insistent, and keeps saying that her summons wasn’t served or wasn’t done so correctly. After asking her to sit down again and her not doing it again, one of the security marshals is summoned over. They ask her for her name and make note of it on the docket. The security marshal asks her to follow him outside and she does. He tells the clerk, “She’ll be outside.” During the judge’s speech before roll call, she comes back into the courtroom and sits down two or three rows in front of me. About 30 seconds later, two security marshals follow her back in, but linger by the door. The one who ushered her out originally is whispering to the other one and pointing her out to identify her. When her case is called, she says her name and “here” and starts trying to have a conversation with the judge about her case and about the fact that the summons wasn’t issued correctly. She’s speaking very loudly and it is totally disrupting the machinery of LTB. She starts to stand up, and one of the security guards has already started walking over to her to deal with the situation. At some point, the judge stops listening to her and looking at her. People around her are starting to look mad at her, pitiful of her, annoyed at her, shaking their heads, shushing her, or doing some combination of all of them. The security guard is asking her to step out. But she just sits down and remains seated. I think if this wasn’t destroying the rhythm of roll call he would try even more to get her out, but the roll call is kind of limiting his power, so she stays in her seat. At the end of roll when the first case is called, she tries to approach the judge, again speaking very loudly about the attorney she needs to see and about this whole service issue. The marshal steps in and directs her back to her seat. She
starts telling everyone around her very loudly that this marshal is rude and that someone needs to tell him to leave. Eventually, Monique wanders out of the court and into the hallway.

Almost a month later, I saw Monique in LTB again for another hearing for the same case. She had come the day before, but her case had been continued. She thought it had been continued to this day, which is why she showed up. Instead, the case had been continued until a later date. She was talking to a bunch of people in the hallway and then, when B-109 opened:

Monique entered the courtroom and went up to the rail and starting speaking pretty loudly to all of the clerks. She was saying that yesterday someone “cuffed” her, which I took to mean that a security marshal had handcuffed her to get her to leave. The clerks are trying to tell her that her case has been continued to the date in November, but she isn’t leaving and is just becoming more agitated and speaking louder and to an increasing number of people. People sitting in the courtroom are shaking their heads, but I can’t tell if their feelings are directed at the woman or the court officials and how they are treating her. One marshal gets her to go out into the hallway, but then she won’t leave the building. She’s standing by the entrance of the building, but still won’t leave. She’s surrounded immediately by two to three marshals, and they have called some additional kind of security guard—an African American woman in her 30s—who seems to fall somewhere between a marshal and a cop. Two marshals and this new security guard woman eventually escort her out, but her shouts are still audible in the courtroom.

In Monique’s case, and in other cases for which I observed a tenant who seemed to be struggling with a mental illness or concern of some kind, the court lacked the institutional expertise and procedure to accommodate individuals with mental health concerns—and to do so in such a way that desescalated tension. Because of the strong connection between and mutually reinforcing
nature of mental illness and housing instability, the court’s failure in this regard is an oversight of potentially severe consequence (Desmond and Kimbro 2015, National Health Care for the Homeless Council 2011).

**Disability**

The doorways to enter and exit B-109 and B-53 are narrow and present challenges for individuals with physical disabilities—especially those in wheelchairs—to enter them. I observed individuals in wheelchairs who could not open and enter the doors without the assistance of another person. The walkways in the courtrooms—between aisles and benches—are very narrow and not easily traversed by those in wheelchairs or those with canes or walkers. There is no designated seating area for individuals in wheelchairs or with other physical handicaps and no instructions for them on how to traverse the various spaces of LTB.

On several occasions, I spoke with or observed tenants who were legally blind. On October 26, 2018, for example, an African American woman in her 50s told the court that she was legally blind when her case was called around 11:00am for a further initial hearing. While the judge let this tenant know that she would receive assistance in filling out the form required of her, no other assistance or offer was made to help her navigate the complexities and ambiguities of LTB proceedings. That the tenant was disclosing this information during a further initial hearing seemed to mean that no assistance or support had been offered at her initial hearing.

**Illiteracy**

Some tenants I observed and spoke to also communicated concerns over literacy. In a setting in which language and procedure is already so difficult for non-attorneys to understand, the added layer of a literacy concern makes the successful navigation of LTB nearly impossible. One instance, from October 5, 2018, demonstrates the court’s failure to provide support for individuals with this concern:
One of the clerks is walking around the room in B-109 as people are sitting but before the judge has arrived, handing out consent-to-magistrate-judge forms. [This was a procedure I saw occasionally deployed by the court, presumably in an effort to expedite the completion of these forms.] After the clerk walked past me, an African American man in his 60s spoke loudly/yelled at the clerk: “I can’t spell or read, so I ain’t going to be able to do this thing [fill out the form]!” The clerk doesn’t turn around to look at the man, and, almost inaudibly, whispers, “Okay.” I can only hear it because I’m sitting so close to him; the guy who spoke up and most of the court doesn’t hear the clerk respond. So the man says again, more loudly, “You hear me?!” The clerk, this time, turns around and says, “Yes, I heard you.” He doesn’t offer any support or alternative or even acknowledgement of the concern the man raised. No one else, either, offers to help, and so the man sits down, resigned to the fact that he isn’t going to get any help.

These examples are illustrative of the ways that LTB and its procedures fail to accommodate individuals with mental illness, disability, and literacy concerns. Though I am sure many landlords suffer from these three areas as well, I observed them almost exclusively with regard to tenants. This area became yet another aspect of the court’s procedure that burdened and disadvantaged tenants and inhibited their full realization of rights.

**Lack of & Inconsistent Instructions**

From the moment one enters the building, LTB presents little and, at times, inconsistent instruction for navigating both the physical building and its proceedings. There is very little signage about where to go or who to speak with, let alone where services are located. For parties without prior experience in the court, entering LTB can be disorienting and confusing. Many, like an African American tenant in her 30s pushing her baby in a stroller in front of her as she walked
in, ask audibly, “Where do I go to check in?” Janae, a tenant I interviewed, told me, “Okay, so you go through the front door and it really does not point you to where you got to go; it don’t say with, like, a sign that’s This way is the Landlord-Tenant; you’re already embarrassed, so you don’t want to ask where to go.”

Once a party makes it into the courtroom in the morning, the instructions do not become more clear or uniform. In B-109, many tenants come to the front of the courtroom thinking they need to check in. When they see the sign-up sheet for mediation, many assume it is a sign-in sheet, but are admonished by one of the clerks to take a seat and wait for their name to be called during roll call. In the upstairs courtroom, B-53, all parties do need to sign in to have their case called. On multiple occasions I witnessed tenants wait for more than 30 minutes in B-53 because they did not know that they needed to sign in.

During roll call, some judges ask for parties to stand up when they state their name, appearance, and request, but most do not. Likewise, some judges ask for parties to just state their name alone to announce their presence during roll call (Judge Sherry Trafford); others ask parties to state their name followed by the word “here,” as in “John Doe, here” (Judge Katherine Weidmann). When parties fail to comply with the specific preferences of each judge, they risk being publicly admonished by the court. All judges say in their morning speech that legal services providers can be identified by their carrying a blue clipboard. In my entire time doing fieldwork in LTB, though, I only saw an individual carrying a blue clipboard on the first floor of LTB—where the majority of tenants sit and wait—twice.

There are a series of mundane procedures that govern behavior in LTB that are applied selectively against tenants. Cell phone use in the court is prohibited, but attorneys are constantly

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69 Fieldnotes from September 5, 2018.
70 Interview on October 1, 2018.
on their phones in the room. Food and drink, too, are prohibited—but not the coffees of attorneys. Hats must be removed in the courtroom, but only for men. Newspapers and magazines are prohibited.

Other procedural inconsistencies have more serious consequences on proceedings. Parties may call in to the court by phone to explain why they will not appear for their hearing, in hopes that the judge will take their reasoning into consideration and continue the case to a later date. I observed no apparent standard for when judges would grant these requests for continuance and when they would reject them—and I saw judges do both. 71 What did become clear was an “additive imperative” that guided these decisions (Kohler-Hausmann 2018). If a tenant called once to have a case continued, it was usually granted; if they called to have it continued on a second occasion, the court sometimes granted it but usually did not, especially if their reasoning was the same as for the first occasion; if they called to have it continued more than two times, the subsequent requests were rarely granted. In this way, leniency by the court is not doled out uniformly across judges and depends not on the validity of the reasoning, but on the frequency of it. Because so many tenants lack paid attorneys whose job it is to appear for them in court, this burden falls disproportionately on them.

Another example of procedural inconsistency comes when tenants are present but not inside B-109 during roll call. When this happens—or when a tenant is running late but has alerted their landlord or their landlord’s attorney—and the landlord or their attorney knows that they are present, the landlord or their attorney can let the court know that the tenant is present if their case is called during roll call. If the landlord or their attorney does so, the tenant avoids the court recording them as absent and, thus, the potential of a default judgment being entered. A landlord’s

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71 I observed vastly different outcomes to call requests for continuances by tenants on September 4, 2018; September 5, 2018; September 10, 2018; and September 14, 2018.
attorney doing this after the case is called often sounds like, “Edward Cardon on behalf of plaintiff; defendant has texted me that she’s on her way, is running just a few minutes late.”

When a landlord or their attorney does this it is totally on their own volition; there is nothing that compels them to do so by the court and nothing that prevents them from pretending the tenant is absent and asking for a default judgment.

These mundane and more substantive procedural inconsistencies and instructional shortcomings create an environment that, especially for unrepresented tenants, is confusing and where rights are not well articulated. Rules are often applied selectively against tenants and instructions about procedures are rarely explained in any medium. While the judges in B-109 state each morning in their announcement before roll call that parties can bring questions to clerks and judges in the court, many judges fail or refuse to answer questions. On November 11, 2018, Judge Lee Satterfield told a tenant: “Ma’am, the court does not take the time to explain the rules. I am not going to answer any more of your questions.”

**CHAPTER SUMMARY**

Taken together, these procedures of LTB and the context in which they occur foster a social and legal environment dominated by ambiguity, confusion, and a lack of clarity. Unrepresented tenants end up being most burdened by this environment and by the more direct ways that procedures of the court impede their full realization of rights. Procedures of the court consistently favor landlords and their attorneys, which exacerbates the power disparities already at play between unrepresented, low-income tenants and landlord attorneys. Even when they are aware of procedural burden and inconsistency, tenants are incentivized by opportunity costs attendant to court compliance to not raise these concerns and, instead, make it through their case as quickly as possible.

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72 Fieldnotes from September 18, 2018.
CHAPTER 2: IF I WASN’T HERE
Opportunity Costs in the Court

CHAPTER OVERVIEW
Courts are structured around what is visible: who the various parties are and how they are represented, what evidence they bring to the court, and how they abide by and navigate the procedures and expectations of the court. Popular conceptions of courts’ functioning center around known and visible actors making arguments publicly in front of an open courtroom and fellow citizens, and judges and juries adjudicating on the merits of those arguments and doling out rulings and, when applicable, punishments. The court, for its part, is expected to create a neutral and unbiased environment in which adjudication takes place—through its procedures, rules, guidelines, and personnel. As I argued in the previous chapter, though, LTB’s visible procedures and rules are not neutral; instead, they constantly burden tenants and favor landlords, especially landlord attorneys. In this chapter, I turn to a less visible aspect of what goes on in LTB and how it shapes outcomes: opportunity costs. I argue that opportunity costs associated with court compliance pressure tenants into waiving rights and resources and not appearing in court at all.

Kobie’s story illustrates one iteration of this claim. Kobie is a 39-year-old African American man who has lived in DC since 1991, when he began his undergraduate studies at Howard University. When he lost his job at Super Shuttle recently, he transitioned into independent contract work in home repairs. I met Kobie in LTB in mid-September 2018 because his landlord was facing foreclosure and had filed to have Kobie evicted.

The first time Kobie showed up in LTB for his case, he could not find the building. Since then, he had made two more appearances in court. During the most recent appearance, Kobie had to spend so long in court that he could not make it back to a padding job he had started that needed to be finished. As a result, Kobie lost out on finishing the job—and the income that would have
come with it. He told me that appearing in LTB “really backed me up financially, because that day I could have really worked…and finished the job.”

Kobie and thousands of other tenants with cases in LTB have responsibilities outside of the courtroom—like children, work, transportation, education, and family obligations—which make the necessary compliance time in LTB for a case highly costly. Because so few tenants have legal representation and so many landlords do, the stakes and costs of spending time in court are disproportionately higher for tenants than for their landlords. These responsibilities often force tenants into choosing between options that negatively impact their lives in material ways.

Throughout my fieldwork in LTB, I observed a recognition on the court’s part that compliance with proceedings creates significant opportunity costs, especially for tenants. I did not observe, however, an effort on the court’s part to minimize wasted time and tardiness before and during proceedings or to minimize concomitant opportunity costs for tenants. Instead, I found that the court is systematically late and wastes time, thereby exacerbating opportunity costs of compliance. Moreover, the court fails to give tenants information about time required to comply that would allow them to make plans and reduce opportunity costs.

While it is impossible to generalize across all tenants with regard to the impact of time spent in LTB and the opportunity costs embedded therein, I argue that these factors pressure poor, unrepresented tenants like Kobie into waiving rights and resources at their disposal or into failing to appear in court at all. Though they are not visible in LTB *per se*, opportunity costs associated with court compliance contribute to the overall structuring of LTB that inhibits tenants’ full realization of rights and disadvantages them irrespective of the merits of their case.

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73 I spoke with Kobie in court and interviewed him on September 26, 2018.
WHAT ARE OPPORTUNITY COSTS IN LTB?

One October morning, I sat in a chair towards the middle of the hallway outside of B-109 before the courtroom opened and proceedings began. It was a busy day—170 cases on the court’s docket—and the hallway was bustling with people, a bustle in full crescendo at 8:55am. Around this time, an African American woman in her 30s sat down directly across the hall from me next to a white man in his 40s, dressed semi-professionally in khakis and a red, button-down shirt. Upon sitting down and getting settled, this woman turned to the man and asked if he was a landlord; he told her that, yes, he was. She shook her head and said, “I’d be doin’ much better if I was at work. How you gonna get your rent if people ain’t at work?” The man shrugged, visibly taken aback at the question, this woman’s directness, or both. At that moment, one of the court’s clerks came out into the hallway and announced the court’s opening, and the conversation between the woman and the landlord ended.

What this woman and Kobie both identified—missing work to appear in court—is an useful example of an opportunity cost attendant to compliance in LTB and for its proceedings. Opportunity costs are the costs of a choice or action given the suite of alternative choices or actions available to an actor (Herd et al 2013). For example, one opportunity cost of my education at Georgetown University is lost wages garnered from employment had I not been enrolled as a full-time student. Within the specific context of LTB, I define opportunity costs as the responsibilities in a person’s life they would be tending to were they not in court.

Put slightly differently, opportunity costs operate as “decision-making costs” for tenants in LTB (Feeley 1979). One morning in November, I met an African American tenant in her 50s before B-109 opened and asked her some questions about her case and past experiences in LTB. When the court opened, I thanked her for chatting with me, and we took seats in different parts of

74 Fieldnotes from October 5, 2018.
75 Fieldnotes from October 5, 2018.
76 Fieldnotes from November 28, 2018.
the courtroom. As the judge was giving her morning announcements before the roll call, I stepped outside of the courtroom to use the restroom. As I left the courtroom, the tenant I had been speaking with followed behind me and answered her ringing cellphone as she exited. She put the phone to her ear, and almost immediately exclaimed, “You got arrested? Oh my god!” She hung up her phone, looked up at me, and said, “That was my boyfriend. He just got arrested!” She swayed in place, as if caught between responsibilities. If she decided to leave to try to help her boyfriend, she risked having a default judgement entered against her during roll call and, eventually, being evicted. If she decided to stay in LTB, she risked not being able to help her now-arrested boyfriend. The costs of either decision were steep. After a brief pause, she turned around and headed for the door to exit LTB.

Examples of opportunity costs for tenants—especially poor tenants—are endless, as the responsibilities of the thousands of individuals processed through LTB each year are both many in number and varied in form. Through my fieldwork and in my interviews with tenants, however, I observed patterns in how tenants spoke about opportunity costs and noticed which ones were referenced most often.

Most frequently, tenants mentioned missed time at work and childcare—and other issues related to parenting and caring for their children—in conversations about the opportunity costs of being or having a case in LTB. One African American tenant in her 30s who had had her case dismissed in roll call said, “I missed work for this?” For tenants, missing work is concerning because of their loss of wages as a result of the time they have to take off to come to court. For some, like the woman I mentioned earlier, the loss of wages relates back to missed rental payments—the reason most tenants end up in LTB. More than that, many tenants I spoke with worried about the long-term impacts of missing work; namely, the potential of getting on the wrong

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77 Fieldnotes from October 5, 2018.
side of their supervisor and being laid off. I spoke to an African American couple in their 30s in September about this very matter. The woman told me, “I took off work to make it down here today. And then he [her landlord’s attorney] called in to say he can’t come and the judge continued it. So now, I gotta miss another day of work to come deal with this shit. What am I supposed to tell my boss?” Given the amount of hearings—and thus appearances—some cases require before being settled or ruled on, this concern is well-founded.

Childcare and children are the other most frequently-cited opportunity cost attendant to complying with LTB among tenants I spoke to and observed. Previous scholarship has found that African American women with children are the most vulnerable demographic group to eviction, and my fieldwork in LTB buttresses this reality (Desmond 2012, Desmond and Gershenson 2017). In LTB, many female tenants bring their children with them to court—presumably because they could not find or afford childcare. When I first began spending time in LTB, I tried to keep track of how many children I saw each time I was there, but the task soon became impossible.

Pictured: A male tenant brings his baby with him to the stand when his case is called, while a female tenant walks with her young son down the first floor hallway.

78 Fieldnotes from September 14, 2018.
79 From October 5, 2018 and October 9, 2018, respectively.
Tenants often make assumptions about their child in the court similar to those made by an African American couple in their 20s I saw in November.\textsuperscript{80} I first saw the couple sitting in B-109 with their son, who looked to be less than three years of age and was crying. The couple kept leaving the courtroom, coming back in, and leaving again. Eventually, I headed out of the courtroom and was sitting in the hallway when the couple came out into the hallway as well. They lingered by the door, and the man kept telling the woman that they needed to return into the courtroom, “In case our case is called!” The woman shook her head and gestured to their son, saying, “We can’t go in there with him crying like that.”

This assumption—widely held though it is—is not consistent with any enshrined rule or guideline in LTB. In fact, on many occasions I witnessed tenants bring their baby or child with them to the stand when their case was called.\textsuperscript{81} On these occasions, tenants would have to expend energy comforting the baby or child and trying to prevent it from crying or speaking loudly, or making some other kind of audible sound. Whether a tenant takes the previous strategy—trying to wait in the hallway until their case is called to minimize the disturbance their child makes—or the strategy in the latter—staying in the courtroom with their child and even bringing the child up with them to the stand in front of the judge when their case is called—needing to take care of the child in some way results in the tenant wanting to spend as little time in court as is possible. The same is true when they are able to find and pay for childcare, as less time in court equates to less money spent on childcare.

Though missed time at work and childcare were the two most cited opportunity costs for tenants in LTB, they are not the only ones. Tenants, especially younger ones, mention having to

\textsuperscript{80} Fieldnotes from November 27, 2018.
\textsuperscript{81} On November 5, 2018, for example, an African American tenant in her 20s brought her crying baby up with her to the stand in B-53 in front of the judge. On September 14, 2018, a couple in their 30s—the woman white and the man Hispanic—brought their two young children up with them to the stand in B-109. On October 23, 2018 and September 15, 2018, in particular, I saw several tenants bring children up with them to the stand in front of the judge.
miss time at school to appear in court. Older tenants speak of missing appointments related to the health or public benefits. Tenants of all ages frequently have to travel long distances to appear in court, and thus face significant transportation times and costs. Finally, tenants are less able to attend or tend to family obligations when they are in LTB.

These examples illustrate the prevalence and varying forms of opportunity costs that accompany compliance in LTB and for its proceedings for tenants. These opportunity costs are, of course, not uniform across all tenants or all parties in LTB; instead, they are most prevalent among poor parties in the court.

**HOW DOES LTB’S STRUCTURE IMPACT OPPORTUNITY COSTS?**

*Disparate Temporal Stakes*

Though opportunity costs are ubiquitous in LTB, they are not spread evenly amongst all parties in the court and throughout proceedings. Because so many tenants are poor and unrepresented, the constraints and competing priorities on their time are many—they have children to take care of, jobs to work, appointments to make, family obligations to tend to, and transportation to worry about. The vast minority of tenants have legal representation during roll call and for their initial hearing—only 2.27%—and thus do not enjoy the benefit of having an attorney tend to their court compliance responsibilities and proactively inform them of what kind of time commitment to expect in LTB should they appear.

The vast majority landlords, though, do have legal representation at the preliminary stage—84.33% of them, in fact. Because they do, they have more flexibility in tending to the demands and responsibilities of their lives outside of the LTB context, as they can rely on a paid professional to show up to court and represent their interests. In this way, opportunity costs for poor, unrepresented tenants and paid, professional attorneys in the court are not equal. Tenants face the disproportionate brunt of opportunity costs in the court. What is at stake for the time tenants spend in court is quite high, while for the landlords those stakes are relatively low.
**Late & Wasted Time & LTB’s Lack of Temporal Information**

Tenants face added temporal burden and accompanying opportunity costs through the structure of the court. The court tries to group cases together such that attorneys for landlords can handle all of their assigned cases for the day at once, rather than sitting and waiting between cases. Tenants, though, have no similar control over their schedules and how and in what order their cases are called in front of the court (Bezdek 1992).

Moreover, the court systematically starts late, goes on recess, wastes time, and fails to give tenants information about the time that these actions entail—information that might allow them to plan around their time in court and reduce opportunity costs attendant to their compliance.

On average, I found that proceedings in LTB’s B-109 begin 15.37 minutes late. Once proceedings do start, the judge takes the first ten to 15 minutes to read the morning announcements, and then roll call commences and takes 26.59 minutes. Thus, on the average day in LTB, the first 9:00am initial hearing case is not called until somewhere between 9:52am and 9:57am.

![Pictured: Parties wait in line to make it through the security line at LTB’s entrance.](image)

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82 From January 11, 2019.
Tenants are not aware that, in effect, they are not required to be in the courtroom until roll call starts, at around 9:25am or 9:30am. One African American tenant in her 40s told me while we were waiting in B-109 for the judge to arrive and proceedings to begin, “Man, it’s gonna be 9 o’clock in two minutes. This kind of shit always late. I could’ve dropped my daughter off [at daycare/childcare] later.” Another tenant, an African American man in his 30s, lamented, “It’s takin’ all day with this bullshit. I ain’t never been out here this long. My [parking] meter runnin’.” Tenants are clearly frustrated with the sitting and waiting they must do in LTB and also acutely aware of the opportunity costs being accrued during this time.

Landlords’ attorneys, however, seem to anticipate the late nature of proceedings in LTB. As an observer in B-109 like any other, I would not know when the judge would arrive and proceedings would start on mornings that I was there. I began to notice that one way to tell whether or not the judge would arrive imminently was by how many landlords’ attorneys were present in the courtroom at that time. If there were none in the room, it was a relatively safe assumption that the judge was at least ten minutes away. If several were in the room, though, I expected the judge to arrive in the next five to ten minutes. Landlords’ attorneys use this extra time in the morning before proceedings begin to either show up to the court later, file motions in the clerk’s office, or work on various other tasks in their assigned room for that morning or day.

The court also frequently goes on recess, which prolongs proceedings and forces tenants to sit and wait. On some occasions, either the judge or clerk will announce the duration of the recess, or when it will end; on other occasions, though, they do not. For most recesses, the court does not communicate with tenants the reason for the recess, what they should do during the recess,

83 Fieldnotes from November 26, 2018.
84 Fieldnotes from September 29, 2018. The judge did not arrive to B-109 until 9:37am, the latest I saw a judge arrive in my entire time doing fieldwork in the court.
85 Fieldnotes from October 9, 2018, November 5, 2018, November 8, 2018 are examples of the former. Fieldnotes from October 16, 2018, November 9, 2018, and November 19, 2018 are examples of the latter.
or where they should be during the recess. I experienced recesses that ranged in their duration from
15 minutes to over an hour. Recesses can and do serve important functions, like for a judge to take
care of a personal matter, to review affidavits of service, or to preside over a hearing in another
courtroom. But from the perspective of poor, unrepresented tenants, recesses prolong their stay in
court and thereby exacerbate opportunity costs.

Other examples of wasted time that disproportionately impacts tenants and compounds
their opportunity costs abound in LTB. Tenants whose cases are being handled by a landlord
attorney assigned to one of the rooms in the mediation office have to wait in long lines to speak
with that attorney. If they come to an agreement with that attorney, they then have to wait in a line
in the hallway outside of room B-111 to get it approved and signed off on by the interview and
judgment officer, which can take anywhere from 20 minutes to an hour. Another common example
is when a case is called—for which both parties are present during roll call—in front of the judge
and the tenant is there but the landlord’s attorney is not. In these instances, the court will commonly
“pass” the case—meaning, prolong it and recall it later in the day—to allow the attorney to appear.
I spoke to an African American tenant in her 40s to whom this had just happened and she told me,
“When they called my case and I went up, the attorney ain’t even here. I could’ve been gone by
now. It’s bullshit!”

The late start of the court, its practices surrounding recesses, and other forms of wasted
time that disproportionately impact tenants act together to prolong the amount of time it takes to
process a case and, thus, the amount of time a tenant need be in the court—a reality that can be
frustrating for tenants, especially those who took off time from work, paid for childcare, or had to
miss other responsibilities. One African American tenant in her 30s captured a commonly
expressed sentiment I heard and felt during my fieldwork in LTB: “I ain’t got no big experience

86 Fieldnotes from November 20, 2018.
or nothin’ like that to share. All I got to say is that this shit take too fucking long. It get dragged out forever. That’s all I gotta say about it.”

The court recognizes this aspect of its functioning. On September 25, 2018, a 19-minute-late Judge John Campbell told the audience in B-109, “First of all, let me apologize for being late. I know your time is valuable, and so I just want to apologize for being late.” Other judges, like Judge Katherine Weidmann on October 19, 2018, tell the courtroom during their morning announcements that parties should anticipate “a lot of downtime.” But what judges also say, during that same morning announcement, is that the court cannot give parties an estimate of when their case might be called—and, by extension, how long parties will have to remain in the court in order to comply fully. A party’s best bet, the judge tells them, is to wait in the courtroom for the duration of the time before their case is called.

In its practices and communication surrounding start times, wait times, and expectations for full compliance with a case and its proceedings, LTB exacerbates existing opportunity costs that most poor, unrepresented tenants bring with them into the court. In fact, the court does so in a way that prioritizes the time of landlords’ attorneys and leaves tenants without the information necessary to make plans surrounding their employment, children, transportation, appointments, and family obligations.

**WHAT ARE THE RESULTS OF OPPORTUNITY COSTS & DISPARATE TEMPORAL STAKES?**

One morning, on my way out of LTB, I saw an African American tenant in his 60s sitting next to his landlord’s attorney, a white man in his 50s. The tone of their conversation was fairly relaxed and it was clear that the landlord’s attorney was laying out for this tenant his options for moving forward that day in court and with the case more generally. At one point, toward the end

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87 Fieldnotes from September 11, 2018.
88 Fieldnotes from October 16, 2018.
of their conversation, the attorney said, “We can either take care of this today [by reaching a settlement], or it can become a big hassle later on. You know? Keep coming back for appearances, fines, fees, whatever. There’s less hassle for you this way.”89

This proposition—to settle immediately, often waiving rights and resources along the way, or to take one’s chance trying to win a case through multiple hearings and appearances, often bearing high procedural and opportunity costs—is indicative of the way that opportunity costs and disparate temporal stakes associated with court compliance pressure tenants into waiving rights and resources and not appearing in court at all.

Previous scholarship on how indigent defendants in misdemeanor and rent courts respond to opportunity costs buttresses this point. Pretrial costs in lower misdemeanor courts are so severe that they pressure defendants into “getting [their] case over with the least possible effort” (Feeley 1979). “Complex, confusing, and time-consuming” processes rife with compliance burdens often thwart individuals from accessing their full array of legal, social, and economic rights (Herd et al. 2013). Combined with the burdensome nature of procedures presented in Chapter 1, opportunity costs borne by tenants make the proposition of settling immediately all the more appealing—even if that means waiving rights, forgoing resources, and, ultimately, increasing the risk of eviction. As one tenant put it: “I’m moving. I don’t care anymore. I’m so one with this shit.”90

To illustrate this dynamic, I now explore how tenants waive rights and resources and, in many cases, fail to even show up to court. Both illustrate the power of opportunity costs in pressuring tenants to spend the least amount of time possible in the court, almost irrespective of the means of doing so.

**Waiving Rights & Resources**

89 Fieldnotes from October 16, 2018.
90 Fieldnotes from November 20, 2018.
On October 24, 2018, I sat in B-109 and watched a case filed by an unrepresented, African American landlord in her 50s against her two African American tenants—a couple in their 30s. Throughout the proceedings, the female tenant said nothing besides stating her name for the record, while the male tenant spoke very often and in a thick accent. At issue was the landlord’s method of service of the Notice to Quit on the female tenant and the fact that the male tenant had not been served at all. Because of these issues, the judge told the landlord that she would need to refile and reserve the case—which would take at least 30 days—unless the tenants waived the service issue. Upon mentioning waiving the service issue and dealing with the case then and there, the judge turned to the tenants. The man spoke up, saying that they wanted to waive their right to have the case continued 30 days for the landlord to refile and reserve the case. The judge followed up with them: “So, you want to waive the service issue here? Are you sure?” Again, the male tenant nodded his head, yes. The judge said okay and that she would pass the case to give the sides a chance to speak and try to work things out.

Most frequently, tenants—like those in the case I just described—waive the right to have their case continued for the landlord or their attorney to address administrative and technical errors in the filing of the case and its accompanying legal documents. Most often, this materializes around an issue with the landlord’s service of the Notice to Quit or affidavit of service. In the previous example, the tenants waived a whole month’s worth of time, at minimum—time they could have spent seeking legal assistance, improving the evidence and merits of their case, making contingency plans, and, most importantly, continuing to live in their own home. It seems counterintuitive, then, that tenants so frequently waive these rights. But by examining the decision through an opportunity cost lens, waiving on the part of tenants makes more sense and even appears rational.
Tenants waive continuances for three reasons. First, they may not understand what the judge is asking them or what the continuance might entail. Second, they may feel pressure to waive out of fear that their landlord or landlord’s attorney may be annoyed or burdened by the continuance and thus be more punitive towards the tenant at future hearings. This second option is akin to what scholars and practitioners in the criminal legal field refer to as a ‘trial penalty,’ whereby prosecutors impose more severe sentences and sanctions on defendants who choose to take the case to trial rather than taking a plea deal with a lesser sentence at an earlier stage. In this example, defendants relinquish their legal right to a trial, to present evidence, and to defend themselves in a case out of fear of a more severe punishment.

Third, and what I argue occurs most frequently, tenants waive their right to have the case continued because of the pressures placed on them by opportunity costs and disparate temporal stakes. While delay or continuance can work to the benefit of defendants, it does not come cost-free (Feeley 1979). Even if a landlord or their attorney does not follow all of the correct procedures, resulting in a potential need to refile or reserve that technically favors the tenant by giving them more time, it can still prove burdensome and costly to the tenant in the short term.

Another prominent form of waiving that happens in LTB is tenants’ waiving of legal assistance and potential legal counsel. This occurs most visibly when a tenant appears in front of the judge with a signed settlement or consent judgment agreement that the tenant reached with their landlord’s attorney. In postures like these, what the tenant is doing is bringing the agreement to the judge to get it signed. The judge usually takes about five minutes to read the stipulations of the agreement back to the tenant, trying to confirm that the tenant understands what she has signed and was not coerced or pressured by the opposing party to do so. At the end of this exchange, the judge will ask the tenant if she had a chance to speak with one of the attorneys upstairs in the LTB Resource Center about the agreement. In the vast majority of cases I observed, the tenant had not
done so. The judge, in turn, will ask if the tenant would like the chance to do so before the judge signs off on the agreement. In most of the cases that I observed, the tenant also answered no to this question. When I asked one African American tenant in her 30s why she chose to forgo the opportunity to review the case with an attorney upstairs, she told me, “See, I’m not tryin’ to get no legal aid. I’m just tryin’ to leave this place.”91 Another African American tenant in her 30s near us nodded her head, "Mhm. Me too."

For poor, unrepresented tenants, many of the opportunity costs attendant to complying with and appearing in court exist whether or not the landlord’s case against them is meritorious. It is thus understandable that so many tenants in LTB waive rights, relinquish resources, and settle immediately—even if the details of their case may have led to it being dismissed. Opportunity costs are central to understanding why tenants waive rights and resources. Poor, unrepresented tenants have high-stakes responsibilities outside the LTB context—work, children, health appointments, family obligations, and transportation costs—that push them to spend as little time as possible in LTB dealing with their case. In turn, they make decisions in LTB about their cases with that impetus—reducing compliance time—as a, if not the, driving force. In doing so, tenants settle in cases and forgo additional time and the possibility of having a case dismissed on its merits.

**Failing to Appear in Court**

Another way that the pressure of opportunity costs materializes is in the appearance and nonappearance rates of tenants. On average, I find that only 25.4% of tenants show up at roll call. By contrast, 89.72% of landlords show up or have legal representation in their stead at this same stage. When tenants fail to appear and do not have legal representation, they risk missing crucial information the court provides, having a default judgment entered against them, and, ultimately, being evicted more quickly and with more ease on the landlord’s part.

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91 Fieldnotes from November 27, 2018.
Tenants may fail to appear in LTB for two principle reasons. First, they may not realize that their case was scheduled for a particular date and time, either because they were improperly served or because they made a scheduling error. A second explanation, though, is more supported by previous scholarship. Tenants fail to appear because they are unable to—given other responsibilities—or because they do not see appearing as “worth it” (Desmond 2012, Desmond 2016). This second explanation is predicated both on a sense of inevitability—a tenant feeling like they will have an eviction judgment entered against them regardless of the action they take—and a calculation of risk and reward. The latter predicate suggests that tenants make rational and calculated decisions about the fruits appearing might bear and the costs—and opportunity costs—it might entail.

That so few tenants even appear in court suggests that, at least to some extent, opportunity costs attendant to LTB compliance structure tenants’ decision-making process before they even come to court—if they come at all. In a theoretical scenario in which poor, unrepresented tenants did not have competing, high-stakes responsibilities—in which opportunity costs were nonexistent—appearing in court, even on a miniscule chance of preventing an eviction, would be worth it. Tenants’ failure-to-appear rate, then, supports the notion that opportunity costs pressure tenants in LTB in significant ways.

**CHAPTER SUMMARY**

Opportunity costs associated with court compliance pressure tenants into waiving rights and resources and failing to appear in court. Opportunity costs can include missed time at work, childcare, missed education, missed appointments, transportation time and costs, and missed family obligations. Taken together, and because so few tenants have legal representation and so many landlords do, the stakes and costs of spending time in court are disproportionately higher for tenants than for their landlords.
During my fieldwork in LTB, I observed a recognition on the court’s part that compliance with proceedings creates significant opportunity costs, especially for tenants. I also observed, however, a failure on the court’s part to minimize wasted time and tardiness before and during proceedings or to minimize concomitant opportunity costs for tenants. Instead, I found that the court is systematically late and wastes time, thereby heightening opportunity costs of compliance for tenants. The court fails to give tenants information about time required to comply that would allow for them to make plans and reduce opportunity costs. These factors pressure poor, unrepresented tenants into waiving rights and resources at their disposal, or even into not showing up in court at all. Opportunity costs associated with court compliance contribute to the overall structuring of LTB that inhibits tenants’ full realization of rights and disadvantages them irrespective of the merits or claims of their case. Without the proximity to the court that landlords have through their attorneys, tenants are left unable to mitigate the high opportunity costs attendant to their compliance in court.
CHAPTER 3: THEY DON’T SEE US
Proximity and Visibility in the Court

CHAPTER OVERVIEW

As I have argued in the previous chapters, LTB is not a neutral environment in which neutral arbitration takes place and is predicated on neutral processes. Instead, it is structured in such a way that tenants cannot fully realize their rights and, thus, in a way that disadvantages tenants irrespective of the merits or claims of their case. Procedures of the court—at best—are confusing and difficult to follow for indigent parties without legal counsel and—at worst—burden tenants and exacerbate existing power disparities between unrepresented tenants and landlords’ attorneys. Opportunity costs attendant to court compliance make time spent in LTB disproportionately costly for tenants, and pressure them into waving rights and resources and failing to appear in court.

But even absent these important influences within LTB, a more fundamental aspect of the social organization of the court’s actors and their relations powerfully shapes parties’ ability to access rights: proximity to the court.

Marie’s insights demonstrate some of the difficulties that arise for tenants because they lack proximity to the court and its staff. A 28-year-old African American woman, Marie lives in an apartment building in the northeastern part of DC and works for her landlord as a quasi-building manager.\(^{92}\) Marie oversees repairs and complaints from tenants in the building and is also responsible for ensuring that they show up in court when the landlord files an eviction against them. She told me that her landlord is too busy and has trouble relating to his tenants in a way that compels them to show up in court, but that she—as a resident of the building—is able to cajole

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\(^{92}\) Feeley (1979) describes how individuals in lower courts often play multiple roles at once when they enter the court.
them into coming. Because of her unique role as both a tenant and an employee of a landlord who frequently files cases in LTB, Marie knew LTB inside and out.

Because they have little experience in the court and are unfamiliar with its staff, most tenants, according to Marie, “show up with their mouths,” meaning they show up pro se with their own narrative of the conflict. Marie said that this is not adequate to the court, which requires that “you show up with your papers”—documents and evidence that will buttress an account of events. As a result of these dynamics, Marie told me that, “for people like us”—low-income, African American tenants—the court “don’t see us.”

Implicit in the American model of jurisprudence is an assumption that individual plaintiffs and defendants—people like Marie and the other tenants in her building—appear in court on an equal footing. One party may have advantages against the other in terms of the merits of their claim or defense and the evidence behind it, but no advantages exist or emerge independent of these merits and evidence. No advantage is conferred, in other words, purely on the basis of who the party is or represents.

In LTB, however, the proximity of landlords’ attorneys to the court and its staff creates an underlying deferral to the interests of landlords. In this sense, landlords—through their attorneys—benefit from “relational advantages” with the court, advantages that are by definition denied to unrepresented tenants (Bezdek 1992). In slightly different terms, I argue that landlords’ attorneys are more visible to the court than are tenants—the phenomenon articulated by Marie. This disparity in visibility is predicated both on the difference in sheer number of landlords’ attorneys and tenants—the latter outnumbering the former many times over—and the difference in social position of the two groups.

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93 I met Marie in LTB in mid-October and interviewed her on October 19, 2018.
94 Bezdek (1992) notes that judges expect tenants to be able to state and prove their claims and defenses with documentation.
Proximity, visibility, and the advantages conferred by each are not experienced to the same degree and in the same way across all landlords in the court. Unrepresented landlords, especially those whose social identities are marginalized, are disadvantaged relative to their represented landlord counterparts in proceedings. Large landlords or property management companies, particularly those who regularly file cases against tenants in LTB, experience increased proximity to the court compared to smaller or individual landlords. Because so many landlords and so few tenants are represented, though, the overall environment of the court defers to landlords because of the proximity of their attorneys to and with the court.

Proximity and visibility to the court and its staff—paired with previous experience with and expertise in the functioning of LTB—allows landlords’ attorneys to shape rules and procedures, gain advantages in scheduling, have a clear sense of expectations of the court, and, through the network of other landlords’ attorneys, create a safety net that lowers the stakes for mistakes. These advantages, in turn, create an underlying environment in the court that defers to landlords and disadvantages unrepresented tenants before they even step into the building. This deferral was summed up concisely by Judge Joan Zeldon, who said, “My judicial philosophy is clear: I try to get the landlord the rent.”

WHAT IS PROXIMITY IN LTB & HOW DOES IT DEVELOP?
Proximity in LTB, as I define it, is the relative familiarity of a court actor—or set of actors—with the court’s procedures and its staff. Proximity confers a set of advantages, both logistical and substantive, to those who experience it. Over time and across all actors in the court, proximity shapes the underlying environment of the court and to whom the court differs.

Proximity in LTB is experienced by and advantages landlord attorneys and develops around two principle realities of the court. First, the few attorneys who represent the vast majority

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95 Fieldnotes from November 28, 2018.
of landlords’ cases in the court stick out and become more visible to the court’s staff compared to thousands of individual tenants who show up to court to represent themselves. Second, tenants come from socially subordinated groups and lack social power, rendering them less visible to the court as individuals with individual needs and concerns.

**Few Attorneys Represent the Vast Majority of Landlords’ Cases**

My original analysis of the court’s administrative data shows that ten rental companies accounted for almost 47% of all evictions filed in LTB in 2018. Five of those rental companies—William C. Smith & Company, The Barac Company, Edgewood Management Corporation, Borger Management, Inc., and Residential One, LLC—accounted for 37.05% of total evictions filed in LTB in 2018. These companies take up a vastly disproportionate share of the court’s time and energy and, as a result, experience particular visibility in and proximity with the court.

On the average day in LTB the docket contains 148.02 cases—for which landlords have legal representation 84.33% of the time. Attorneys thus represent landlords in an average of 124.83 cases on the typical day. Despite this large number of cases filed in the court and for which landlords obtain legal representation, landlords with legal representation are actually represented by a small number of attorneys—an average of 8.82 per day.

While this number—8.82—is an accurate representation of the average total number of attorneys who represent landlords in cases on a daily basis in LTB, it includes attorneys who have just one or two cases on the day. I found that, on average, two to four attorneys of the 8.82 have less than two cases. In this sense, the 8.82 figure underestimates the share of cases that each attorney representing landlords has on the day. It is fairly common, in fact, for one or two attorneys to represent every landlord with an initial hearing on the day’s docket.⁹⁶

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⁹⁶ On October 5, 2018, for example, Ryan Patino represented every single landlord who had representation for an initial hearing.
In short, a very small number of landlords file almost half of all cases in LTB and a very small number of attorneys represent the vast majority of these cases. Though it took months of fieldwork to reliably support this claim empirically, it was clear from the first couple weeks of my fieldwork that this was the case. I began to see the same attorneys in the court day after day and week after week, and came to know some of them through conversations and all of them by face. The 8.82 attorneys are not the same 8.82 attorneys every day, but instead rotate from a main caste of about 15 attorneys: Joanne Sgro, Brian Dorwin, Gwendolyn Holdgreiwe, Wilton Nedd II, Lisa Dessel, Aaron Sokolow, Ryan Patino, Mark Raddatz, Edward Pugh, Jennifer Friend-Kelly, Jillian Lewis, Gary Wright, Rich Ann, Emilie Fairbanks, and Annie Goodson. Despite what the “L” in LTB’s name connotes, in reality the functional opposing unit of analysis to a tenant in the court is one of these landlord attorneys, not a landlord.

Because they are so small in number, each of these attorneys is known by and knows the court’s staff—judges, clerks, administrative support, and security marshals. They greet each other on a first name basis, exchange pleasantries and fist bumps, and ask about each other’s personal lives. Landlord attorneys know which staff have which positions in the court; they know which rooms to go to, which windows of rooms to go to, and which clerks in which rooms to go to for different kinds of filings and questions; they know what to expect, and when; they know the language of the court and how to translate their clients’ concerns into that language; and they know the procedures of the court. These attorneys have “specialization, experience, and familiarity with procedure and personnel” of the court (Bezdek 1992). Likewise, the court knows which attorneys represent which landlords; it knows which attorneys come or are supposed to come to court on certain days of the week and times of the day; it knows where to find or how to reach these attorneys; and it knows and recognizes the faces of these attorneys.
By contrast, the vast majority of tenants—97.73% of them—are not represented and come before the court as hundreds of individuals—if they show up at all—rather than hundreds of individuals represented by 8.82 individual attorneys. Even if it wanted to, the court is unable to recognize and establish a rapport with tenants in the same way it does with landlord attorneys. Rather than developing real relationships with the court’s staff, tenants encounter the court and its staff in a way characterized by “superficial, instrumentally-oriented interchanges” (Rubin 2012). Because of their sheer number, tenants are unable to access the proximity to the court garnered by landlord attorneys. LTB—mainly through its staff and procedures—thus conveys a “differential regard” among the actors (Bezdek 1992).

**Tenants’ Social Subordination & Lack of Visibility in the Court**

The lack of proximity that tenants experience with the court is not just a function of the logistics of how many actors of what kind are funneled through the court. Tenants’ lack of proximity is an “instructional function” of the court—a feature that is both predicated on and reinforcing of tenants’ socially subordinated position in society writ large (Bezdek 1992).

Rent courts in general—and LTB in particular—are founded on the belief that the individual is the proper unit of analysis, a belief sometimes referred to as the “ideology of participatory election” (Bezdek 1992). Landlord attorneys—and, by extension, the majority of landlords—are indeed recognized and treated by the court as individuals. This recognition by the court allows them to shape rules and procedures, gain advantages in scheduling, have a clear sense of expectations of the court, and, through the network of other landlords’ attorneys, create a safety net that lowers the stakes for mistakes. Tenants, though, are not legible to the court as individuals. This is the case in part because of their sheer number, but it is also driven by the fact that tenants stand before the court “shadowed by thousands who have preceded them, by the judge’s culturally
rooted premises and behaviors signaling they are out of place, and by their membership in various
groups” (Bezdek 1992).

Because they come overwhelmingly from majority African American, high-poverty, low-
income, highly rent-burdened neighborhoods in the eastern part of DC, tenants experience social
powerlessness—both within and outside of LTB. As a result, they lack bridging bonds with the
court and its staff (Briggs 1998; Curley 2009). They also lack knowledge about procedures,
language, and roles in the court. For these reasons, tenants are not legible to the court as individuals
and they lack the visibility that landlord attorneys experience in the eyes of the court due to their
number, social status, and mastery of the contours of the court. Instead, tenants are understood by
the court as part of a larger group, one that lacks the social power to combat stereotypes and make
up for a dearth of knowledge about the court’s functioning.

Akin to relational organization in other large, complex bureaucracies, the “status
differences” between tenants, landlord attorneys, and the court’s staff create hierarchy which
makes access to the court’s more senior staff—clerks and judges—more difficult for tenants
(Rubin 2012). Tenants have fewer opportunities to interface with these members of the court and
are less able to raise concerns over procedures or scheduling. Even when they are able to interact
with clerks and judges in the court, the court wields discretion to respond to or ignore a concern.97
Incentives of both hassle minimization and placating individuals and parties of higher status make
court discretion operationalized in a way that ignores tenant-raised concerns and responds to
landlord attorney-raised ones (Herd et al. 2013, Rubin 2012).

In misdemeanor criminal courts, the seriousness with which a case is handled by the court
and how responsive it is to parties’ concerns is a function of the severity of the case—that is, by

97 Bezdek (1992) calls this dynamic, when tenants speak or voice a concern that is not heard by or legible to the court,
“powerless speech.”
the crime itself and the potential sentencing (Feeley 1979). In LTB, the seriousness with which a case is handled and parties’ concerns are responded to is not a function of the severity of the alleged infraction or potential punishment, as so many cases are so similar—failure to pay rent the former and eviction the latter. Instead, proximity to the court shapes how seriously the court takes concerns of parties in the case and how much care, time, and resources it devotes to those concerns and to the case in general. Because of disparate access to proximity experienced between tenants and landlord attorneys, an underlying deferral to the interests of landlords emerges in the court that shapes proceedings and outcomes.

**HOW DOES PROXIMITY IN LTB IMPACT PROCEEDINGS & OUTCOMES?**

While proximity manifests through landlord attorneys skipping the whole security line—just giving the security marshals a fist bump—it more substantively confers a set of advantages to landlord attorneys and, by extension, landlords. Landlord attorneys’ proximity allows for judicial nudges, which inflate the number of default judgements entered against tenants during roll call; scheduling flexibility, which dulls the effects of opportunity costs and allows for planning; a safety net among landlord attorneys, which lowers the stakes of mistakes they make; and disadvantage levied against individual, unrepresented landlords unfamiliar with the court’s staff and procedures. These factors create an environment of underlying deferral to landlords through their attorneys’ proximity to LTB.

*Judicial Nudges*

On September 5, 2018 the clerk called the first case of roll call and no one responded. I expected him to pause briefly and then say something to the effect of, “Neither party present, case dismissed for want of prosecution under Rule 11…” Instead, though, he paused and kept pausing. I tilted forward in my seat and began counting in my head. Three seconds, four seconds, five

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98 Fieldnotes from September 29, 2018, for example.
seconds, six seconds. After seven or eight seconds, the clerk turned around—his back now to the courtroom—and started whispering something to the judge. The judge, frowning, whispered something back. The clerk responded, shrugging. At that moment, the front door of B-109 opened, and an Asian attorney in his 30s walked into the room—an attorney I later came to know as Rich Ann. Though the clerk was still looking away from the audience and at the judge, a couple of attorneys sitting behind me began motioning to this Asian attorney. Eventually, the clerk turned around, saw Ann, and said to him, “Mr. Ann, one of your cases was just up.” Ann continued walking calmly down the aisle of the court and responded, “I’m sorry about that. Just give me one second—I’m here.” The clerk waited for him to sit down, get his papers out. At this point, almost two minutes had passed—an eternity in LTB roll call time. The clerk called the case again. Ann stated his name and who he was representing, and asked for a default judgement to be entered against the tenant. The default was granted, and the judge called the next case, which was Ann’s—as were the next 23.

This kind of exchange is an example of what I refer to as a *judicial nudge* in LTB. Nudges are perhaps the most facially blatant form of disadvantage levied against tenants in the court and are predicated directly on landlord attorneys’ proximity to the court. Nudges are both symptomatic of an underlying deferral to landlords and their attorneys and reinforcing of it. Nudges can occur during any stage of a case’s proceedings, but most significantly occur during roll call. Nudges are comprised of the court—usually through the clerk—preemptively alerting a landlord or their attorney that a case is theirs when that landlord or attorney had failed to notice so; entering an appearance for a landlord or their attorney when that landlord or attorney had not stated their presence, either because they are not in the room or are not paying attention; going back to a previously called case after realizing the landlord or their attorney was present or wished to make a different request; or stopping proceedings to assist a landlord or their attorney in getting more
information about a case that would decide what kind of request the landlord or their attorney
would make. During roll call, I observed an average of 8.79 nudges per day.

Nudges depend on the attorney to whom the case belongs. Joanne Sgro, for example,
consistently is nudged or asks for nudges more than any other attorney I have observed. On one
day, I observed her be nudged or ask for nudges for 23 cases, almost all consecutively.99

The most blatant nudges occur when the court enters an appearance for an landlord on a
case for which no landlord or attorney has stated their appearance verbally—either because they
are physically not in the room or because they are in the room but are not paying attention. On
November 27, 2018, the clerk called three cases during roll call for which no one responded and
the plaintiff was Edgewood Management. Ed Pew, one of the attorneys who frequently represents
Edgewood Management in B-109, had stepped out of the room and had not returned. For each of
the three cases, the clerk said, “Plaintiff present” instead of “No parties present, case dismissed for
want of prosecution under Rule 11,” since Pew had not responded. On the first case for which this
happened, the judge asked the clerk, a little bit away from the microphone, “Who called for that?”
The clerk responded, “That’s Mr. Pew’s case.” The judge nodded.

Nudges are a procedure of and made by the court for landlords and their attorneys, not for
tenants. Nudges are predicated on the court’s familiarity with and proximity to the few attorneys
who represent the vast majority of landlords with cases in LTB. Even if the court wanted to, it
could not nudge tenants because the court does not know who tenants for individual cases are and
what they look like at the roll call stage. If a tenant did not hear their case called—either because
they were not paying attention or did not have the case number on-hand—and they failed to state
their name and appearance to the court, the court would not wait for up to two minutes for them to

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99 Fieldnotes from January 9, 2019.
realize, or call out to them by name, asking them if the case was theirs and whether they were present. Instead, the clerk would move on and a default would be entered against the tenant.

The brazen and obvious manner in which nudges happen makes them noticeable to tenants. Oftentimes, the clerk cuts off a tenant who is stating their name and appearance to nudge an attorney or an attorney jokes with the clerk and judge about how they need a second to get organized. Attorneys often ask for a nudge with a laugh from the very back of the courtroom and audible to the whole audience. When I asked one African American tenant in her 30s about nudges, she said, “They [the court] don’t give us [tenants] that favor.”

Even if a tenant does not notice or care, nudges are a direct violation of one of the most critical procedures laid out by the court: If a party is not present during roll call, they cannot make a request—either to have the case dismissed or a default entered. Nudges, almost nine times a day, have serious implications on cases, consistently favoring the landlord and their attorney over the tenant. Nudges hold tenants and landlords to different standards—inflating the number of defaults, while deflating the number of dismissals entered during roll call.

**Scheduling**

Landlord attorneys’ proximity with the court also allows them to organize their cases such that they experience reduced wait times and opportunity costs. As I argued in Chapter 2, landlords attorneys face far fewer opportunity costs attendant to appearing in the court and, as a result, they are not pressured into making sacrifices in cases in the name of reducing opportunity costs like tenants are. Even so, because of their proximity to the court, landlord attorneys are further able to reduce wasted time in the court and opportunity costs through scheduling advantages.

The court generally calls initial hearings in the order in which they know attorneys for the landlords in the cases will be available. If they know an attorney is in the hall speaking with another

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100 Fieldnotes from October 16, 2018.
tenant, in mediation, or in a room in B-113 trying to reach settlements with tenants, the court will not call the cases for that attorney, even if the tenant is present and ready—or has been waiting for the case to be called. For bell hearings, *ex parte* proof hearings, and trials, the court will organize cases such that all of one attorney’s cases are called at the same time, rather than calling them in the order of case numbers or when tenants arrive.

The court also takes informal requests from landlord attorneys to change the order of cases being called because of scheduling conflicts the attorney has. On September 28, 2018, Rich Ann motioned over to one of the clerks before the judge had arrived in B-109. The clerk came over to where Ann was seated, towards the back of the right aisle of benches. Ann explained to the clerk that he needed to leave by noon, as he had an appointment at 12:30pm that he had been trying to schedule for months and could not miss. After 45 seconds of Ann explaining the situation to the clerk, the clerk eventually responded, saying, “Okay, I’ll start with you first.” The clerk was saying to Ann, in other words, *Okay, I understand. I will call your cases first so you can be out of here by noon.*

As it turned out, many of the cases on the docket for that morning’s roll call had notes attached to them indicating technical issues with how the cases had been filed. At the end of roll call, the judge explained that of these cases with notes attached, the vast majority were cases of Ann’s and the technical issue was that the affidavit of service had not been signed properly by the process server. She then explained that, rather than calling each case individually to deal with the note—the correct protocol for processing cases in LTB—the court would call all of the cases at the same time. She asked that the tenant for each case come up to the stand as their name was called and said that the cases would be dealt with all at once by Ann. The clerk called each one of

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101 Refer to my earlier Background chapter for a more detailed account of the procedure surrounding cases with notes attached.
the cases—there were 34—and six tenants came up to the front of the room as Ann called his name from behind the plaintiff’s desk for each case. Once they had been called, Ann requested that all 34 cases be passed to give him some time to call his process server. After that, he told the judge, he would like the cases to be recalled together again and he would make the same request for all of the cases. The judge, without looking to the tenants standing before her, granted the request.

This example illustrates the way that Ann’s proximity with the court allowed him to make an informal request—which was granted—to change court proceedings to better fit his schedule. Not only that, but it illustrates the lengths that the court went to grant his request: Never before or after did I see cases be called in front of the court in bulk.

While the example is just that—one example—I regularly saw landlord attorneys make these kind of requests to the court’s clerks before roll call began, during recesses, or between cases. It represents, too, an underlying deferral to landlord attorneys that is commonly expressed aloud by judges in the court. Many judges express throughout the course of proceedings something similar to what a white, male judge in his 60s expressed in B-53 on December 4, 2018. In response
to a landlord attorney asking if he could be excused for a couple minutes before his next case was called, the judge said, “Do what you need to do…You just tell us what to call, we’ll check to see if it’s on our docket, and then we’ll call the case.”

Deferral to the schedule and interests of the landlord attorney at hand is only possible given the proximity landlord attorneys have with the court individually and collectively. Landlord attorneys do not dictate proceedings per se, but they often have an outsized say in altering proceedings as they see fit. Tenants, on the other hand, are unable to influence proceedings and scheduling in this way. That tenants are not able to do so is a function of the fact that they do not interact with the court’s staff on a daily basis and thus do not have an established rapport with clerks and judges that would allow them to make informal requests. As a result, their requests to continue cases or their reasons for not appearing for a hearing are often rejected by the court without any discussion or follow-up. Proximity elevates the interests of landlord attorneys in the scheduling of and procedures surrounding cases.

*Safety Net*

The social network of landlord attorneys in LTB and their individual and collective proximity to the court creates a social safety net which lessens the impact of a mistake made by an individual landlord attorney. When a landlord attorney is running late or is not able to show up in court for any reason, any of the other attorneys in the court on that day can fill in for the late or missing colleague—if they know the colleague and are willing. I often saw landlord attorneys duck into the hallway outside B-109 to make a phone call to a colleague who was supposed to be but not in the courtroom to deal with a case.

Attorneys can and frequently do temporarily take on a case in the place of a missing colleague to ensure that the case is not dismissed or improperly handled because of the absence. On September 11, 2018, the clerk was about midway through calling cases in roll call when he
called a case for William C. Smith & Company for which no one responded. He waited a second, and then another second. As he scanned his eyes down the aisles, he asked to the whole audience, “Ms. Sgro? This is your case. Are you here?” Sgro was not in the courtroom at the time. Lisa Dessel, another landlord attorney, looked up and noticed that Sgro was not in the courtroom. She raised her hand and told the clerk, “Joanne stepped out. I can take the case.” The clerk nodded. Dessel said, “Lisa Dessel, for Joanne Sgro, for the plaintiff.” The clerk nodded again and said, “Plaintiff present.” The tenant was absent, so Dessel asked for a default—which the clerk granted and entered.

This exchange, which happens regularly in LTB, is predicated on proximity between the two attorneys and between the attorneys and the court’s clerk. Dessel had to know Sgro, recognize she was not in B-109, and feel comfortable enough to take the initiative to cover the case for Sgro. Dessel also demonstrated a proximity to the court and to the court’s clerk to interrupt him during the roll call and insert herself into the case. The clerk, meanwhile, had to be familiar enough with William C. Smith & Company and with Sgro to know that she represents the company and was not present when he called the case. The clerk also had to be familiar enough with Dessel to recognize her and to know that she and Sgro knew one another. Had that not been the case, he likely would not have allowed her to cover for Sgro.

I do not know why Sgro was not in the court at that moment. In terms of her handling of the case, though, not being in B-109 when the case was called was certainly a mistake. Had Dessel not covered for her, the case would have been dismissed. But because Dessel did cover for her, not only was the case not dismissed, but a default was entered against the tenant. This sequence of events, then, elucidates how the proximity between landlord attorneys and the court—and between attorneys—lessens the impact of mistakes made by individual landlord attorneys.
The safety net also minimizes the effects of an individual landlord attorney not knowing a piece of information, an answer to a question, or the best way to handle a particular procedure, as they can draw on the network and bank of knowledge from their colleagues in the court. The court often disseminates information informally to individual landlord attorneys, who in turn share the information with their colleagues. Landlord attorneys often consult with one another in the hallways of the court about how to deal with a particular case in the way most likely to illicit a desirable response from the court. This kind of advice-giving and mentoring relies on a familiarity and proximity with the court’s procedures, staff, language, and precedent on the part of landlord attorneys.  

![Pictured: A landlord attorney advises another on his case in courtroom B-53.](image)

While tenants could, in theory, share information with one another in a similar fashion, collectively they do not have the proximity with the court that would make such an enterprise fruitful. Most tenants do not know which court staff serve which functions, what kinds of procedures dominate proceedings at which times, and what kind of language is most useful in the

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102 Fieldnotes from September 14, 2018, October 17, 2018, and November 9, 2018.
103 From November 9, 2018.
court. Even if they did, though, they do not have enough proximity with each other to communicate systematically and share information. I never once saw, for example, a tenant cover for another tenant who was not in B-109 during roll call or when a case was called to prevent their peer from having a default entered against them—and why would they? Unlike landlord attorneys, who see each other daily or every second or third day, there lack incentives for tenants to share information and cover for one another. Akin to the other ways in which proximity shapes LTB, the safety net is largely unavailable to tenants and secures the interests of landlord attorneys and their clients.

**Disadvantages for Individual Landlords without Representation**

Not only is proximity to the court and the advantages it confers accessible to different degrees among landlord attorneys and tenants, but it is accessible to different degrees among landlord attorneys and landlords themselves. Landlords in 15.67% of cases do not have legal representation at the initial hearing stage of their case and come to the court by themselves. A small portion of this 15.67% are single landlords who own multiple properties and regularly file cases in the court, often with the help of an office assistant. Dean Smothers, for example, is a landlord who files cases in LTB regularly each month and, alongside his assistant, shows up to LTB knowing the court’s staff, its procedures, and the language to employ. He recognizes the court’s clerks and judges and they recognize him.

The rest of the group, though, largely has little or no prior experience in the court. They lack the proximity to the court that would allow them access to the advantages it confers. Unrepresented, single landlords in the court are often African American and come from middle class backgrounds and neighborhoods. Some speak in very thick accents. Because they lack proximity to the court, unrepresented landlords lack the knowledge of informal expectations of the court—of what to wear or how to translate their complaints about a tenant into an appropriate form or filing.
Unrepresented landlords’ lack of proximity to the court’s staff and procedures manifests during roll call. Without prior experience in LTB, the order in which an unrepresented landlord’s case is called in roll call or, more accurately, the place in the order in which their cases is called during roll call can dictate if or to what extent they know what to do or for what to ask. If their case is called during the beginning part of roll call, they often miss out on opportunities to seek default judgements because they do not understand the court’s language. On November 26, 2018, the clerk called the first case in roll call for which an unrepresented, African American man in his 50s responded as the plaintiff. No tenant responded as the defendant. The clerk asked him what his request was for the case. The man seemed confused, hesitated for a couple of seconds, and then responded, “My request?...To have the tenant pay rent….” The clerk nodded and said that the case would be called at the conclusion of roll call. Though he could have asked for a default that would have been granted—because the tenant was not there—this landlord lacked knowledge of the court’s processes and language that proximity helps parties generate.104

Individual landlords without representation, then, also experience the disadvantages that arise from lacking proximity to the court’s staff and procedures in LTB. While their status as landlords makes them more visible to the court than are tenants, they lack relationships with the court’s staff and with one another that landlord attorneys benefit from. They often lack prior experience in the court and have little or no knowledge about who the court’s staff are, what procedures are important and how to follow them, of whom to ask questions, what kinds of language to use, what to wear, and what time to show up. As a result, they miss out on opportunities to benefit from procedures in the court and experience greater opportunity costs attendant to court compliance compared to their peers with attorneys.

104 On another occasion, this one from November 19, 2018, the clerk was reading the roll call very quickly and got to a case for which an African American, female landlord in her 70s responded and no tenant did. The clerk asked this woman what her request was. She seemed confused, hesitating for six or seven seconds. As she was about to respond, the clerk cut her off, saying, “Case will be called at the conclusion of roll call.”
CHAPTER SUMMARY

Social organization within LTB plays a crucial role in what goes on in the court and the advantages or disadvantages experienced by different parties of cases. Proximity—the relative familiarity of a court actor or set of actors with the court’s procedures and its staff—ensures that the interests of landlords—through their attorneys—are privileged. Landlord attorneys are few in number and of a social group with access to fiscal, temporal, and cultural resources. Tenants are unable to develop proximity to or visibility within the court, because they are so large a group in number and come from socially subordinated groups that lack bridging bonds to the court’s staff. Proximity allows landlord attorneys to shape procedures through nudging, influence the schedule of the court and its docket, and create a safety net that lessens the impact of mistakes. These forces create an underlying environment in LTB in which the court defers to the interests of landlords. Kobe, a tenant I interviewed, told me the judge is his case “was not neutral” and “accepted what [his landlord’s attorney] said without any proof.” To him, though, the structures of the court made this deferral unsurprising: “The judge is going to lean toward a [plaintiff] attorney just as if you're in a traffic court, [where] the judge is always gonna lean toward the cop. You got a multimillion-dollar corporation suing a tenant, you know, who has the resources to come to court, again and again. So the judge is gonna actually listen to that attorney because he is part of the establishment.” Kobe’s framing of the LTB environment captures well the notion that landlords—through their attorneys—benefit in significant ways from the proximity that comes from being in the “establishment.”

105 Interview from September 26, 2018.
CONCLUSION

RESEARCH SUMMARY & FINDINGS

Through my ethnographic fieldwork in court, interviews with tenants, analysis of the court’s administrative records, and review of salient case law and legislation, I was able to collect significant data about LTB, its structures, and the various ways those structures impact what goes on, who is affected, and how. Based on the research and data collected as a result of it, I argue that LTB is structured in such a way that prevents tenants from fully realizing their rights and, thus, in a way that disadvantages tenants irrespective of the merits or claims of their case. After providing background information LTB and my research methods, I substantiated this claim through three arguments.

In Chapter 1, I argued that the procedures of LTB are not neutral; instead, they constantly burden tenants and favor landlords and, especially, landlord attorneys. I showed how unmonitored conversations between parties, roll call dismissals, little assistance for parties experiencing mental health or disability concerns, and a dearth of and inconsistent instructions in LTB operate collectively as a set of procedures to disadvantage and burden tenants and impair their full realization of rights.

Opportunity costs associated with court compliance, the subject of Chapter 2, pressure tenants into waiving rights and resources and failing to appear in court. I outlined some of these opportunity—or decision—costs: missed work, travel time and costs, paying for childcare, missing school, taking care of family, or missing appointments. In turn, I demonstrated how their disproportionate impact on tenants creates disparate temporal stakes in the court. And, because of late and wasted time and a lack of information about temporal expectations, I noted how tenants often waive rights and resources or do not show up to court at all.

Finally, the proximity of landlord attorney’s to the court and its staff creates an underlying deferral to the interests of landlords. In Chapter 3, I showed how proximity is often correlated with
visibility in LTB. As such, it is predicated on and fostered through the difference in number of landlord attorneys and tenants and their relative social locations. I argued that proximity impacts the outcomes of cases by allowing landlords’ attorneys to shape rules and procedures, gain advantages in scheduling, have a clear sense of expectations of the court, and, through the network of other landlords’ attorneys, create a safety net that lowers the stakes for mistakes. Taken together, these advantages create an underlying environment in the court that defers to landlords and disadvantages unrepresented tenants before they even step into the building.

WHAT ARE THE IMPLICATIONS OF THIS RESEARCH?

LTB Makes Tenants More Vulnerable to Eviction

One of the most important implications of my research in LTB is also one of the simplest and most troubling: The structure and processes of LTB make tenants more vulnerable to eviction. Tenants are unaware of many of their rights and the resources available to them. The vast majority lack legal representation and face landlords with it. They enter and leave the court confused by its layout and procedures. They are forced to choose between court compliance and taking care of important responsibilities in their lives that revolve around children, family, work, education, and health. And, in many cases, they lack the language and proximity with the court and its staff to communicate these challenges.

Tenants who show up to LTB leave facing additional challenges and obstacles to remaining in their homes. Caught up in the already draining and precarious eviction process, tenants are made only more vulnerable to eviction as a result of their experience in LTB and its constitutive structure and processes.

LTB’s Primary Enterprise Has Become Speedy Processing & Molding “Good Tenants”

Rather than providing neutral conditions of arbitration in which parties can make arguments and present evidence fully, LTB has become an institution with a different set of procedural imperatives. Principally, it has become a “processing factory” concerned with speeding
through as many cases as possible with minimal resistance or contestation (Desmond 2016). Because of their socially subordinated role and dearth of access to social, political, economic, and legal resources, tenants and their concerns are unfortunate collateral to the machinery of LTB.

LTB is also concerned with molding tenants into “good tenants.” The archetypal good tenant was ubiquitous in my fieldwork and understood in a similar way by court staff, landlords, attorneys, and tenants. Courts are a useful instrument in this enterprise, as they are one of the primary mechanisms for managing individuals in society (Feeley 1979). Within the court environment, tenants and other kinds of low-income defendants must “perform,” respond to official directives, and comply with subjectively conceived norms of order and law (Kholer-Hausmann 2018). They do so publicly and are then sorted into typologies of governability, criminality, or, in the LTB case, tenancy.

In LTB, the characteristics of the good tenant are clear. Good tenants pay their rent on time and in full, put up with substandard conditions, and do not cause damage or wear-and-tear in the unit. They are quiet, passive, and slow to invoke their rights. John told me that a good tenant is someone who pays “their rent for substandard living conditions, [who] shuts their mouth, tucks their tail, and keeps it moving while the landlord continues to do squat for them.” When tenants are rushed through exceedingly complicated legal processes and pushed into agreements without legal counsel or familiarity with the court’s processes and staff, they are more malleable to the molding process. Put simply, when tenants experience these phenomena in LTB, they have little choice other than submitting themselves to the contours of good tenancy.

*The Experiences of Tenants in LTB Shape their Engagement with Institutions, Organizations, & Bureaucratic Structures in the Future*

The experiences of tenants in LTB have longer-term impacts on the ways that tenants perceive and engage with other institutions, organizations, and bureaucratic structures. Citizens’

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106 Interview on October 17, 2018.
perceptions of programs, services, organizations, procedures, and institutions are driven by their own personal experiences with bureaucratic processes (Herd et al. 2013). Those who experience programs or processes with significant compliance costs are not only less likely to engage with those same programs and processes, but are also less likely to engage in broader political processes, especially those related or adjacent to the state (Herd et al. 2013, Feeley 1979).

Individuals learn their own “worth and standing” as citizens through these experiences (Herd et al. 2013). Courts like LTB become the “seams at which legal order and social order” coalesce and within which poor citizens dwell, learning “unspoken meanings and disabling teachings” throughout the unfolding of the legal process (Bezdek 1992). Depending on what they experience in the court, tenants learn to avoid, self-help without confrontation, lodge a claim, or demand action when in court (Bezdek 1992). How legal rights have been denied, contorted, or honored historically has had important implications for conceptions of who counts as a citizen in American society (Bezdek 1992).

“Governance legitimacy” is thus at stake in the experiences of individuals in domains such as LTB (Herd et al. 2013). This is true especially considering that law does not occur naturally or by consensus, but is instead an approximation of what only some portion of the polity values (Feeley 1979). Should legitimacy continue to be eroded in LTB, its processes and the outcomes it produces will become increasingly contested and unstable for all parties.

WHAT ARE AVENUES & METHODS FOR FUTURE INQUIRY THAT ARISE FROM THIS RESEARCH?
Surveying Tenants in LTB

Though I was unable to conduct a randomized survey of tenants who appear for cases in LTB, such research could help clarify the extent to which tenants experience the court—specifically with regards to opportunity costs—as I have presented it. The survey could ask questions about tenants’ baseline knowledge of LTB, their rights, and the resources available to
them. It could also ask extensive questions about the kinds of opportunity costs attendant to court compliance tenants face and the degree to which they face them. Finally, a survey could gauge the perceptions of tenants about various programs in LTB—the LTB Resource Center, DC Law Students in Court program, mediation services, or Court Navigator program—and the efficacy of these programs.

The best model, methodologically and substantively, for the survey comes from the Public Justice Center’s (PJC) 2015 “Justice Diverted” report. As part of their research, PJC conducted an in-person and by-phone survey of tenants in Baltimore, Maryland’s Rent Court. The survey asked tenants about their current residence (i.e., rent, number of bedrooms), conditions of their case (i.e., responses to questions by the judge, their understanding of court statements), their demographic information, and their household size (i.e., number of children living in the home, number of adults living in the home) (PJC 2015). PJC’s survey can serve as a baseline from which survey work in LTB is conducted.

**Investigating the Mechanisms of Information Dispersal**

How and how effectively information is dispersed in LTB is central to many of the structural inequalities I highlight in this research. Tenants receive information from individuals outside the court before they arrive; from other tenants in the court; from the court via its website, staff, processes, and signage; and from other parties in the court such as attorneys and landlords. My work suggests that information about tenants’ rights is dispersed ineffectively to tenants themselves, as evidenced by the fact that so few tenants I interacted with were aware of their rights. Research that focuses specifically on this topic could elucidate—perhaps empirically through surveying—the degree to which informational dispersal mechanisms fail or succeed and the specific ways they do so. This work would likely have important implications for how policy could mitigate inequality in LTB.
Interviewing & Conducting Observations of Landlord Attorneys

While previous scholarship has focused on the power of landlords in shaping the eviction landscape, my work posits that landlord attorneys are the most powerful actors in shaping eviction outcomes once cases have been filed (Rosen 2014, Desmond 2016). Despite their importance in this regard, no scholarship exists about landlord attorneys. Though it would be challenging to overcome the limits of attorney-client privilege and the reticence I imagine they would have about participating, interviews and observations of landlord attorneys would allow us to better understand the key players in the legal adjudication of evictions.

WHY IS THIS WORK IMPORTANT?

Though they are the central institution in the eviction process, rent courts have not been a focal point of scholarly research. As scholars, policymakers, and advocates become increasingly concerned with the eviction crisis and, more broadly, the role that housing instability has in the reproduction of poverty in America, this gap in the scholarship looms large. This is true especially because of the ways that rent courts—as I have shown is the case in LTB—can shirk the most foundational values that underpin American jurisprudence.

Most importantly, though, rent courts and their role in the eviction process lie at the heart of what home means in America and who has access to it. What goes on in LTB, after all, has serious implications in the real lives of real people. If evicted, individuals and families go from having a roof over their heads to being forcibly removed from their home and thrown out into the street alongside their salvageable possessions. What goes on in LTB, then, reflects how we collectively value the humanity of our most vulnerable neighbors.

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107 I suspect, though I cannot state definitely, that this is particularly true in more tightly regulated rental markets. Because landlords are less able to evict tenants informally in these markets (by threatening tenants, taking their doors out of the hinge, offering them money to leave, etc.), more evictions have to be processed formally in courts. And, in courts, landlord attorneys possess an outsized ability to shape outcomes—as I have documented throughout this work.

108 Learning more about the firms from which these landlord attorneys come would also, I imagine, be a fruitful endeavor.
Home is central to our wellness and identity as human beings. It provides us with shelter and warmth, a place to congregate with loved ones, and a place of refuge. It shapes where we send our kids to school, where we work, and where we unwind.

LTB and the eviction process mediate access that vulnerable tenants and communities have to home. The court’s structures make access to home more precarious, more tenuous, and more sporadic, but they could instead make access to home fairer. Home is at stake in LTB.
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APPENDICES

APPENDIX A: ADDITIONAL DETAILS FOR LTB PATH OF A CASE, DAY-IN-THE-LIFE, & PHYSICAL DESCRIPTIONS

Case Details
The four standardized Summons and Complaint Forms are: Form 1A (Nonpayment of Rent-Residential Property), Form 1B (Violation of Obligation of Tenancy or Other Grounds-Residential Property), Form 1C (Nonpayment of Rent and Other Grounds-Residential Property), and Form 1D (Commercial Property). The Summons and Complaint may be served in three ways: personal service (to the defendant), substitute service (to a person on behalf of the defendant), or posting and mailing (only after a “diligent effort” to achieve personal service has failed). Defendants are not required to but may file an answer to the Summons and Complaint with a request for a jury trial, with a counterclaim, or with some other affirmative defense.

Physical Descriptions
Across the hall from B-109 is B-110, the clerk’s office. Inside the office are four windows, but during the vast majority of the court’s operating hours only two windows are open—Window #2 and Window #4. Window #2 is reserved for the filing of motions and other documents required for the plaintiff’s case, while Window #4 is a catch-all for questions and mostly used by tenants and unrepresented landlords.

B-113, the Mediation Center, has one main seating area with chairs lined against the walls of the room and a long table in the center with documents needed for consent judgment and settlement agreements in large stacks. Off of the main seating area are five rooms: two for mediators of the court’s Multidoor Dispute Resolution Division and three for plaintiff attorneys who represent landlords or property management companies with significant caseloads on the day’s docket. Each of those five rooms have doors and are not open to the public.

Court’s Lack of Knowledge

Either party may demand a jury trial and must do so in written form. If the demand is made by the defendant, it must be accompanied with a list of “verified” defenses to the original Summons and Complaint. Though parties can technically request up to 12 jurors, the upper limit in most civil action cases is 6. In nonpayment of rent cases, defendants may make counterclaims on the basis of “the payment of rent or [of the] expenditures claimed as credits against rent or for equitable relief related to the premises.”

From February 19, 2019 and October 5, 2018, respectively.
Judges, clerks, and court staff in LTB consistently demonstrate a lack of certainty and, at times, familiarity with procedures of the court—a lack of knowledge that fosters a general sense of uncertainty in the courtroom and, at times, leaves unrepresented parties with mixed messages about procedures and legal content of LTB.

Judges’ uncertainty or lack of knowledge, both in B-109 and B-53, manifest in a variety of ways. First, they would often just say that they did not know some aspect of the law or the court’s procedure. Very often, I heard judges say things like:

- “Am I on the right case? No, I’m not. Sorry.”
- “Do we do that? Sorry, I just didn’t know what we could do.”
- “I don’t think I got that one right.”
- “I’m not sure; as far as I understand…”
- “Can we do that? I’m not sure we can do that on the record.”
- “I’m going to have consult with the attorney advisor…”
- “I don’t know that either.”
- “I do apologize for not knowing that.”
- “I’m going to have to check on that.”
- “Give me a second to check that…”
- “Let me see how we’re gonna deal with that. Let me just consult.”
- “…it’s just that, procedurally, I’m not sure about that.”
- “I can’t promise anything because this is so new for everyone.”
- “I don’t really know how to proceed from here.”
- “I’m lost in this docket.”
- “I don’t know how to answer that question.”

Second, the judge would often use the courtroom’s husher, the device that enables the microphone audio system to produce a static noise throughout the courtroom which lets the judge have a private conversation with a clerk or the attorney’s advisor (to “conference”). Third, the judge would often look up relevant case law (online) or check a procedure (online or in a large binder available to the judge) while presiding over cases. Fifth, judges would often “conference” with the attorney’s advisor, either on the phone or in person (the attorney’s advisor would be called into the courtroom by the judge). In B-109, the attorney’s advisor is a African American woman in her 40s.

Clerks and judges, too, in their interactions with one another also present ambiguities to parties in the court, particularly those without expertise or prior experience. I saw clerks correct judges on procedures of the court; clerks correct other clerks; and judges correct statements made by clerks to parties in the court. On one occasion, for example, a case was called in roll call for which a tenant called to state her presence, but no landlord or landlord attorney called to state theirs. In response, the clerk said, “defendant present; case dismissed for want of prosecution under Rule 11. Ms. Davis [the tenant], your case has been dismissed, you’re free to leave.” As the tenant stood up to leave, though, Judge Katherine Weidmann interrupted her, and told her she needed to stay in the courtroom. On another occasion, the clerk called a case during roll call with

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111 These quotes come from fieldnotes on: September 14, September 17, September 21, September 24, October 10, October 17, October 26, November 2, November 26, and December 11—all from the year 2018.

112 In B-109, the attorney’s advisor is a African American woman in her 40s.

113 Fieldnotes from October 17, 2018.
a note attached to it.\textsuperscript{114} Neither side called to state their appearance on the case, so the clerk said “No parties present, case dismissed for want of prosecution under Rule 11.” One of the clerks sitting to her left on a desktop computer, though, leaned over and whispered, “No!” The first clerk then corrected herself and said, “The case will be called at the conclusion of roll call.” The judge asked, “Because of the note attached, right?” Both clerks nodded their heads, yes.

The court’s lack of clarity on procedural and substantive issues takes up time—from using the husher, conferencing, or consulting with the attorney’s advisor—during proceedings and creates additional ambiguity and uncertainty for procedures and proceedings already difficult to understand. Because of the other procedural burdens that fall disproportionately on tenants, and because of their lack of legal knowledge or counsel, tenants end up being most affected by this environment. Indeed, this environment of ambiguity and confusion does not engender a great deal of confidence in the court, for all parties involved. On the contrary, LTB’s environment in this regard makes the law and its procedures—at least in appearance—seem malleable and poorly adjudicated.

\footnote{\textsuperscript{114} Fieldnotes from September 8, 2018.}
APPENDIX B: JUDGE’S MORNING ANNOUNCEMENT

The following example of the judge’s ten to 15 minute morning announcements comes from my fieldnotes on February 8, 2109.

Judge: Alright. Good morning again, my name is Magistrate Judge Katie Weidman. I am going to take about 10 minutes right now to provide you with some basic information about what will happen this morning. If you know of anyone in the courtroom who does not speak English or seems to have trouble hearing, please let us know. Everyone should be aware that cases involving interpreters will be called as quickly as possible today, so that our interpreter can assist in other courtrooms. As a courtesy to others, as preliminary matter, please turn off your cellphones and other electronic devices, keep them turned off while you're in the courtroom. I also ask that you do not talk during these opening remarks. We're operating two courtrooms today, this is Courtroom B-109.

Upstairs on the second floor is Courtroom B-53, your notice should tell you which courtroom you need to be in. If you're not sure where your case will be called, you may inquire at the clerk's office in room B-110, window number four after roll call. Because I'm a magistrate judge you will be asked to sign a form consenting to having your case heard today by me, the forms are located on a table here at the front where – next to our interpreter and the front door. Please pick them up while you're waiting and fill them out. We will collect the form from you when – I ask you to stay seated until we begin, because I want you to have the benefit of the information I'm providing. We will collect the form from you when we call your case later today, and for anyone who does not consent to the magistrate judge, your matter may be heard by an SSU judge beginning at 2:00pm in the upstairs courtroom B-53.

So, let me give you some basic information about the cases on today's calendar. In each case the landlord is asking the court to evict the tenant so the landlord can take back possession of the property. Landlord claims that the tenant failed to pay rent or violated the lease in some other way. The tenant may disagree with the landlord's statements. For example, tenant may say all the rent was paid or that the tenant was entitled to a reduction in rent because the landlord failed to make repairs, otherwise keep the property in good condition. Landlords are required by law to keep residential properties in compliance with the District of Columbia housing code and to correct housing code violations. While I'm hearing other cases this morning, I want to tell you about three options that are available to you, you can take advantage of as many as you wish. First, our legal services in this courthouse.

If you are an individual landlord non-appropriation, a tenant, a foreclosed homeowner or an occupant of a foreclosed home, you may visit the
Landlord Tenant Resource Center to get legal information as well forms you may use for various filings in the court. The Resource Center is located on the second floor, room B-208. It is only open until 12:00pm and I say that because if you want to work with an attorney today, please go upstairs as quickly as possible. Resource Center attorneys will not represent you in your case, they may be able to refer you to a lawyer who can represent you if you call upon him. If you're a tenant there are also law students supervised by attorneys who may be available to represent you. The law students are upstairs second floor, room B-210. You can identify legal services lawyers because they often carry a blue clipboard I’m told. But if you're looking for them, they're on the second floor.

Second option is the ability to talk with the other side. You may meet with the opposing party or their lawyer after roll call, outside the courtroom to see if you can settle your case. An agreement to settle the case might set up a repayment schedule, it might also list repairs that the landlord agrees to make. A tenant who claims there were problems or issues with the apartment or house should discuss those issues with the landlord or the landlord's attorney when you meet with them. It is important for everyone to understand that the attorneys who are here today, they're not employed by the District of Columbia courts. They’re not neutral, that means they represent only the interests of the landlords or the tenants who have retained them. Third option mediation, we encourage you to meet with one of our experienced mediators today.

The mediators are trained by the courts Multi-Door Dispute Resolution Division, their services are available to the parties at no cost. They cannot give you legal advice, but they can try to help you settle your case. Sign-in sheet for mediation is on a clipboard, it's right here at the front railing next to the interpreter on that far railing. You can sign up after roll call, you may sign up later in the day. But as I mentioned with the legal services, if you wish to work with a mediator today you should sign up as soon as possible. Please let the mediator know if you need the assistance of an interpreter or if you'd like to talk with an attorney before you begin mediation. One of our mediators is here now, I'll ask him to stand and introduce himself. Good morning.

**Mediator:** Good morning Your Honor. My name is Doug McCoy, I'm am a court mediator. We are a trained and we will try to assist you in resolving your dispute today. The judge will determine all and will review your agreement and it will become part of the court file. To mediate both parties must be present, both parties must agree to mediate and both parties must agree on all terms of any agreement. Again, signing up for mediation both parties must agree to mediate. Sign-up sheet is on the railing. I will be back to court after the roll call and if you have any questions you might have. Thank you judge.

**Judge:** Thank you and you will be joined by another mediator today, correct?
Judge: Alright. So, two mediators to help. Alright, I'm going to turn to agreements that are commonly used to settle cases in landlord tenant court. The first is consent judgement agreement, second is the settlement agreement. The first, a consent judgement agreement gives the landlord the right to take back possession of the property if the tenant fails to keep the promises made in the agreement. In most consent judgement agreements where the tenant is behind in rent, the parties agree on a repayment schedule. The landlord agrees not to evict the tenant as long as the tenant makes all of the payments in the amounts on the dates required by the agreement. The tenant gives up their right to any trial to argue that no rent is owed or to raise other defenses that the tenant could have raised at trial.

The consent judgement agreement, it might also list repairs that the landlord agrees to make. A note on that, the tenant should understand that if the consent judgement agreement requires the landlord to make repairs, the tenant will still pay the agreed upon rent even if the landlord has not made the repairs listed on the agreement. It's important to know that a tenant who fails to make even one payment required by a consent judgement agreement can be evicted even if the landlord has not made the repairs. In that case, if the landlord has not made required repairs the tenant has the right to come back to court, file a motion, and ask the court to enforce that part of the agreement. But don't stop making your payments. Settlement agreement is the second agreement I mentioned. Similar in many ways to the consent judgement agreement, but here's the difference.

It's similar in that it also may require the tenant to make payments, landlord to make repairs. But the difference is that with a settlement agreement no judgement is entered today against the tenant. A judgement would be entered in the future only if the landlord proves that the landlord violated the terms of the agreement. So, you are not required to enter into any agreement, you should not sign any agreement unless you fully understand it and agree to all of its terms. If you're a tenant and you have any questions about an agreement that you have been asked to sign, you should take your questions upstairs to the Resource Center attorneys or the law students. You can bring your questions to Mr. Richardson, he is the interviewing judgement officer and you can bring your questions to me, we're happy to answer them. If your case is settled today the agreement must be approved either by me the judge or by Mr. Richardson the interview and judgement officer.

If the case is not settled today it will be called again before the court. At that time the first thing I'm going to ask for is this consent form located over here. Pick it up and fill it out while you're waiting. When we call
your case later today, at that time the tenant may inform the court of any problems with the house or apartment or any other defenses that you may have. If the case is one that can be resolved today without a trial it may be concluded today. Otherwise, a trial may be scheduled in the future. At that time, both the landlord and the tenant will have the opportunity to present evidence to the court. This includes documents, photographs, you can bring in witnesses. If the case is continued or set for trial on another day. Either side may ask for what is called a protective order.

I'm going to explain to you what that is. With a protective order the tenant pays rent to the court instead of directly to the landlord until your case is over. If the tenant disagrees with the landlord about how much rent the tenant owes each month or if the tenant claims problems with the house or apartment justified a reduction in rent, the tenant can ask the court to set the amount on a protective order and a number that is lower than what the landlord says is fair. So, I have a few more announcements. We're going to begin the roll call in just a minute. With regard to roll call, when the clerk calls your name, name of your company, name of your case, state your name loudly and clearly. If you're here for more than one case, please state your name for each case that's called.

If you're here on behalf of someone else, first tell us your name, then the name of whoever you represent. If you're a tenant and we don't hear you state your name when it is called at roll call, a default could be entered against you, which could result in your eviction without further proceedings. So, important, when the clerk calls your name state first name, last name, here so we can hear you. If you're a landlord and you request a default against a tenant during roll call, you must state you consent to my handling your case as the magistrate before default will be entered, and you need to pass over your consent form after roll call. If you are a landlord and we do not hear you state your name when it's called during roll call, your case may be dismissed. If you're here and you don't hear your name called at all during roll call, please go to the clerk's office across the hall and check in at window number four.

For those of you who have trial set today, you're expected to be in the courtroom ready for trials at 10:30am. All trials set for today will be called at 10:30am. Please understand the trials will not be delayed on the day of trial because a party is trying to get legal help for the first time or is in the Resource Center. We expect you to come prepared, ready to go on your day of trial. So, I can't give you a specific time when we will recall your case after roll call. I do want to thank you for your patience. If you leave the courtroom for any reason, please let the courtroom clerks know where you're going, come back as quickly as possible. At this time, I'm going to ask the clerk to call a roll. Thank you.
APPENDIX C: FIELDWORK & INTERVIEW CODE BOOK

Notes:
Language:
- For the sake of parsimony, this codebook uses the term “landlord” throughout; however, in many cases the term “property manager” would be more appropriate. Likewise, the term “tenant” is used throughout. In some cases, though, (foreclosed) homeowner would be more appropriate.
- For the sake of parsimony, the acronym LTB is used throughout this codebook in reference to and as the abbreviation for Landlord-Tenant Court. LTB is the Landlord-Tenant Branch of the District of Columbia Superior Court System, hence the “B,” as opposed to a “C,” in the acronym.
- Parent codes are listed below in all capital letters and are preceded by a number; subsidiary codes are listed below in upper and lower case letters and are preceded by letters. Parent codes are broader, catch-all codes, while subsidiary codes are more specific sub-themes that fall under the parent code but occurred so frequently within and during the fieldwork that they need their own code.
- Codes listed here are exactly as they appear in MAXQDA, but in a differing order (MAXQDA lists them in descending alphabetical order according to the first word of the parent code).

Code Tree:
1. Day-In-The-Life
   a. Profiles
   b. Physical Descriptors
2. Social Interactions
   a. Greetings (“I know you!”)
   b. Advice (“Community knowledge”)
   c. Previous experience
   d. Stratification
3. Court Actors
   a. Outside advocates/activists
   b. Marshals/security proceedings
   c. Interpreter/translator
   d. Clerks
   e. Landlord
   f. Tenant
   g. Landlord attorney
   h. Tenant attorney
   i. Mediators/mediation
   j. Legal resources
   k. Judge
4. Administrative Burdens
a. Opportunity costs  
b. Time  
c. Children  
d. Psychological burdens  

5. Procedural Burdens  
a. Physical impediments  
b. Confusion  
c. Nudges  
d. Court’s lack of knowledge  
e. Information dissemination  
f. Mental health, disability  
g. Rules  
h. Admonish/patronize  

6. Good/Bad Tenant  
a. Physical presentation  
b. Nonpayment of rent  

7. Miscellaneous  
a. Larger, macro observations  
b. My presence/positionality  
c. Lingering questions  
d. Apartment conditions  
e. Math  
f. Conflict  
g. Quotable  
h. Cases of note  

**Code Descriptions:**  

1. Day-In-The-Life  
This code is for observations and descriptions that help describe how LTB works. What does the outside of the building look like? What does the inside of the building look like? What are the sounds that predominate the space—in the hallway, in the courtroom, inside the building, and outside the building? What are the processes that govern how things should run on a ‘typical’ day? The answers to all of these questions should fall under this code.  
**a. Profiles**  
This code is meant to capture specifically people that were observed in LTB. Generally, I kept a section of my field notes labeled “Profiles,” and recorded therein people I saw, the things they were wearing, the people that accompanied them, and the kinds of occupations they may have had. This code, indeed, is intended to capture what a day in the life of LTB looks like specifically from the perspective of the kinds of people that are present in LTB.  
**b. Physical descriptors**  
This code is specifically for sights and sounds that characterize LTB and its proceedings.  

2. Social Interactions  
This broad code should apply to social interactions that are captured throughout my field notes. Social interactions, of course, are a very broad category, but mostly should include
conversations, physical contact, and signaling/motioning that occurred between any of the parties present in LTB: tenants, landlords, attorneys, clerks, judges, marshalls, outside actors, etc. Mostly, these social interactions were or are informal, which is to say that they are not those that took or take place during proceedings, on the record, in front of a judge. In some cases, though, social interactions were noted in my field notes that took place on the record, in front of the judge. This code is meant to capture both the social webs that exist outside of LTB and materialize within it, but also those that develop (usually between tenants) as a result of a case in LTB.

a. Greetings (“I know you!”)
This code includes social interactions between two parties who knew each other before appearing in LTB for the first time. Usually, these kind of interactions take place between two tenants when one (or both) recognizes the other (each other) and a greeting transpires. Often, too, these kinds of interactions involve a hug, dap, or some other kind of physical contact that denotes familiarity.

b. Advice (“Community knowledge”)
This code refers to social interactions in which one person (or group of people) gives another a piece of advice in LTB about how the process works, where to go, what to expect, etc. Usually but not exclusively, this code applies to interactions that happen between two tenants, in which one tenant explains to another (who has never been to LTB before) where to go, who to speak with, or what to expect in order to successfully navigate one’s case. When this interaction is not occurring between two tenants, it is usually between a landlord or landlord’s attorney and another, less experience (usually unrepresented) individual landlord. Occasionally, but much less frequently, this code captures interactions between two attorneys, one more experienced than the other.

c. Previous experience
This code, much related to the previous one, applies to interactions between two or more parties in LTB in which previous experience in LTB—or with evictions more broadly—is discussed and, often, leveraged to aid another party in their endeavour in the court. Unlike the previous code, this code applies more frequently to parties that are not tenants, though it does apply quite frequently to tenants as well.

d. Stratification
This code applies to the organization and/or separation of people and groups in LTB, especially along lines of race, class, gender, and landlord vs. tenant status. This code applies to instances in which I specifically mentioned stratification within my field notes and also those in which I described events in such a way that evidences stratification. In most instances, this code applies to how individuals of different racial identities are stratified within LTB, and how that stratification aligns with the individual’s assigned role within the court.

3. Court Actors
This code should be used to capture different kinds of court actors that appear within LTB. As shown in the codes that follow, these court actors can take up roles that are formally designated by the court. This code, though, also applies to court actors who have roles not denoted by the court. For example, some landlords brought with them tenants they employ or outside employees whose job is to round up tenants and make sure that they both appear in court and appear in front of the judge at a time and place that they are supposed to.

a. Outside advocates/activists
This code is for individuals who come from outside of LTB, do not have a case in LTB, and intend to advocate on behalf of or assist a party in LTB—usually a tenant. Examples of individuals who fit into this code are community organizers, protesters, and individuals trying to
disperse information. This code code also apply to (law) students or other individuals just coming to LTB to observe or take notes.

**b. Marshalls/security proceedings**
This code applies to instances in which the court’s marshalls play an active role in an event transpiring. The court’s marshalls sit and stand at the security station through which all individuals who enter the court (theoretically) must pass through. They almost always are wearing the same uniform and have name tags that state their position as a marshall. This code is also meant to capture instances in which questions of security are at play. For example, this code would be used for an instance in which a party being kicked out or threatened to be kicked out of LTB shows up in the field notes.

**c. Interpreter/translator**
This code is for observations made about the interpreters and translators, but also for observations made about the availability and quality of interpretation and translation services within LTB.

**d. Clerks**
This code is for observations made about clerks and how they interact with other individuals within LTB. It is also intended for observations made about “clerking” as an action that is present throughout the court and its proceedings, especially the roll call.

**e. Landlords**
This code applies to observations made about landlords, usually small/individual landlords, that do not fall into any of the other categories listed in this code book. It is not meant to be used for all instances in which a landlord is mentioned or referenced.

**f. Tenants**
This code applies to observations made about tenants that do not fall into any of the other categories listed in this code book. It is not meant to be used for all instances in which a tenant is mentioned or referenced.

**g. Landlord attorneys**
This code applies to observations made about the attorneys who represent landlords in LTB and its proceedings. The code, perhaps more specifically, should speak to the quality and value of lawyering taking place on the part of the attorney. Again, it is not meant to be exhaustive, but instead is meant to catch critical observations made about these attorneys that fall outside the scope of other, more pointed, codes within this code book.

**h. Tenant attorneys**
This code applies to observations made about the attorneys who represent tenants in LTB and its proceedings. The code, perhaps more specifically, should speak to the quality and value of lawyering taking place on the part of the attorney. Again, it is not meant to be exhaustive, but instead is meant to catch critical observations made about these attorneys that fall outside the scope of other, more pointed, codes within this code book.

**i. Mediators/mediation**
This code is for observations that describe mediators as well as the availability and quality of mediation services within LTB. Indeed, it is meant to capture, at least to some extent, how parties within LTB interact with, understand, and evaluate mediation services and mediators in LTB.

**j. Legal resources**
This code is designed to capture observations made about legal services and the legal services providers in LTB and its proceedings. It is meant to capture how other, non-legal services providers speak about and mention the legal services within the court (especially to tenants), and also how tenants talk about the legal services and legal service providers.
k. Judge
This code is for observations made about the judge and particular acts of adjudication that the judge uses/embodies. This code should take account of, for example, preferences and habits of certain judges who preside in LTB.

4. Administrative Burdens
This broad code applies to psychological, compliance, and opportunity costs that arise in and from government interaction. For these field notes specifically, it refers to those costs that arise from interaction with the LTB process and LTB itself (as a physical location). As opposed to ‘PROCEDURAL BURDENS,’ which involve aspects of the processes and procedures of LTB that make the general eviction process more challenging to undergo, administrative burdens are the ways in which a party’s life is impacted by their involvement in LTB. These impacts can actually materialize (a tenant can actually take off time from work to appear) or they can affect the incentives for a party to actually show up in court (a tenant does not show up to court for fear of missing work and potentially being fired, having tension with a boss, etc.). While some of these administrative burdens are spelled out more specifically below in subsidiary codes, this broader code is meant to catch those that do not fall into one of the subsidiary codes listed below, such as: transportation costs, parking costs, costs of childcare, etc.

a. Opportunity costs
This code refers to the costs that a party would have to assume in order to appear in LTB physically for a case. Opportunity costs include, but are not limited to: missed work, missed school, missed health appointments, missed welfare/social safety net program appointments, missed time with family or friends, missed education, etc.

b. Time
This code refers to the various ways in which time acts as an administrative burden for parties involved in LTB. This could include the number of times or time a party has to spend in LTB for the case to be resolved. It could also include wait times that parties have to experience in order to have their cases heard. This code could also apply to how time is monetized in wage hours, particularly for attorneys who represent parties in LTB.

c. Children
This code applies to instances in which children are mentioned in the field notes in a way directly implicates them in the functions of LTB. This could include references to childcare, as well as children being present at the stand in front of a judge with their parents for a case. It could also apply to instances in which individuals reference children as being a factor in some kind of decision they made in reference to their case.

d. Psychological toll
This code applies to observations that I made in the field notes or quotes that parties in LTB made that appear in the field notes that have to do with the psychological toll associated with their case in LTB.

5. Procedural Burdens
This code refers to the set of procedures and processes in LTB that make navigating the eviction process more challenging for parties involved. Oftentimes, procedural burden manifests most apparently in the disparate or disproportionate enforcement of a rule or procedure for one “side” and not the other in LTB. Unlike administrative burdens, procedural burdens can only be experienced by stepping foot in LTB; however, certain parties who have had previous experiences in LTB (or in other courts) may be less likely to show up in LTB given their perception of procedural burdens or inequities. This code is quite broad and encompasses all the
burdens associated with process or procedure within LTB, even those not listed specifically as subsidiary codes below. Court costs and fees are also included in this code.

a. Physical impediments
This code refers to the physical layout and sounds of LTB that make engagement with the eviction process more difficult, especially for tenants. This code includes noise in the courtroom, signage (or lack thereof), handicap accessibility, etc.

b. Rules
This code includes the rules and regulations that govern how the court operates and the discrepancies in how those rules and regulations are monitored and enforced during proceedings. One prime example of this subsidiary code is continuances and how they are granted or not granted (i.e., when a tenant calls in to say that she cannot be there for a certain reason). This code can also apply to field notes about the rules themselves. For example, if I made specific notes about a Draden stay and what that is, it could fall under this code (and could potentially double-coded with “Day-in-the-life”).

c. Nudges
This code is used for what I call “nudges,” which is when the clerk prompts a landlord’s attorney after their time to speak, act, lawyer, etc. has passed. This occurs most frequently during roll call, when the clerk calls a case, the landlord’s attorney does not hear the case being called, is not paying attention, or simply does not recognize the case to be his. Instead of entering the landlord as not being present, or dismissing the case for want of prosecution, the clerk will prompt the landlord’s attorney by calling the case again or by calling out, by name, to the attorney who works for that landlord (or management company). Nudges also include when an attorney asks what the case number is, when they ask whether it is their case or not, or when they ask to have the case recalled during the roll.

d. Confusion
This code refers to confusion by a party in LTB about where to be, what documents to have, what a legal term means, who to speak with, etc. While the code may seem broad, it should almost exclusively be used when confusion is specifically communicated by a party in the court and is recorded in the field notes.

e. Court’s lack of knowledge
This code refers to when a judge, clerk, or other court staff does not know a rule, procedure, or case law about how things should operate within the courtroom. Most often this comes across because a judge or clerk explicitly says “I don’t know how ____ works…” or because the judge or clerk has to be corrected by the attorney’s advisor or some other court staff.

f. Mental health, disability
This code is for instances in which the court and its staff fail to accommodate the mental health or physical disability of one of the parties involved in a case. Additionally, the code should be used when an actor in the court specifically mentions mental health or disability.

g. Information dissemination
This code has to do with how information is disseminated within the court and throughout the eviction process. Oftentimes, the information being communicated has to do with resources available to tenants, but it also has to do with how proceedings work. Dissemination can happen via word-of-mouth, paper (mail), internet, court staff, etc. This code should also be used to capture how misinformation is spread within the LTB and eviction context.

h. Admonish/patronize
This code should refer to instances in which the court’s staff (judges, clerks, etc.) admonish or patronize a party in the court, usually a tenant. While this is not a procedure per se, the admonishing or patronizing usually centers around the procedures or processes of the court and
certainly affects the likelihood (or not) that a tenant interacts with the court again, asks a question again, etc.

6. Good/Bad Tenant
This code is used to capture instances in which stereotypes surrounding a “good” or “bad” (or “professional”) tenant (or tenancy) is invoked, usually by the landlord, landlord’s attorney, or judge. Usually this invocation is made in reference to the merits of a case.

a. Physical presentation
This code has to do with the attire, race, and other outward markers that signal to actors in LTB that a tenant is “good” or “bad,” or even that a person is a tenant or not a tenant.

b. Nonpayment of rent
This code has to do specifically with how nonpayment of rent is tied (or not tied) to being a “good” or “bad” tenant.

7. Miscellaneous
This code should be used as a catch-all for observations and notes in field notes that do not fall into one of the codes mentioned above in this code book. Below are several specific subsidiary codes that lack relation to one another and that I could not fit into one of the previous parent codes.

a. Conflict
This code refers to conflict that emerges within LTB. This code includes cursing; crying and other severe expressions of emotion; physical altercations and threats of violence; severely tense conversations. This code also includes direct conflict over how much rent is due or ought be due (i.e., conditions haven’t been repaired, tenant thinks she shouldn’t have to pay full rent but legally still is obligated to).

b. Math
This code refers to instances in which math comes up in conversation, is observed, is seen on documents and other papers, is brought up by the judge or clerk, etc. This code also includes notes and other documents parties have associated with their case.

c. Apartment conditions
This code refers to instances in which the conditions of an apartment play a prominent role in a case, conversation, or process of LTB.

d. Lingering questions
This code refers to questions in my field notes to which I still do not have answers and likely need to ask an attorney or court staff.

e. My own presence and positionality
This code is for observations that arise in the field notes about my own presence or role in LTB, as well as questions regarding social positionality related to my research about and presence in LTB.

f. Larger, macro observations
This code refers to thoughts, observations, or notes that I wrote in my field notes that are about broader trends or larger structures and how they relate to or within LTB. Generally these thoughts are more fully fleshed out and could be incorporated into my final project more seamlessly.

g. Cases of note
This code is for cases that are described in the field notes that are not necessarily illustrative or representative of the codes listed in this code book but still are interesting and/or noteworthy as anecdotes.
APPENDIX D: FIELDWORK MATERIALS

Date & Time: 
Courtroom: 
Judge: 
# of Cases on Docket: 
Security Line Wait Time: 
Start Time of Proceedings: 
# people in courtroom when roll ends: 
Dismissed but T present: 
Attorney for P doesn’t hear T in roll: 
Nudges: 

<table>
<thead>
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<th>Representation</th>
<th># Show w/o Lawyer</th>
<th># No Show</th>
<th># Represented</th>
</tr>
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<tbody>
<tr>
<td>Defendants</td>
<td></td>
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</table>

How many minutes did roll take? : 
# Attorneys for Ps:

# Mediation Line: 
Properties/landlords/management companies:

Lawyers/court actors:
Legal language/processes/rules:

Court Profiles:

#Cards given out:
Talked to, References, etc.
Name: Phone #: Email:
APPENDIX E: FULL SYSTEMATIC DATA SET FROM FIELDWORK

<table>
<thead>
<tr>
<th>Courtrooms</th>
<th>Judges</th>
<th>Average Number of Cases on Docket</th>
<th>Average Wait Time in Security Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>B109</td>
<td>Epstein</td>
<td>148.02</td>
<td>2.37</td>
</tr>
<tr>
<td>B53</td>
<td>Jackson</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Campbell</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Trafford</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Weidmann</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Average Minutes Late for Start Time</th>
<th>Average Minute Duration of Roll Call</th>
<th>Average Number of People in B-109 at Start of Roll Call</th>
</tr>
</thead>
<tbody>
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<td>15.37</td>
<td>26.59</td>
<td>74.3</td>
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</table>

<table>
<thead>
<tr>
<th>Average Number of Defendants Present at Roll Call without Counsel</th>
<th>Average Number of Defendants Absent at Roll Call</th>
<th>Average Number of Defendants Absent at Roll and Case Dismissed</th>
</tr>
</thead>
<tbody>
<tr>
<td>38.15</td>
<td>59.8</td>
<td>44.8</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Average Number of Defendants at Roll Call with Counsel</th>
<th>Average Number of Defendants Present at Roll Call with or without Counsel</th>
<th>Average Total Number of Defendants at Roll Call</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.13</td>
<td>41.28</td>
<td>142.61</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Average Percentage of Defendants Present at Roll Call</th>
<th>Average Percentage of Defendants at Roll Call with Counsel</th>
</tr>
</thead>
<tbody>
<tr>
<td>27.66</td>
<td>2.27</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Average Number of Plaintiffs Present at Roll Call without Counsel</th>
<th>Average Number of Plaintiffs Absent at Roll Call</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.26</td>
<td>9.57</td>
</tr>
</tbody>
</table>

| Average Number of Plaintiffs at Roll Call with Counsel | Average Number of Plaintiffs Present at Roll Call with or without Counsel |
|--------------------------------------------------------|------------------------------------------------|-----------------------------|
| 128.5                                                  | 134.76                                         |

<table>
<thead>
<tr>
<th>Average Total Number of Plaintiffs at Roll Call</th>
<th>Average Percentage of Plaintiffs Present at Roll Call</th>
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</thead>
<tbody>
<tr>
<td>144.32</td>
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<table>
<thead>
<tr>
<th>Average Percentage of Plaintiffs at Roll Call with Counsel</th>
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</thead>
<tbody>
<tr>
<td>84.33</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Average Number of Plaintiff Attorneys</th>
<th>Average Number of Cases Per Plaintiff Attorney</th>
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<tr>
<td>8.82</td>
<td>14.46</td>
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</table>

<table>
<thead>
<tr>
<th>Average Number of Cases Dismissed with Defendant Present</th>
<th>Average Number of Times Defendant Calls Present but Court Does Not Hear</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.74</td>
<td>2.34</td>
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<table>
<thead>
<tr>
<th>Average Number of Judicial Nudges Per Roll Call</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.79</td>
</tr>
</tbody>
</table>
HAVE EXPERIENCE IN LANDLORD-TENANT COURT?

Isaiah Fleming-Klink, a student-researcher at Georgetown University, wants to understand Landlord-Tenant Court in the District.

Call: (804) 822-2594 or Email: iwf3@georgetown.edu

to share your experience and have your voice heard.
APPENDIX G: INTERVIEW SCRIPT

TENANT INTERVIEW GUIDE
2018

Note: In this guide, we use the term landlord for the sake of parsimony. Additionally, ‘LL’ is used to stand for landlord; ‘T’ is used to stand for Tenant.

Also, some prompts will have multiple questions. These are grouped because they are logical follow-up questions and should not be asked all at once.

Introductory Script
Obviously customize the script to your needs and the specific IRB form.

As I mentioned when we met briefly in Landlord-Tenant Court (LTB), I’m _________ from Georgetown University and I’m interested in learning about LTB and experiences that you’ve had in it. In a lot of my research, I’ve found that very few people are actually writing about LTB, which seems crazy too me because there are so many interesting and super important things that happen in it. In addition, I think even fewer people take the time to try to understand and write about LTB from the perspective of tenants (until now). It’s crazy, because when people talk about things like housing and neighborhoods, they need to understand what it’s like from the people who are actually living in the homes and neighborhoods and experiencing the various processes that inform all of our lived experiences and realities.

So we want to learn all about your experience in LTB. What your day was like when you went, things you thought were good and bad, conversations you had with your LL or court officials, things like that. It’s really more of an informal conversation than a formal interview. But, as you know, there’s always paperwork, so before we begin there’s a document here for both of us to sign that basically outlines all the ways we protect your privacy. First of all, we keep everything you tell us completely confidential. We don’t share these conversations with anyone outside the research team. If there’s anything I ask about that you’d rather not talk about, just let me know and we’ll skip it. No big deal.

I’m going to record our conversation because I don’t want to take many notes during the interview. This way, I can really concentrate on what you have to say. If you want me to turn the tape off for any reason or at any time, just say so. No one will hear the tape except for the research team and the secretary who transcribes it. Then, we erase the tape. We take out your name and any other identifying information from the transcript. In other words, no one will know who you are, but a lot of people will hear what you have to say.

[Get various signatures and check marks]

Okay, so we ask people to choose a fake name that we can use for your stories. We write this name on the tape and that way your real name isn’t attached to any of this information. What name would you like to choose?

Is it okay if I turn on the tape recorder now? [Get verbal consent]. [Note: Make the following statement after you have turned on the tape recorder]:

[Get various signatures and check marks]
The tape recorder is now on. This is [your name], and I’m chatting with [their pseudonym] [their ID number], on [the date] in [place interview is held].

I: Origin Story and Personal History with LTB

1. To start out, could you tell me a little bit about yourself?
   
   Note: This first question, as usual, is partially about training them to be a respondent. Be sure to probe until you have the rich detail and narrative we need. Once they get that this is the type of answer that’s expected, it will make the rest of the interview much easier.

   In short, we want the whole story. Suggested probes are as follows:

   Probes:
   
   Where are they from? How long have they been in dc? Do they have family here?
   What kind of neighborhood did they grow up in?
   Does their family still live near? Do they have a partner? Children?
   What do they do for a living?
   How long have they been in this apartment?
   Are they a veteran?
   Are they a voucher holder? If so, a whole host of follow ups ensue.
   What aspects of their identity are salient in LTB?

2. Could you tell me a little bit about your case?

   Probes:
   
   When was the case filed? What was it originally filed about?
   Was there some history of conflict between you and your LL?
   Had you made any repairs claims before the LL took you to court?
   Could you talk a little bit about your apartment? What does it look like? What are the conditions of it? How long have you lived there? What is the neighborhood like?
   How long has the case been going on?
   How many appearances have you made in court for this case?
   Tell me all about the building itself (structure, size, quality, condition, architecture, number of units, needed repairs)
   Tell me all about the location (neighborhood, neighborhood reputation, proximity to amenities, demographics of neighborhood, safety, changes in neighborhood)
   About how much do you pay in rent and utilities for the apartment? How do you make rental payments usually to your LL?
   Do you have any family or friends who live with you in the apartment?
   What do you want to see come from the case? Or, what outcome is ideal for you in this case?
   Do you remember receiving personal service of your eviction notice? If not, do you remember seeing it on your door? If not, was service not done correctly or at all?

3. Could you tell me a little bit about your general experience in and opinion of LTB?
Probes:
How many times have you been to LTB?
Have you ever been evicted before? Of the people in your community or network of friend/family, have many people been evicted before?
Had you ever been there before, perhaps with a friend or family, before ever personally having to go for your own case?
Before the first time you went, did you know where LTB was/how to get there?
Before you’d been to LTB, did you know any people in your community who’d had a case filed there? If so, what had you heard about the court before you went there personally?
Is there anything about the physical layout or aesthetic appeal of the place that sticks out to you?
When you go to LTB, how do the court employees treat you? Security guards, clerks, judges, lawyers, other staff?
When you’ve been to LTB, have you been to both courtrooms, just the bottom, or just the top?
When you go to LTB, do you see people you know there? If so, where do you know them from?
When you go to LTB, do you meet and talk to new people there?
When you go to LTB, what do you hear people talking about, or complaining about? Do people there seem to have common concerns or complaints?

II: Administrative Burdens
Thanks so much for giving me all of that background information about you and your case. Now, I’d like to move on to talk a little bit about the experiences that you’ve had specifically in the court.

1. Could you walk me through your day that you had a case in LTB? Or, if you’ve been there multiple times for multiple cases, could you walk me through one of those times?

Probes:
What time did you have to wake up?
How far (miles and minutes) did you have to travel to get to LTB? Were you early or late? If so, did that impact your case?
What mode of transportation did you take? How much did it cost?
Did you have to miss work? If so, how much? If so, has that affected your relationship with your employer in any way?
Did you have to pay for childcare?
Did you have to miss school, job training, or any other mandated event?
Did you have to miss an important family event or event with a friend?
Did you have to miss an important health-related appointment?
Did you bring anyone with you to the court?
Did you have to bring any documents in particular with you?
Were there any other burdens or things you had to miss or pay for in order to make it to court?

2. What happened once you got to the court?
Probes:
How long did you wait in the security line?
How long did you wait in the hallway before proceedings started?
How long did you wait before your case was called?
Did you have legal representation in the courtroom during your hearing?
Did you speak with the Law Students in the Court or any of the legal services providers upstairs?
Were you notified that you needed to appear for this case? If so, how? If so, how long in advance?
Have you had to pay any fines or fees associated with your case?
Have you taken part in a mediation session with the court’s Multi-Door Dispute Mediation Program?
Did your LL represent themselves or have an attorney?
Did you speak with or come to a deal with your LL or their attorney in the hallway? In one of the offices in the mediation office? Before even showing up to court?
Have you ever gone to trial for a case? If so, what was that experience like?

3. To what extent would you say that you understand and comprehend the legal processes and documents associated with your case?

Probes:
Did you understand the notice of eviction document you received? And any other documents your LL gave you?
Once you get to court, do you understand where you’re supposed to go and what will happen when you’re there?
Are the signs and directions in court clear to you?
Does the little 10 minute speech the judge does before roll call helpful for you?
Do you understand the language they are using?
What do you think of roll call? Are there things about it that could be better? Parts that are confusing?
Do you understand any documents the court gives you when you are there?
Are instructions given by the judge, LL (or their attorney), and other court officials clear and understandable?
Where did you go to high school/the highest level of education you received?
How would you assess your own literacy?
Do you think most tenants understand what is going on at LTB? Do you think they understand documents they receive?
What do you think about the speed of how things happen?
What do you think about the level of noise and other visual/auditory distractions in the room?
How do you think the court could do a better job of making things flow better; of making things more clear; of making the process easier to navigate?
What aspects of the documents you receive and parts of LTB do you find most confusing/make the least amount of sense?

4. More broadly speaking, why do you think so many people don’t show up to court? Why do you think so many people show up late?

Probes:
What kinds of administrative burdens do you hear people voicing in the court?
What could the court do to make it easier for people to show and to understand what’s going on in the court?

III. The ‘Good’ Tenant and Moral Character

1. Why do you think your LL tried to evict you?
   Probes:
   Did you not pay?
   Did you have a bad relationship with your LL?
   Did your LL have some issue with you (ex: kids)?
   Is your LL trying to sell or flip the property?
   Is your LL trying to rent to higher-income tenants/raise rents?
   Is your LL being foreclosed on?
   Does your LL have some kind of prejudice?
   Does your LL object to your behavior or character in some way?
   Is your unit rent stabilized?
   If you are a voucher holder, does your LL not like voucher holders?

2. Has your LL ever made you take a class? Tried to teach you something? Opened a bank account for you? Taught you how to budget?

3. Do you think your LL thinks you’re a “good” tenant? A “problem” tenant?

4. Does your LL try to make you a better tenant in any way?

5. When a LL says, “I’ve got this problem tenant…” what do you think they really mean? When they say “I’ve got this good tenant…” what do you think they really mean?
   Probes:
   In your own words, what does it mean to be a “good” tenant?
   Do you think a LL’s definition of a “good” tenant is objective?
   Do you think you are a “good” tenant? Why or why not?
   Do you think the judges and people in LTB view you as a good person or tenant?
   Do they look down at or patronize you in any ways? Do they try to make you “better”?

6. How has your case affected your relationship with your LL, if at all?

IV. Big Picture, Hopes, Ideas
Okay, we’re almost done. I just have a couple bigger picture questions left.

1. If you could make anything about the eviction process better, what would it be?
2. If you could make anything about LTB better or different, what would it be?
3. What do you think are the best parts of LTB? Inversely, what are the worst parts of it?
4. What do you want to see happen in your case? What is your ideal outcome?
5. If you could tell the general public—someone who knows nothing about evictions or LTB—about evictions in DC, about LTB, about your case, or about any other aspect of this experience, what would you want that to be?

6. A lot of tenant I know have told me an analogy they use to think about LTB, evictions, or some aspect of either (or both). Do you have or can you think of an analogy that summarizes these kinds of processes and experiences?

7. Do you have any other thoughts you’d like me to hear or know about? Any questions for me?

8. Would you be interested in chatting again or potentially having Isaiah see your unit or come to court with you?

Great, thank you again so much Mr./Ms. ________. This was so incredibly helpful for me and for this project! I know you are very busy and have a lot of things going on, and so it means just that much more to me that you’re willing to make some time to sit down with me. I know that your voice and experience will help strengthen this research and, hopefully, can help bring some attention to the eviction process in DC.
APPENDIX H: FULL PRELIMINARY ANALYSIS FROM ADMINISTRATIVE DATA CODING

Evictions in Washington, D.C. in 2018
Preliminary Analysis

Brian J. McCabe and Eva Rosen
Georgetown University

With a pilot grant from Georgetown University, we have coded a random sample of ~1,500 eviction filings from Washington, DC. Overall, more than 31,000 eviction notices were filed with the Landlord-Tenant court. These insights offer a first look into this process.

- Overall, ten rental companies accounted for almost 47 percent of all eviction filings in 2018. The following management companies filed the largest share of cases in our dataset.
  
  - William C. Smith & Company – 18.29%
  - The Barac Company – 6.87%
  - Edgewood Management Corporation – 4.4%
  - Borger Management, Inc. – 3.86%
  - Residential One, LLC – 3.63%
  - Horning Management Company, LLC – 3.24%
  - CIH Properties, Inc. – 2.08%
  - Wingate Properties LLC – 1.54%
  - D.C. Housing Authority – 1.47%
  - Mayfair Mansions, LP – 1.31%
- **Most evictions were filed for the equivalent of one month’s rent.** The median rent in the sample was $1209. The median total amount due by the tenant was $1207.50.

- **Missed rent payments leading to eviction filings generally occurred over a short period of time.** The median duration of missed rent payments was 30 days.
• **Subsidized renters were a minority of renters facing eviction, although they still accounted for a significant share of tenants facing an eviction filing.** Tenants with subsidized rent accounted for 22.8 percent of the sample.

• **Eviction filings were overwhelmingly concentrated in four zip codes on the east side of the city.** These four zip codes accounted for nearly 70 percent of eviction filings in the city.
APPENDIX I: RULES, REGULATIONS, & LAWS THAT GOVERN IN LTB

Feeley (1979) notes that courts are “parochial institutions,” as each court has its own specific language, processes, rules, and behavioral expectations. LTB is governed by three separate sets of rules and laws. First, the court itself has its own set of rules. Additionally, the DC Superior Court Civil Division Rules are incorporated into LTB’s set of rules. Second, the DC Code, the DC Municipal Regulations, and DC case law all apply to the cases filed in LTB. Third, when it applies to the unit at dispute in a case, the Rental Housing Act governs much of how that case will be handled—even to the exclusion of other DC Code provisions. Though the court’s procedures are set out and governed by these extensive rules, laws, and regulations, they cannot be so specific and minute as to govern every single particular and potential case or scenario that arises or could arise in the court (Feeley 1979). As a result—and because the law is “overdetermined,” meaning that a set of actions is always defined by more than one rule—discretion is inevitable and actors must “fill in the gaps” (Feeley 1979).

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115 My understanding of these three sets of rules and how they govern LTB’s functioning come from a combination of my own fieldwork and Bread for the City’s 2013-2014 DC Law Students Manual.
116 When a case goes to jury trial, or when a jury trial has been requested, other DC Civil Division Rules may be applied to certain aspects of the case.
117 To access the DC Code, visit https://code.dccouncil.us/dc/council/code/. To access the DC Municipal Regulations, visit https://www.dcregs.dc.gov. Catholic University of America’s Judge Kathryn J. Dufour Law Library links to much of DC’s case law; to access it, visit https://libguides.law.cua.edu/DC/caselaw.
118 To read the DC Rental Housing Act, visit https://dhcd.dc.gov/service/rent-control.