

HelpCenter

HAMILTON COUNTY MUNICIPAL COURT

6-Month Report

1000 Main Street, Room 113
Cincinnati, Ohio 45202



April 30, 2018

www.cincyhelpcenter.org

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Background

The Hamilton County Municipal Court Help Center opened in September 2017. The Help Center’s mission is to increase access to justice by providing self-represented litigants with education, information and limited legal advice to help them become better equipped to understand their legal issues and navigate the court system. The Help Center was developed through a partnership between the Hamilton County Clerk of Courts, Municipal Court, the County Commission, and the University of Cincinnati College of Law.

In 2015, the Supreme Court of Ohio’s Task Force on Access to Justice released its Report and Recommendations, acknowledging that “open and accessible courts are a hallmark of a civilized society and all citizens must have access to the civil justice system.”¹ However, in the past year, 86% of civil legal problems reported by low-income people received either no or inadequate legal help.² Additionally, 71% of low-income households experienced at least one civil legal problem in the last year.³ In housing and small claims matters, two areas covered by the Hamilton County Municipal Court, at least one party lacks representation in up to 98% of cases.⁴ Each day, as the Supreme Court’s Task Force concluded, Ohio courts are filled with “individuals unable to secure legal representation in civil matters [and] are left with no choice but to navigate an unfamiliar, complex court system alone.”⁵

The gap in access to civil legal assistance exacerbates existing societal and economic problems in our community. In Cincinnati, widespread poverty and fast-growing rents have pushed a growing number of families out of their homes.⁶ In 2017, Cincinnati had the 10th highest eviction rate in the country.⁷ In Hamilton County, the number of available and affordable housing units has become less available as the number of households in poverty has grown by 40% since 2000.⁸ Our Municipal Court takes in an average of 300 new eviction filings per week. Studies have shown that experiencing an eviction has adverse long-term impacts on mental and physical health, childhood development and the ability to

¹ Supreme Court of Ohio, Report and Recommendations of the Supreme Court of Ohio Task Force on Access to Justice, March 2015, p. i. Available at <http://www.supremecourt.ohio.gov/publications/accessjustice/finalreport.pdf>.

² Legal Services Corporation, The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans, June 2017, p. 6. Available at <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

³ Id.

⁴ Deborah Rhode, *Access to Justice*, 2004.

⁵ Supreme Court of Ohio, *supra* note 1, p. i.

⁶ Cincinnati Enquirer, Been evicted? You have a lot of company: Study finds Cincinnati area has high eviction rate, driven by escalating rents and poverty, October 26, 2017. Available at <https://www.cincinnati.com/story/money/2017/10/26/escalating-rents-and-widespread-poverty-pushed-cincinnati-into-top-10-metro-areas-were-residents-fac/798150001/>.

⁷ Id.

⁸ LISC, et. al., Housing Affordability in Hamilton County, February 2017, available at https://www.xavier.edu/communitybuilding/documents/Housing_Affordability_Ham_Co_3.2.2017.pdf.

secure adequate housing or credit.⁹ Similarly, with seven out of ten Americans just one paycheck away from being homeless, the inability to adequately defend oneself in a lawsuit can have ripple effects that extend to one's family and larger community.¹⁰

One of the Task Force on Access to Justice's key recommendations was the creation of court help centers across the state to assist self-represented litigants. At the Help Center's opening ceremony, when asked about other model centers, Ohio Supreme Court Chief Justice Maureen O'Connor responded, "I think this is the model."¹¹ She continued, "We're going to see cities, counties across Ohio and I think even across the country looking at what is being done here in Cincinnati and realize that this is the gold standard."¹²

⁹ See Matthew Desmond, et al, *Eviction's Fallout: Housing Hardship and Health*, 2015. Available at https://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015_2.pdf; Matthew Desmond, et al, *Evicting Children*, 92 Soc. Forces 303, 314 (2013); AAA Credit Guide, *How an Eviction Affects Your Credit*, October 19, 2017. Available at <https://aaacreditguide.com/eviction-credit-report/>.

¹⁰ American Aid Foundation, <http://www.americaaidfoundation.org/homeless-comfort-&-care/Homeless-Comfort-&-Care.html>.

¹¹ Cincinnati Business Courier, County, Clerk of Courts, UC Law School Launch Legal Help Center, September 25, 2017. Available at <https://www.bizjournals.com/cincinnati/news/2017/09/25/county-clerk-of-courts-uc-law-school-launch-legal.html>.

¹² 9-WCPO Cincinnati, Hamilton County Offers Help so People can Represent Themselves in Court, September 25, 2017. Available at <https://www.wcpc.com/news/local-news/hamilton-county/hamilton-county-offers-help-so-people-can-represent-themselves-in-court>.

What does the Help Center do?

The Help Center works to bridge the civil justice gap providing self-represented litigants in the Hamilton County Municipal Court with information and limited legal advice to help them better navigate the court system and advocate for themselves in court. The Help Center's services are free, open to the public and are offered on both a walk-in and by appointment basis. The Help Center is located in the front of the courthouse in a highly visible and accessible location and is open from 8:00am to 4:00pm. The main areas of assistance are:

- Evictions
- Landlord/tenant issues
- Small claims
- Creditor/debtor lawsuits
- Other civil Municipal Court issues

The Help Center is staffed by a full-time attorney, a full-time paralegal and volunteer students and attorneys. The Help Center provides information and limited legal advice to self-represented litigants. A visitor to the Help Center will be greeted at our front desk where the staff paralegal determines the level of service requested or needed. The front desk paralegal provides basic procedural information and legal forms when only quick services are needed. Otherwise, people are directed to either 1) a law student for in-depth information about court process/procedures and assistance completing legal filings; or 2) an attorney for a limited legal advice session to help them determine next steps for their cases. All law students and volunteer attorneys are supervised by the Help Center's staff attorney. Additionally, the Help Center works to create informational guides that explain court procedures and model pleadings to assist self-represented individuals plead their cases.



Help Center by the numbers

The Help Center has already had an enormous impact. In the first six months, the Help Center has assisted over 5,000 people. Magistrates and judges now rely on the Help Center to send self-represented litigants that need assistance. Although the Help Center is only six months old, the data are beginning to indicate that case outcomes in Municipal Court are more favorable for self-represented litigants than before its existence. Additionally, as part of our six-month review, we have developed a long-term evaluation process that will provide even more robust outcome tracking moving forward.

To evaluate our work, the Help Center uses intake tracking forms, end-of-service surveys and the review of case outcomes. We have used our performance measures to gauge our effectiveness, direct resources to areas of the most need and identify areas where self-represented people need additional support. The Help Center's operational results over its first six months of operation—September 26, 2017 to March 31, 2018—are included below. We tracked the following:

- Litigants' use of the Help Center
 - Number of visits
 - Number of visits by assistance level
 - Number of visits by case type
 - Number of visits by primary assistance given by the Help Center
- Demographics of litigants receiving limited legal advice at the Help Center
 - Age
 - Gender
 - Race/ethnicity
 - Income
- Case outcomes
 - Creditor/debtor
 - Evictions
 - Small claims
- Visitor satisfaction

Litigants' use of the Help Center

Number of Visits

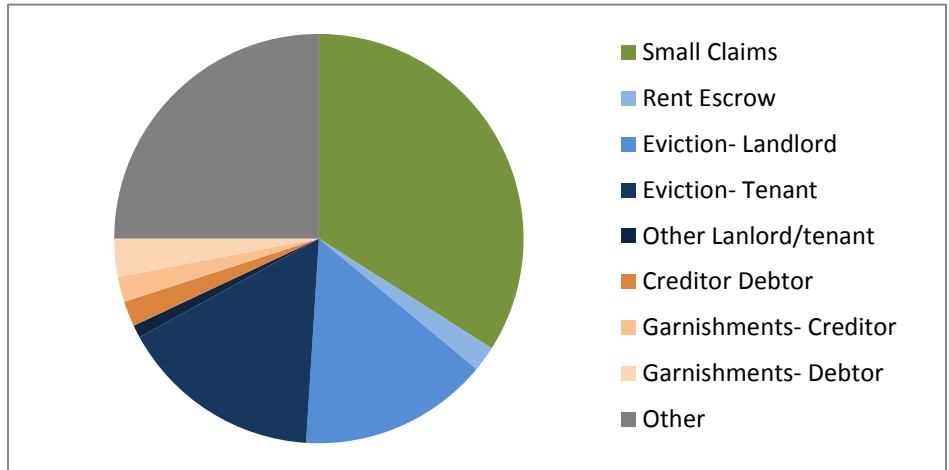
- Total visits: 5,088
- Daily average: 39

Assistance Level

- Legal advice: 417
- Information: 4,671

Case Type

- Small Claims: 1,719
- Rent Escrow: 86
- Eviction- Landlord: 789
- Eviction- Tenant: 809
- Other Landlord Tenant: 47
- Creditor/debtor: 100
- Garnishments- Creditor: 112
- Garnishments- Debtor: 160
- Other (Driver’s license issues, referrals to other services, courthouse directions): 1,266



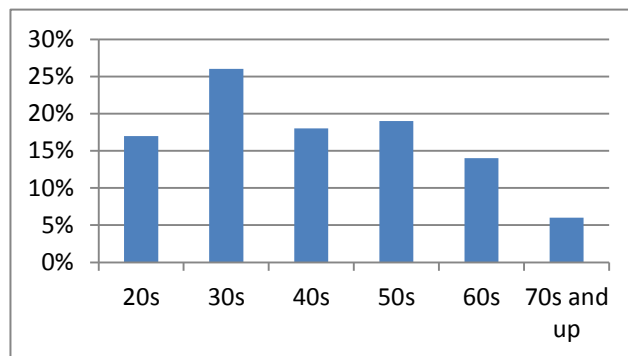
Primary Assistance Given

- Forms & filings: 50%
- Directions: 16%
- Court record look up: 9%
- Court processes/procedures: 14%
- Service issues: 6%
- Hearing preparation: 3%
- Other: 2%

Demographics of People Receiving Legal Advice at the Help Center

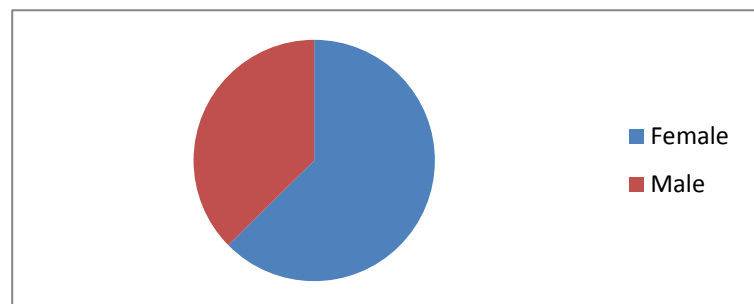
Age

- 20s: 17%
- 30s: 26%
- 40s: 18%
- 50s: 19%
- 60s: 14%
- 70s and up: 6%



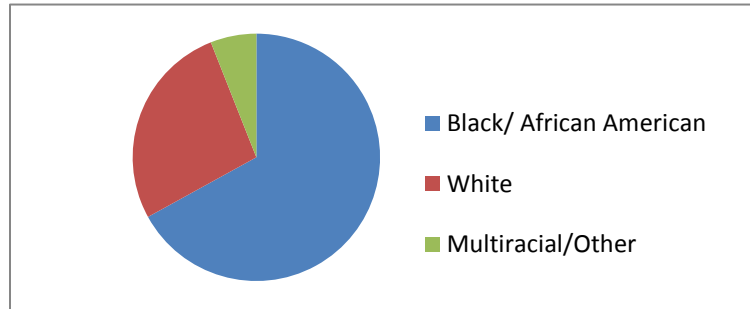
Gender

- Female: 63%
- Male: 37%



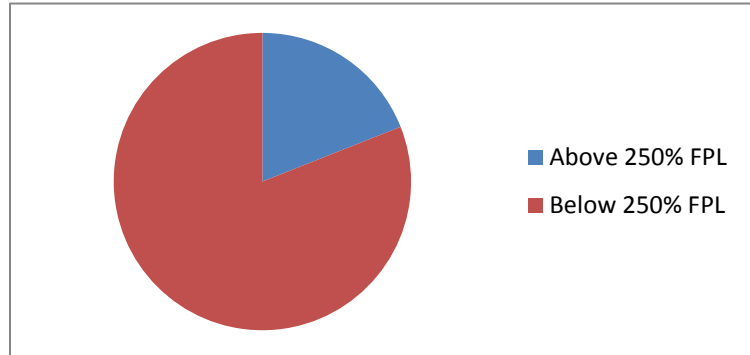
Race/Ethnicity

- Black/ African American: 67%
- White: 30%
- Multiracial/other: 3%



Income

- Above 250% FPL: 19%
- Below 250% FPL: 81%



HC CASE OUTCOMES

In our first six months, we have been able to collect some limited case outcome data. This preliminary data is limited by the length of the cases themselves, where many of the cases have not yet reached their final disposition, and by the limited number of cases in each case type. Nevertheless, the early snapshot is promising and suggests a dramatic effect on case outcomes where the Help Center provided assistance to self-represented litigants. The case outcomes are reported in three areas:

- Filing answers (responsive pleadings) in creditor/debtor lawsuits
- Preparing for small claims hearings
- Filing answers and counterclaims in eviction cases

Additionally, as part of our six-month review the Help Center has developed an outcome tracking process that will capture case outcomes in the following six additional areas moving forward:

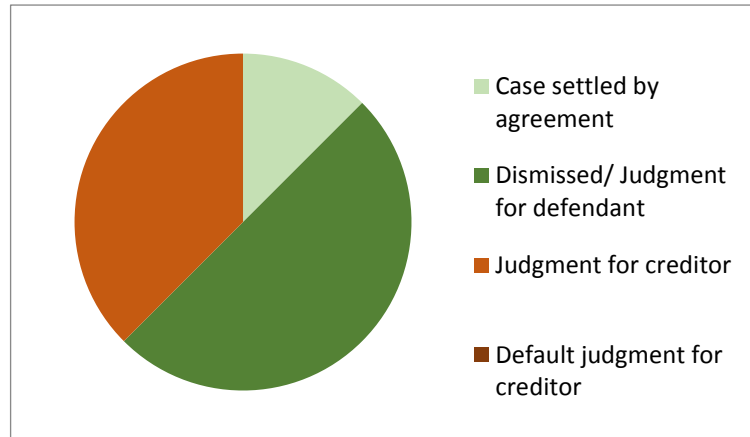
- Small claims complaints and amended complaints
- Eviction 1st cause hearings (actions for restitution of the premises)
- Motions to remove eviction case information from the internet
- Motions for relief from judgment
- Rent escrow
- Garnishments

Creditor Debtor Answers¹³

In cases where the Help Center assisted a self-represented litigant file an answer after being sued for a debt, we found a high rate of dismissals and judgments in the defendant’s favor as compared to the control group. However, some caution is warranted with this early outcome because of the small sample size and since more than half the cases have not yet reached their final disposition. Regardless, these outcomes show that the Help Center has helped self-represented litigants avoid early default judgments by filing answers. It is important to note that in the control group, only two litigants filed a responsive pleading such as an answer in the 50 cases evaluated. This accounts for the high proportion of dismissals in the Help Center-assisted cases in contrast to the high proportion of default judgments in the control group.

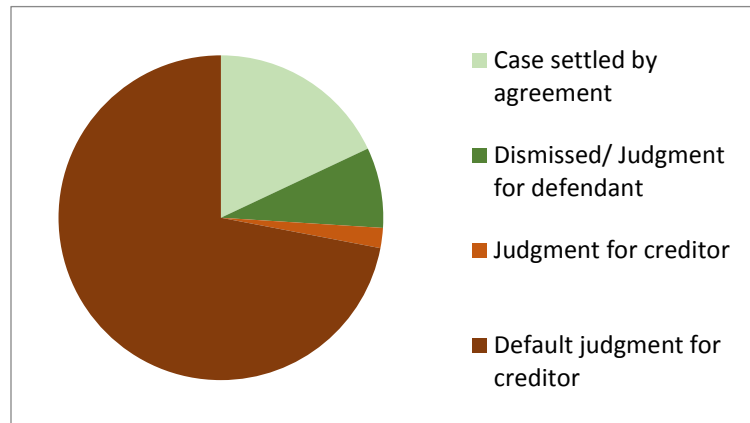
Help Center Cases

Case settled by agreement: 13%
Dismissed/ Judgment for defendant: 50%
Judgment for creditor: 37%
Default judgment for creditor: 0%



Control Group

Case settled by agreement: 18%
Dismissed/ Judgment for defendant: 8%
Judgment for creditor: 2%
Default judgment for creditor: 72%



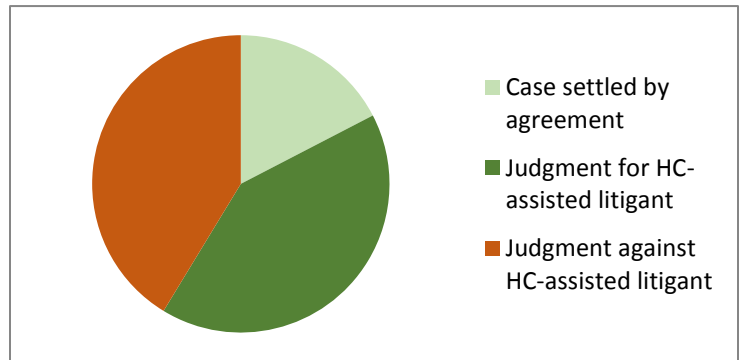
¹³ The Help Center assisted 29 people in filing answers in creditor/debtor lawsuit. Of those cases, 11 had met their final dispositions. The comparison group is taken from 50 randomly selected creditor/debtor cases where the defendant was pro se and was filed in April 2017, before the HC opened.

Small Claims Hearing Preparation¹⁴

In cases where the Help Center assisted self-represented litigants in preparing their cases in small claims court, we found significantly better outcomes as compared to the control group. Not only did we find an increased number of judgments in favor of the HC-assisted litigant, we found higher rates of cases being settled. This is likely a result of Help Center attorneys suggesting mediation and settlement as ways to resolve the legal matter.

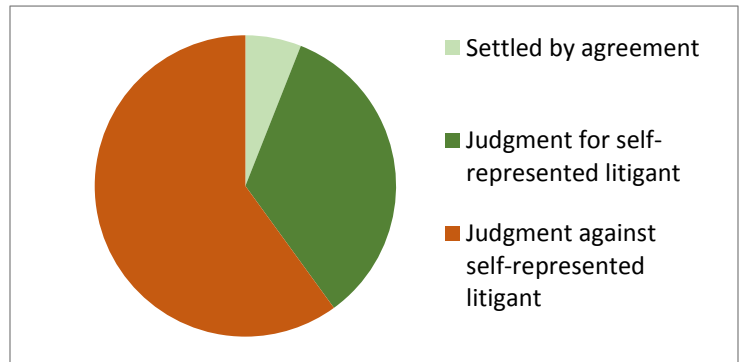
Help Center Cases

Case settled by agreement: 18%
Judgment for HC- assisted litigant: 41%
Judgment against HC-assisted litigant: 41%



Control Group

Case settled by agreement: 6%
Judgment for self-represented litigant: 34%
Judgment against self-represented litigant: 60%



Eviction 2nd Cause Answers¹⁵

In cases where the Help Center assisted self-represented litigants in filing answers in evictions cases, we found a significantly higher rate of dismissals by the landlord and judgments for the tenant as compared with the control group. It appears that the act of responding to the landlord’s complaint with an answer leads many landlords to drop the case against the tenant.

However, the comparison with the control group raises interesting questions that will warrant further examination as more Help Center-assisted cases reach their final disposition. In the control group, we found that very few cases are actually litigated. Of 50 cases, only one tenant filed an answer or other

¹⁴ The Help Center assisted 50 people prepare their evidence for small claims trials. Of those cases, 46 had met their final dispositions. The comparison group is taken from 50 randomly selected small claims cases where one party was pro se and was filed in April 2017, before the Help Center opened.

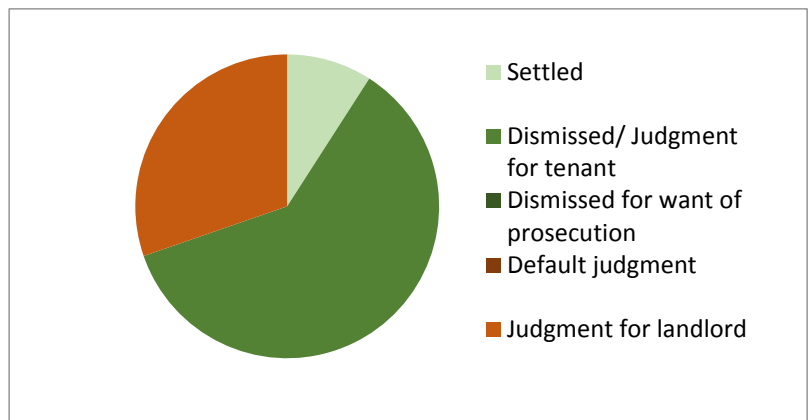
¹⁵ The Help Center assisted 44 people file answers in eviction cases. Of those cases, 29 had met their final dispositions. The comparison group is taken from 50 randomly selected eviction cases where the defendant was pro se and was filed in March 2017, before the HC opened.

responsive pleading. Not responding puts self-represented tenants at risk of the landlord obtaining a default judgment against them. Predictably, we found an increased rate of default judgments in the control group. We also found that 72% of cases in the control group were “dismissed for want of prosecution” because neither the landlord nor the tenant took any action in the case for a full year.

On the surface, this would suggest the counter-intuitive result that in the aggregate, a tenant filing an answer increases judgments for the landlord. However, a self-represented tenant who declines to file an answer would have no way of knowing whether their landlord would obtain a default judgment or decide not to pursue the case any further. We will continue to watch these outcomes in determining what additional supports—for example an increased focus on hearing preparation in evictions cases—to provide self-represented litigants.

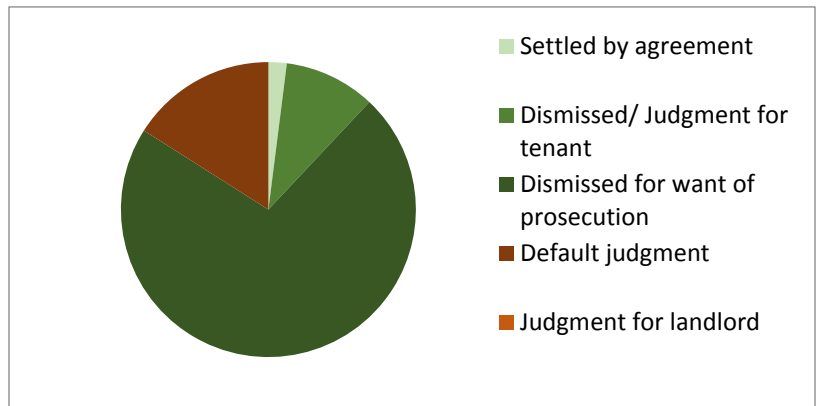
Help Center Cases

Settled by agreement: 7%
Dismissed/ Judgment for tenant: 59%
Dismissed for want of prosecution: 0%
Default Judgment: 0%
Judgment for landlord: 34%



Control Group

Settled by agreement: 2%
Dismissed/ Judgment for tenant: 10%
Dismissed for want of prosecution: 72%
Default judgment: 16%
Judgment for landlord: 0%



Visitor Satisfaction¹⁶

The Help Center collected the following data related to visitor satisfaction on end-of-service surveys:

- 97% reported that they were helped
- 100% reported that they better understood their case/legal issue
- 97% reported they better understand what to do next
- 97% reported that they better understand court processes and procedures
- 95% reported that they feel better prepared for their case/legal issue

¹⁶ Results are taken from 50 end-of-service surveys.

Success Stories



Asia Jones paid her rent.¹⁷ This is all she wanted to explain to the court after her landlord filed in the Hamilton County Municipal Court to evict her for nonpayment of rent. She could prove that she mailed her rent on time and that the landlord was not legally justified in evicting her. Ms. Jones receives public housing assistance and an eviction would mean losing her voucher and potentially becoming homeless. On the day of her court hearing, however, she was late, caught in an exceedingly long security line at the courthouse. When she arrived at the court room, she was told that her case had been called and she had already been evicted in her absence. The Help Center explained Asia's legal options, assisted her in filing for a new eviction trial and advised her on how to best present her case at her new hearing. At her new court date, Asia successfully presented her defense, and the court ruled in her favor. With the Help Center's assistance, she is able to stay in her apartment, keep her housing subsidy and avoid the long-term stigma of an eviction.

When Donald Martin received court papers in the mail that informed him he was being sued for an old debt, he was confused. The plaintiff was a company whose name he did not recognize or remember doing business with in the past. Mr. Martin is low-income and could not afford to pay the debt or have his wages garnished especially by a creditor he did not know. When Mr. Martin came into the Help Center, he met with an attorney who reviewed the case for possible defenses. The plaintiff claimed to have purchased the debt from a credit card company where they claimed Mr. Martin previously had an overdue account. However, the plaintiff had not provided any proof that it had in fact purchased the debt or that Mr. Martin owed them anything. The Help Center assisted Mr. Martin in preparing a motion to require the plaintiff to show proof that he owed them or for the court to dismiss the case. Once the debt collection company received Mr. Martin's motion, it dismissed its case against him, presumably because it could not prove it owned the debt. With the assistance of the Help Center, Mr. Martin was able to exercise his legal rights to defend himself and avoid a judgment that would have added an additional financial burden on him.

¹⁷ Names have been changed to protect privacy.

When Marquita Smith first rented her apartment, it appeared to be a good fit for her husband, young daughter and herself. The location was convenient, and the first floor and finished basement would be enough space for her family. However, the trouble began just a few months after they moved in. After a heavy rain, their finished basement flooded. The flood wasn't bad, but her landlord took no steps to prevent future flooding. Just a couple months later, the basement flooded again, only this time much worse. With close to a foot of water in her basement, Marquita's furniture was destroyed and the basement was rendered uninhabitable. Still, with the carpet torn out and the drywall cut down to the studs, the landlord took no action to restore the basement to habitable condition. Marquita began paying her rent to the court in escrow to put pressure on her landlord to fix the damage, but her landlord took no action. The Help Center assisted Marquita in organizing her evidence, planning how she would present it in court and suggested legal arguments to make in her hearing. In fact, Marquita's most successful argument—that she was entitled to be compensated not just for lost property but also for the lost use of the basement—was suggested by a Help Center attorney. At her hearing, the magistrate commended Marquita on her organization and presentation of her case and compensated her for the loss of the use of the basement.



Where we are going

Though the first six months have been a success, it is just the start in the Help Center's work to support self-represented litigants in Hamilton County Municipal Court. The Help Center is working to become a national model in bringing effective supports to self-represented litigants and bridging the gap in civil justice. We have the following goals for the remainder of 2018:

- **Deepen our support for self-represented litigants:** Using data and the experience of self-represented litigants themselves, the Help Center will continue to focus our areas of assistance, increase outreach and develop targeted written guides and model pleadings to help self-represented people more effectively navigate the court system.
- **Solidify the Help Center's internal processes:** At six months, we reviewed the intake, data tracking and other internal processes to refine our long-term processes and procedures. Moving forward, we created a detailed case outcome tracking scheme, are working to digitalize our intake process and have plans to create a digital library of model pleadings and guides.
- **Increase the Help Center's use of volunteer attorneys and students:** During the first six months, we successfully defined roles for attorney and student volunteers while developing training strategies to support them. Though our early volunteer turnout has been encouraging, we are working increase our use of volunteers to best connect them with self-represented litigants who need them.