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From Policy to Practice: Administrative Burden and Human-Centered Design in Tenant Right to Counsel Programs

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A dissertation

submitted in partial fulfillment of the
requirements for the degree of

Doctor of Philosophy

University of Washington

2026

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Evans School of Public Policy and Governance

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Abstract

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Millions of low-income tenants in the United States face eviction each year, and the vast majority of tenants in these cases proceed through the civil court system without representation. Despite the proliferation of tenant “right to counsel” laws across the country, access to legal assistance remains limited even in jurisdictions where it is theoretically guaranteed. This dissertation investigates the persistence of the access to justice gap in eviction proceedings through a mixed methods examination of Washington state’s groundbreaking statewide right to counsel law. Using qualitative methods, natural language processing, and a randomized controlled trial, I generate novel evidence about the sources of administrative burden that tenants face in their efforts to access legal assistance and explore how public policy can help address these barriers.

In the first study, I analyze qualitative data from 23 in-depth interviews with tenants who faced eviction judgments before accessing legal assistance. This analysis shows that the civil legal system imposes substantial learning, compliance, and psychological costs on tenants – and that these burdens stem largely from the eviction process itself, rather than from the design of legal assistance programs. In the second study, I apply document-conditioned large language model (LLM) analysis to 195,050 case documents from 8,234 eviction cases filed in Pierce County, Washington between 2022 and 2024 to quantitatively measure tenants' ability to overcome critical administrative checkpoints and access legal representation. I find that submission of a written response and attendance at preliminary hearings are strong predictors of legal representation and more favorable case outcomes, and that the relationships between procedural engagement and outcomes shifted substantially as the policy environment changed throughout the study period. In the third study, I present the results of a randomized controlled trial of an informational postcard designed to reduce learning and psychological costs and thereby increase hearing attendance. Results show that this low-cost behavioral nudge significantly increased hearing attendance and marginally increased eligibility screening rates, and the effects on downstream case outcomes are not statistically significant but suggest that the intervention may have a more modest positive impact on outcomes for tenants.

Together, these studies demonstrate that the learning, compliance, and psychological costs of participating in the civil legal system create substantial barriers to justice even when legal assistance is widely available. By applying the theoretical framework of administrative burden and a human-centered design methodology to eviction proceedings and right to counsel programs, I show how targeted reforms rooted in empirical evidence of tenants' experiences can

increase participation in the legal process and potentially improve other outcomes for low-income households.

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ACKNOWLEDGEMENTS

This dissertation is the product of many years of collaborative work at the University of Washington and well beyond. None of this would have been possible without the support of the wonderful colleagues, mentors, friends, and family members who have invested in my growth and development these last five years.

Karin Martin has been an incredible mentor and advisor throughout my time at the Evans School. She has guided me through complex and difficult decisions, asked the right questions, and is the best editor that anyone could ask for. Rachel Fyall has also been there for me since the beginning of my PhD, and her support and feedback have helped me grow immeasurably. Crystal Hall and Heather Hill have both been excellent mentors and helped me turn overly ambitious research plans into a clear agenda. Finally, I thank Jennie Romich for supporting my work as a mentor and committee member.

My research has also benefited from the support of many others at Evans. Scott Allard, Isabelle Cohen, Ines Jurcevic, and the Behavioral Sciences Applied to Public Policy (BAP) group have nudged me in the right direction when needed and helped make the Evans School a wonderful home for my research. Keith Dammer also provided an incredible amount of critical administrative support throughout my time at Evans, allowing me to overcome bureaucratic obstacles and focus on building my research agenda.

Outside of Evans, I have benefited from collaborations and conversations with Curtis Atkisson, Anjum Hajat, Cheng Ren, Aaron Rosenthal, and Tim Thomas. I would never have been able to wrap my head around the legal process and the intricacies of eviction defense work without Ron Baugh, Will Beck, Faith Foote, Ali Kingston, Phillipe Knab, Michelle Lucas, Jane

Pak, and Bonnie Rosinbum. The same is true for the tenants who graciously agreed to share their stories for my qualitative research – without them, none of that work would have been possible.

I am also thankful for the financial support that has allowed me to do this research. At the University of Washington, my work benefited from the support of the Population Health Initiative, Center for Studies in Demography and Ecology, eScience Institute, and the Evans School of Public Policy and Governance. I received critical dissertation funding from the Washington Office of Civil Legal Aid, the National Science Foundation's Law and Science Dissertation Grant program and the Office of Planning, Research, and Evaluation (OPRE) in the U.S. Department of Health and Human Services Administration for Children and Families (ACF).

Finally, I am deeply grateful for my family. My parents instilled in me a deep appreciation for learning and education, and this has led me to believe in the power of scientific research and evidence for creating a better world. I would also not be where I am today without Katie, who has navigated the many challenges of marriage, parenting, and work by my side in these surreal times. And last – but certainly not least: although I can't exactly thank Theo and Niko for helping me make progress on my research, they deserve a shoutout too. I love you guys.

GLOSSARY OF LEGAL TERMS

Appearance: A formal notification to the court and opposing party that a defendant intends to participate in the case and defend themselves. An appearance may consist of a written response to legal documents or attendance at a hearing.

Default judgment: A court judgment entered against a defendant because the defendant did not respond to a complaint or appear at a scheduled hearing, regardless of the merits of the case. In eviction proceedings, a default judgment typically leads the court to issue an order for a Writ of Restitution (eviction judgment) against the tenant.

Defendant: The party being sued in a civil legal proceeding. In eviction cases, the tenant is the defendant against whom the landlord (plaintiff) brings an unlawful detainer (eviction) action.

Plaintiff: The party initiating a civil legal action or lawsuit. In eviction proceedings, the landlord is the plaintiff who files an unlawful detainer (eviction) complaint against a tenant (defendant) seeking to recover possession of rental property.

Show cause hearing: A hearing in court at which both parties are required to appear and present arguments ("show cause") for why the court should rule in their favor. If a landlord does not attend a show cause hearing, it is typically canceled. If a tenant does not attend a show cause hearing, they may face a default judgment.

Complaint: The initial legal document filed by a plaintiff with the court that sets forth claims against a defendant and the relief sought. In eviction cases, a landlord files a complaint alleging nonpayment of rent, lease violations, or other grounds for eviction, specifying the amount owed and describing the property and parties involved.

Dismissal: A court order ending a case before or after judgment, typically because the court finds that the plaintiff's complaint lacks merit, the parties have reached an agreement, or other grounds for termination exist.

Judicial officer: A judge, commissioner, or other official with authority to preside over court proceedings and make legal decisions and issue court orders. In eviction courts, judicial officers may be judges or commissioners.

Order for Limited Dissemination: A court order restricting tenant screening companies from including an eviction record in background reports. In eviction proceedings in Washington, this order protects tenants' future housing access by preventing widespread dissemination of eviction case information. In this dissertation, I also refer to Orders for Limited Dissemination as "record protection orders."

Order to Show Cause: A formal court document notifying both parties of a scheduled show cause hearing and directing them to appear in court. In eviction cases, an Order to Show Cause is mailed to both the landlord and tenant, specifying the date, time, and location of the hearing.

Pocket service: A method of serving legal documents in which a summons is delivered to a defendant prior to filing the case with the court. Pocket service allows landlords to serve tenants and create proof of service before filing.

Service: The formal delivery of legal documents to notify a defendant of a lawsuit and its requirements. In eviction cases, service typically includes a summons and/or complaint and must be completed in alignment with procedures written in state law which may include personal delivery, leaving documents at the residence, or mailing them.

Order to stay: A court order temporarily halting or suspending legal proceedings or the execution of a judgment. In eviction cases, a stay of a Writ of Restitution temporarily prevents physical eviction.

Summons: A legal document that notifies a defendant of a lawsuit and specifies the deadline for responding or appearing in court. In eviction cases, a summons is typically served with a complaint and gives tenants 7 days to respond by filing an appearance or answer with the court. Failure to respond by the deadline can result in a default judgment.

Order to vacate: A court order reversing, overturning, or setting aside a prior judgment. In eviction cases, tenants may file a motion to vacate a default judgment (often combined with a request to stay the eviction).

Writ of Restitution: A formal court order issued after an eviction judgment authorizing a landlord to take possession of rental property and permitting law enforcement to physically remove a tenant and their belongings from the property.

Chapter 1. INTRODUCTION

The steady disappearance of affordable housing is one of the defining policy challenges of the 21st century. Since the 1970s, low-income households have been forced to pay consistently higher rents which have not been matched by accompanying increases in income (Myers & Park, 2019). As incomes and rents have become increasingly disproportionate for renter households, housing costs have come to occupy an increasing share of household budgets (Joint Center for Housing Studies, 2025). In housing cost burdened households, job loss or other unexpected adversities such as a medical emergency can quickly lead to nonpayment of rent and ultimately to eviction (Desmond & Gershenson, 2017; Keene et al., 2024).

Millions of housing-insecure households in the U.S. face the threat of being evicted from their homes each year. Although court records exclude “informal” evictions in which landlords change the locks, demand tenants to move, or otherwise push renters out of their homes (Fowle & Fyall, 2024; Zainulbhai & Daly, 2022), case filing data indicates that 2.7 million households and 7.6 million people faced an eviction each year between 2007 and 2016 (Graetz et al., 2023) and that eviction filings have returned to or surpassed their pre-pandemic levels in many places (The Eviction Lab, 2025; Thomas & Schwinghammer, 2024). A growing body of literature from sociology, economics, and public health has detailed the myriad individual, household-level, and community-scale consequences of eviction (Collinson et al., 2024; Gottlieb & Moose, 2018; Schwartz et al., 2024; Slee & Desmond, 2023; Smith et al., 2024). These consequences fall disproportionately on Black and female renters, as well as households with children (Desmond & Gershenson, 2017; Graetz et al., 2023).

Socio-legal research has also noted the significant inequities that are common in the civil courts where evictions take place. Just as low-income households have been unable to manage

the increasing cost of rent in recent decades, local courts have been unable to keep up with the volume of eviction filings. This trend often results in eviction procedures that are completed in a matter of days with little attention paid to procedural details or a fair, neutral legal process (Greene, 2015; Sudeall & Pasciuti, 2021). Although comprehensive data on landlord (plaintiff) and tenant (defendant) representation do not exist, available evidence suggests that the vast majority of plaintiffs have access to legal representation during evictions while almost no tenants do (National Coalition for a Civil Right to Counsel, 2025).

This access to justice crisis in eviction courts has significant implications for the wellbeing of individuals and families across the U.S. Professional legal counsel can help tenants defend themselves against frivolous claims, avoid physical displacement, and access services that stabilize their health and financial security (von Geldern, 2025). As of this writing, 27 cities, states, and counties have moved to meet this need through the passage of right to counsel laws that provide access to legal counsel for many or all low-income tenants (National Coalition for a Civil Right to Counsel, 2025). While a growing body of evidence has demonstrated the benefits of tenant right to counsel programs for households at risk of losing their homes, much remains unknown about the implementation of these programs.

This dissertation is motivated by a surprising finding from several early studies of right to counsel programs: many eligible tenants do not take up legal services even when they are widely available (Salant et al., 2025; von Geldern & Martin, 2025). Explanations for this finding have not yet been thoroughly investigated, and I use mixed methods to measure and examine the social and behavioral patterns that explain the gap between the number of tenants who are eligible for legal counsel and the number of households that use it. All three chapters focus on Washington state, home to the nation's first statewide right to counsel law.

The dissertation proceeds in three chapters. Chapter 2 employs the theoretical framework of administrative burden from public administration literature to detail the barriers that tenants face on the path to accessing legal assistance. I draw on 23 in-depth interviews with tenants who faced an eviction judgment before they were able to connect with a local legal aid provider. I identify the learning, compliance, and psychological costs that prevented them from clearing the “administrative checkpoints” (Kim et al., 2025) and accessing support from Washington’s right to counsel program. Findings show that these costs are pervasive, stem largely from the eviction process rather than the right to counsel program, and are often compounded by the overlapping stressors related to financial insecurity, health challenges, and relationship instability that tenants often endure as they navigate eviction proceedings.

Building on the qualitative evidence from Chapter 2, the third chapter develops a new method to quantitatively measure tenants’ behavior and ability to clear these checkpoints. I employ document-conditioned large language model (LLM) analysis to a corpus of text extracted from 195,050 documents filed in 8,234 residential eviction cases in Pierce County, WA between 2022 and 2024. I extract estimates of procedural and case outcomes and use logistic regression models to examine the predictors of tenants’ behavior at administrative checkpoints, access to legal counsel, and outcomes including eviction judgments and dismissals. Regression analysis reveals how procedural dynamics shifted during the three-year study period, how a local ordinance in Pierce County’s largest city appears to have altered these dynamics after implementation, and how the relationship between access to legal counsel and case outcomes shifted as COVID-era federal rental assistance dissipated over time.

Finally, Chapter 4 examines the possibility that a behavioral nudge targeting learning and psychological costs can meaningfully increase tenants’ participation in eviction proceedings and

promote access to justice. Working in partnership with a civil legal aid provider in the right to counsel program, I implemented a randomized controlled trial in which treated households received a postcard with clear information and a destigmatizing message in the days leading up to their first scheduled hearing. Results show that the intervention significantly increased hearing attendance and marginally increased eligibility screening rates, while effects on downstream case outcomes were consistent with stated hypotheses but did not reach conventional levels of statistical significance. This finding suggests that the intervention did influence case outcomes but that the experiment did not have sufficient statistical power.

I conclude with a summary of the insights that arise from this mixed methods study. In addition to detailing the sources of administrative burden in evictions and Washington's right to counsel program, this study quantitatively examines the barriers that tenants face and explores what interventions might be effective in helping tenants overcome them. As high levels of eviction filings persist and right to counsel laws proliferate nationwide, these findings have significant implications for housing insecurity, access to justice, and the wellbeing of low-income households across the U.S.

Chapter 2. EVICTIONS, RIGHT TO COUNSEL, AND ADMINISTRATIVE BURDEN

2.1 INTRODUCTION

In response to the increasing attention paid to this justice gap by researchers and media reports, policymakers in 26 jurisdictions have now moved to provide tenants facing eviction through universal (or near-universal) tenant “right to counsel” programs (Benfer et al., 2025; National Coalition for a Civil Right to Counsel, 2025). While some policies such as eviction diversion or rental assistance programs focus on reducing the number of cases filed against tenants (Humphries et al., 2024; National Center for State Courts, 2024), right to counsel programs aim to support tenants once a case has been filed in civil court. Although evidence about the impacts of providing tenants with legal assistance in eviction proceedings remains somewhat limited, local policymakers across the US continue to debate and advance proposals for similar programs (National Coalition for a Civil Right to Counsel, 2025).

2.2 TENANT RIGHT TO COUNSEL PROGRAMS

Legal scholars have long advocated the provision of legal counsel to tenants facing eviction because of the inequitable court processes that govern the eviction process, and this movement has accelerated in recent years (Desmond & Bell, 2015; Grant, 2024; Lidman, 2005; National Coalition for a Civil Right to Counsel, 2025; Seron et al., 2001). As more research has detailed the significant individual, household, and community-level consequences of the evictions, policymakers have become increasingly aware of the value of policies that could reduce the greatest harms of the modern eviction crisis. Although the details of program eligibility and implementation vary, these initiatives typically create processes through which

most or all low-income tenants are able to access free legal representation when faced with an eviction filing (Benfer et al., 2025).

Legal representation can benefit evicted tenants in myriad ways and at different points in the eviction process. In the first place, the availability of legal aid could make eviction filings less common by discouraging landlords from filing frivolous suits. Legal representation could also increase the likelihood that a tenant submits a response or attends their hearing by improving tenants' perceptions of fairness, or the perceived benefit of their participation (Pollock, 2024). Attorneys can also help tenants better understand the eviction process and mount an affirmative defense in their case. The eviction process is confusing and laden with court-specific jargon, and socio-legal accounts suggest that both landlords and tenants are frequently unable to fulfill procedural requirements without professional legal assistance (Fleming-Klink et al., 2023; Nelson, 2021; Sudeall & Pasciuti, 2021). Lawyers can help interpret and meet court expectations, and file documents or motions that can help tenants remain housed, or otherwise improve case-related outcomes (Cassidy & Currie, 2023; Ellen et al., 2020).

Legal counsel also creates logistical benefits for tenants. Attorneys are better equipped to attend multiple hearings or otherwise manage case participation requirements on behalf of their clients (Keene et al., 2024). Attorneys can help tenants manage competing demands of precarious employment, familial responsibilities including childcare, or stress-related medical issues that arise during the eviction process – all issues which may be particularly acute for people who are structurally marginalized on the basis of their race or gender (Desmond & Gershenson, 2017; Keene & Blankenship, 2023; Willie et al., 2021). The benefits of legal representation may also extend beyond the eviction proceeding, if legal aid providers are able to improve tenants' housing prospects or reduce the civil debt that often results from an eviction

(Summers, 2023). Access to an attorney can also give tenants more time to connect to valuable social services (Keene et al., 2024).

Causal analysis of program impacts from right to counsel initiatives has broadly demonstrated meaningful benefits for tenants who receive free representation. Evidence from New York City's Universal Access to Counsel (UAC) program indicates that attorneys help prevent forced evictions and reduce monetary judgments against tenants during the course of an eviction proceeding (Cassidy & Currie, 2023). A study of a randomized controlled trial of legal assistance in Shelby County, TN found significant impacts on executed evictions as well (Caspi & Rafkin, 2024), although the study's finding of substantially reduced effects subsequent to the lapse of the Emergency Rental Assistance Program (ERAP) echoes the sentiment that "Lawyers Aren't Rent" (Brodie & Bowman, 2023).

Another limitation of right to counsel programs is that they are not accessible for many tenants who may be eligible. Regardless of their design, right to counsel programs for low-income tenants do not actually guarantee a right to legal assistance (Armstrong, 2024). Although comprehensive data on legal representation rates in right to counsel jurisdictions do not exist, two studies in Washington State and New York City found that only about half of tenants received free legal representation after the implementation of right to counsel programs (Cassidy & Currie, 2023; von Geldern, 2025). While these studies did not measure the percentage of tenants in court who were deemed ineligible, findings suggest that some eligible tenants may not be able to access legal assistance even when legal assistance is hypothetically offered.

2.3 EVICTION PROCEEDINGS, RIGHT TO COUNSEL, AND ADMINISTRATIVE BURDEN

Despite their moniker, right to counsel programs do not create a right to legal defense for indigent citizens in the same way that criminal defendants were deemed to have the right to legal counsel in the US Supreme Court's *Gideon v. Wainwright* decision (Armstrong, 2024). Rather, tenant right to counsel initiatives typically create means-tested programs that fund a network of third-party civil legal aid providers who provide assistance to tenants after an eviction has been filed (Armstrong, 2024; Benfer et al., 2025).

Most means-tested government programs in the United States are not accessed by everyone who is eligible, and studies commonly show take-up rates of around fifty percent (Bhargava & Manoli, 2015; Herd & Moynihan, 2023; Ko & Moffitt, 2020). Although comprehensive evidence on this topic does not yet exist, right to counsel programs appear to be no exception in this regard. A study of New York City's UAC program shows that the share of tenants who took up the program below 50 percent during the program's first few years across much of the city (Cassidy & Currie, 2023), and a recent study of Washington state's right to counsel program found a similar result (von Geldern, 2025).

Public administration and policy researchers describe the barriers that prevent take-up of social programs in terms of the administrative burdens that these programs impose (Aiken et al., 2023; Camillo, 2021; Heinrich et al., 2022; Herd & Moynihan, 2019). The theoretical framework of administrative burden emphasizes the onerous nature of accessing public services (the experience of administrative burden) and may help explain why some individuals do not seek or receive support from government institutions (Burden et al., 2012; Herd & Moynihan, 2019). Public administration literature defines administrative burdens as the learning, compliance, and

psychological costs of accessing benefits offered through government services and programs (Moynihan et al., 2015). Although prior scholarship in this area is scarce, several studies have examined the nature of administrative burdens in American legal institutions (Herd et al., 2024; Young, 2024).

Learning costs comprise the time and effort that a person must expend in order to learn about a program or service, whether they are eligible, and how to use it (Moynihan et al., 2015). Eligible individuals may be unaware of a program or service's existence entirely, especially those that were recently created (Aiken et al., 2023). For well-known programs such as the Supplemental Nutrition Assistance Program (SNAP) or job training, even those who are aware of the programs themselves often incorrectly assume they are ineligible (Bartlett et al., 2004; Heckman & Smith, 2004). Other factors such as lower education levels, physical distance from administrative centers, or language barriers can further contribute to a lack of program awareness or understanding (Herd & Moynihan, 2019). Research has also shown that clear and timely information about services and programs, general familiarity with other social services, and associations with third parties such as unions or tax preparation services may help promote access (Budd & McCall, 1997; Kopczuk & Pop-Eleches, 2007; Linos, Ramesh, et al., 2020; Manoli & Turner, 2014).

Compliance costs are defined as the “burdens of following administrative rules and requirements” (Moynihan et al., 2015, p. 46) and may include the time, effort, or financial burdens of providing information, proving eligibility, or responding to inquiries or demands by administrators (Herd & Moynihan, 2019). There is strong empirical support for the idea that compliance costs such as documentation requirements, screening interviews, and complex recertification processes meaningfully reduce access to government programs and services (Herd

& Moynihan, 2025; Kim et al., 2025). Research has also shown that reducing compliance costs through simplified reporting, unified application forms, electronic applications, or direct assistance with application processes reliably increases participation (Brien & Swann, 2001; Leininger et al., 2011; Ratcliffe et al., 2008).

Psychological costs include the stigma of participating in programs or receiving services that are viewed negatively by others and the stresses, loss of autonomy stemming from these actions, or feelings of powerlessness related to administrative processes and procedures (Moynihan et al., 2015). Feelings of stigma, shame, or powerlessness may arise because of interactions with administrative systems or with individuals who are responsible for administering benefits (Herd & Moynihan, 2019; Raab, 2025). These costs may be exacerbated by material scarcity or mental health conditions, and may be mitigated by access to education and other forms of human capital (Bell et al., 2023; Christensen et al., 2020).

This paper argues that the concept of administrative burden is applicable to the study of eviction procedures and right to counsel programs where they are offered. Although it is not typically described as such, the civil legal system in which evictions take place is a government service that was established as a way to govern justiciable disputes between adverse parties. The development of local eviction court systems throughout the 19th and 20th century was theoretically intended to protect both tenants and landlords from violations of lease contracts by the other party (Damerla, 2021). Despite this balanced jurisprudential motivation, however, modern eviction proceedings are marked by pronounced inequities in legal representation in landlords' favor (National Coalition for a Civil Right to Counsel, 2025; Sabbeth, 2022).

The concept of administrative burden may help explain the imbalance in eviction courts. Although eviction is sometimes described as a single event, legal and socio-legal scholarship has

shown that eviction is best understood as a process (Benfer et al., 2025; Schwartz et al., 2024). Administrative burdens could arise at each stage of this process. Prior research has identified five typical stages of the eviction process (notice, filing, hearing, judgment, and warrant execution), and each of these stages may present barriers to participation for both sides (Benfer et al., 2025). In this study, I emphasize the burdens facing tenants rather than landlords because of this study's focus on their engagement with right to counsel programs. I also distinguish between administrative burdens of engaging with the civil legal system as a part of the eviction process and burdens that arise from accessing legal support through a right to counsel program.

At the notice stage of an eviction, landlords inform their tenants of an intent to file an eviction. Tenants may feel confused or fearful about the next step in the process, but are not typically required to take any specific steps during this stage of the process in order to avoid an eviction (Bernal, 2022). Administrative burdens of the eviction process would therefore typically not emerge during the notice stage. Although only three jurisdictions allow tenants to access a right to counsel program at this stage of an eviction (Benfer et al., 2025), administrative burdens related to learning about the program and their eligibility, submitting documentation or communicating with an attorney, or facing the stigma or other psychological costs of poverty and seeking government assistance (Bhargava & Manoli, 2015; Gladstone et al., 2021; Palar et al., 2018; Sandefur, 2007) could emerge at this stage in these jurisdictions that allow tenants to access a right to counsel at the point of notice.

The filing stage also typically does not require tenants to engage in specific court-prescribed actions in order to prevent the judge from issuing a judgment against them. Although administrative burdens do not arise from a requirement to engage with the legal system, approximately one-third of right to counsel programs become available to tenants at this

stage and potential beneficiaries may face burdens related to understanding the program, assessing their eligibility, and contacting the court or a legal aid provider in order to receive legal guidance (Benfer et al., 2025).

Tenants face substantial and consequential sources of administrative burden at the appearance/hearing stage of an eviction, when tenants must inform the court of their intent to defend themselves. In many jurisdictions, tenants may face a “default judgment” authorizing an eviction if they do not respond or attend a hearing as required by local rules (A. Hoffman & Strezhnev, 2023; Brenner et al., 2023; Larson, 2006; von Geldern et al., 2024). Regardless of the availability of legal assistance, tenants in many jurisdictions must overcome learning costs to interpret the documents they receive from their landlord and the court and understand any response or hearing attendance requirements. Compliance costs at this stage may include the submission of a written response to the landlord or to the court and attendance in person or virtually at a preliminary hearing. Submitting an affirmative defense or attending a hearing could also create psychological costs if tenants feel ashamed or stigmatized because of their case. Because tenants’ right to counsel is typically available at this stage of the eviction process for eligible households, these tenants may also face the learning, compliance, and psychological costs associated with legal assistance as described previously.

The judgment stage of an eviction may also create significant learning, compliance, and psychological costs for tenants who hope to defend themselves against their landlords’ complaint. Tenants who are participating in the eviction procedure *pro se* (without legal representation) must interpret the language and procedural details of the civil legal process at every turn, and must submit documentation and motions related to each hearing. If tenants do have representation from a right to counsel program, they still may face learning and compliance

costs related to interacting with their attorney and creating an effective legal strategy. At the same time, however, attorneys could help mitigate the learning, compliance, and psychological costs by providing advice and information, attending hearings and submitting documents, and conferring a sense of stability or clarity about the case and the tenants' future (Cassidy & Currie, 2023; Fyall et al., 2023; Keene et al., 2024).

The warrant stage of an eviction refers to the period in which local law enforcement executes an offer of eviction (Benfer et al., 2025). At this stage, tenants are typically no longer receiving a meaningful benefit from the civil legal process as a service provided by the government. Tenants therefore do not face learning, compliance, or psychological costs that could be identified as administrative burdens after a final judgment has been entered in their case and all appeals have been completed.

Because right to counsel programs are implemented by state, county, and local governments where the formal rules and informal procedures of eviction courts may vary significantly (Benfer et al., 2025; Sudeall & Pasciuti, 2021), tenants are likely to face different sources of administrative burden in these different contexts. Although the details of the learning, compliance, and psychological costs may vary by jurisdiction, Table 1 presents an overview of some administrative burdens that tenants are likely to face as they pursue legal assistance during an eviction. The administrative burdens identified in the right column are intended to represent the costs associated with right to counsel programs above and beyond those that are inherent to participating in the eviction process.

Table 2-1: Administrative burdens in evictions and right to counsel programs

	Administrative burdens: eviction process	Administrative burdens: right to counsel
Notice	<u>Learning costs:</u> N/A <u>Compliance costs:</u> N/A <u>Psychological costs:</u> N/A	<u>Learning costs:</u> Understanding availability of and process for accessing legal assistance <u>Compliance costs:</u> Contacting legal aid provider or right to counsel program <u>Psychological costs:</u> Stigma or shame about reaching out for government assistance
Filing	<u>Learning costs:</u> Receiving and understanding notice of court filing <u>Compliance costs:</u> N/A <u>Psychological costs:</u> Stigma or shame about nonpayment of rent or other issues	<u>Learning costs:</u> Understanding availability of and process for accessing legal assistance <u>Compliance costs:</u> Contacting legal aid provider or right to counsel program <u>Psychological costs:</u> Stigma or shame about reaching out for government assistance
Appearance/hearing	<u>Learning costs:</u> Receiving and understanding notice of response and appearance requirements <u>Compliance costs:</u> Submitting notice of appearance; attending hearing(s) <u>Psychological costs:</u> Stigma or shame about nonpayment of rent or other issues; fear of court environments; stigma or shame about submitting response	<u>Learning costs:</u> Understanding availability of and process for accessing legal assistance <u>Compliance costs:</u> Contacting legal aid provider or right to counsel program <u>Psychological costs:</u> Stigma or shame about reaching out for government assistance

Judgment	<u>Learning costs:</u> Understanding effective legal defense strategies; understanding procedural requirements for submitting documents <u>Compliance costs:</u> Filing motions and other documents; attending hearings <u>Psychological costs:</u> Stigma or shame about nonpayment of rent or other issues; fear of court environments	<u>Learning costs:</u> Interpretation of advice from legal aid provider <u>Compliance costs:</u> Communication with legal aid provider, including providing relevant documentation and evidence <u>Psychological costs:</u> Stigma or shame about use of government assistance
Warrant	<u>Learning costs:</u> N/A <u>Compliance costs:</u> N/A <u>Psychological costs:</u> N/A	<u>Learning costs:</u> N/A <u>Compliance costs:</u> N/A <u>Psychological costs:</u> N/A

Because eviction procedures are typically governed by counties and municipalities based on rules outlined in state law, studies of eviction courts must consider the local context and aspects of the eviction process that can vary across jurisdictions (Sudeall & Pasciuti, 2021). This paper focuses on administrative burdens facing tenants in Washington State, which in 2021 implemented the nation's first statewide right to counsel program (Fyall et al., 2023). Although the details of administrative burdens in eviction proceedings and right to counsel programs likely vary between Washington State and other locations, this case study may nonetheless contain valuable lessons for other jurisdictions.

2.4 ADMINISTRATIVE BURDENS IN WASHINGTON'S EVICTION PROCESS AND RIGHT TO COUNSEL PROGRAM

In 2021, the Washington State legislature authorized the creation of the nation's first statewide right to counsel program through the passage of Senate Bill 5160. This program is administered by the state's Office of Civil Legal Aid (OCLA) and cases are staffed by a statewide network of third-party civil legal aid providers (Fyall et al., 2023). Rather than reforming existing eviction procedures, this program is inextricably linked to the eviction process and typically requires tenants to overcome meaningful administrative burdens in order to access legal services. Although county eviction courts process cases differently in each of Washington's 39 counties, most counties have a comparable set of procedures leading up to the appointment of an attorney funded by the right to counsel program.

The five phase eviction procedure (notice, filing, appearance/hearing, judgment, warrant) described by Benfer et al. (2025) somewhat oversimplifies the eviction process in Washington, but can nonetheless serve as a useful framework for understanding administrative burdens

throughout the course of an eviction. Tenants become eligible for Washington's right to program after the filing of a case against them, but because of capacity constraints stemming from higher than anticipated caseloads, must typically attend a preliminary hearing in order to access legal assistance.¹ Tenants are typically represented until the conclusion of the warrant stage of the eviction.

In the first stage of an eviction procedure (notice), landlords typically notify their tenants that the landlord intends to pursue a court-ordered eviction. In Washington, landlords must at least three days' notice if the tenant "commits or permits waste or nuisance upon the premises, unlawful activity that affects the use and enjoyment of the premises, or other substantial or repeated and unreasonable interference with the use and enjoyment of the premises by the landlord or neighbors of the tenant," 10 days for evictions related to lease violations, 14 days' notice for eviction related to nonpayment of rent, or at least 20 days' notice for termination of tenancies at the end of a lease term (Revised Code of Washington 59.18.365, 2019).

Washington landlords must personally deliver a copy of this notice to the tenant – or, if the tenants are not at home, must affix a copy of the notice to the door or some other conspicuous place on the property (Revised Code of Washington 59.12.085, 2014). At this stage of the process, nothing is filed with the court and the eviction is not a matter of public record. If the tenant decides to move away, address the complaints that are the basis of the eviction notice, or take any other related actions, these behaviors would not be recorded unless the landlord or their attorney decides to submit evidence of those actions as a part of the case. If the tenant contacts a legal aid provider or the right to counsel program's hotline at this stage, they are not yet eligible for support from the right to counsel program because there is no formal case against them filed with the court.

¹ Email correspondence with OCLA, October 30, 2024.

This notice phase of the eviction process may well create learning and psychological burdens for tenants, but they are not administrative burdens in the sense that they do not arise from receipt of a government service or benefit. Although the tenant may be required to comply with lease terms and pay any past due rent and fees, these are not necessarily burdens associated with the legal process of an eviction. At this stage, tenants must receive and interpret the information in the notice sent to them and may face some of the psychological challenges associated with the threat of eviction (Graetz et al., 2024; Keene et al., 2024). These are not administrative burdens generated from participation in the eviction process, however – and because tenants are not eligible for the right to counsel program before an eviction is filed against them, there are no administrative burdens stemming from the right to counsel program at the notice phase.

After service of the notice and waiting the legally prescribed amount of time, the landlord can then decide to file the case with the court or to have the eviction summons served by a third party via a procedure colloquially referred to as “pocket service” (von Geldern et al., 2024). This second (service) stage of the process has been largely neglected in prior literature but reflects an important choice by the landlord and their attorney. If the landlord decides to file the case with the court, the summons is served by the sheriff on behalf of the court and is a matter of public record. The landlord can also elect to have the summons served by a process service company, in which case the eviction does not become a matter of public record but the landlord is nonetheless able to demonstrate that they had served a summons.

If the landlord files the case and the summons is served by the sheriff as directed by the court, the service and filing stages are one and the same. If the landlord chooses to rely on pocket service, however, the service of a summons can be used to create the threat of eviction without

the filing of a case in court. In this case, a tenant must file a response within seven days – and if they do not, the landlord can file the case with the court along with a request for a default judgment against the tenant (Revised Code of Washington 59.18.365, 2021). At this stage, the tenant still does not strictly face administrative burdens stemming from participation in the eviction process but is technically eligible for legal assistance and may therefore begin to face the learning, compliance, and psychological costs associated with right to counsel programs if they attempt to reach out to the court or a legal aid provider.

After receiving a summons, the tenant enters into the appearance/hearing stage of the eviction process and must submit a response to their landlord and the court before the deadline stated on the summons. If they mail these responses, they must do so three days before the deadline (Revised Code of Washington 59.18.365, 2021). The tenant must file a response regardless of whether or not the tenant was notified via pocket service in order to defend themselves against a default judgment. If the tenant contacts a legal aid provider or the right to counsel program's hotline after receiving a summons, they are technically eligible for a court-appointed attorney but are often unable to access legal assistance because legal aid providers are insufficiently funded to provide advice prior to a hearing.

After a tenant files a response, the court will typically schedule a “show cause” hearing at which both sides of the civil dispute can present their case. The court also mails an Order to Show Cause to both parties notifying them of this hearing. If the landlord and their attorney are both absent for the hearing, the court may dismiss the case or take no action. If the tenant is absent and no one is there to represent them, the landlord or their attorney may request a default judgment on the basis of their absence.

Eviction courts in Washington typically appoint attorneys for eligible tenants at show cause hearings. Regardless of whether or not the tenant submitted a response in the prior stage of the eviction proceeding, tenants who attend a hearing may be screened by legal aid providers or by the court at these hearings. If tenants qualify for and accept representation from a court-appointed attorney, judicial officers (judges or commissioners) will often grant a continuance and schedule another hearing to allow the tenant and their attorney to establish an affirmative defense. Attendance at a show cause hearing is a compliance cost for tenants who intended to defend themselves, but tenants who successfully attend and are screened for eligibility may experience reduced learning, compliance, and psychological costs of eviction if they are able to access legal counsel.

The adjudication process (judgment stage) typically begins at or after the first show cause hearing. At this stage, tenants may continue to face the learning, compliance, and psychological costs of participating in the eviction process. Those with legal representation, however, receive support from an attorney who is familiar with local eviction procedures, court actors, and can provide myriad benefits to their clients by attending hearings, creating legal strategies, and filing documentation on their behalf. As prior research has shown, tenants with legal representation are more likely to avoid negative case outcomes such as high monetary judgments and the retention of eviction records on future tenant screening reports (Cassidy & Currie, 2023; von Geldern, 2025). These benefits may stem in part from attorneys' ability to help their clients overcome the administrative burdens of an eviction proceeding.

In the final stage of an eviction proceeding, the warrant stage, the concept of administrative burden may be less applicable. At this stage, the court and landlords typically contract with the local sheriff or another party to execute the eviction and dispose of tenants'

belongings. As such, tenants can hardly be viewed as receiving a government benefit or service in this stage.

While prior socio-legal and public administration research does make it possible to theorize the administrative burdens of the eviction process and right to counsel programs from tenants' perspective, more research is needed to evaluate the empirical validity of these concepts. Using a novel source of qualitative data, this study helps to identify the most salient sources of administrative burden in Washington State's eviction procedures and the right to counsel program.

2.5 DATA AND METHODS

This chapter presents qualitative evidence of the sources of administrative burden in eviction proceedings and the right to counsel program in Washington. Qualitative data were collected from in-depth, semi-structured interviews with low-income tenants who had received support from Washington's right to counsel program in 2023 and 2024. I created a purposive data collection strategy focused on elevating the perspectives of tenants who had been evicted without representation.

When a judicial officer issues a default judgment against a tenant because of their absence at a hearing or non-response to an eviction summons, tenants may still request a stay of the court-ordered eviction and pursue a motion to vacate the judgment. These cases are described by legal aid providers as “stay-vacate” or “post-writ” cases after this motion is approved. In order to generate empirical evidence about the experience of being evicted by default judgment despite the hypothetical availability of legal aid, I recruited stay-vacate clients of the right to counsel program through a pre-existing partnership with a civil legal aid provider

(Tacoma Pro Bono Community Lawyers, or TPB) that accepts stay-vacate clients on a discretionary basis.

This qualitative data is not necessarily representative of all tenants who experience default judgments or are otherwise unable to access legal representation during their eviction. Study participants were ultimately successful in accessing support from the right to counsel program, unlike most other defaulted tenants. On the other hand, understanding these tenants' perspectives may be particularly useful for future efforts to address administrative burdens facing tenants who do intend to participate in the right to counsel program.

Because of capacity constraints within legal aid organizations and the appointed counsel program, prospective interview participants were recruited by a legal aid provider that accepted stay-vacate cases based on the availability of their attorneys. Attorneys, paralegals, and other staff members with TPB recruited former clients who had been defaulted and subsequently accessed their services to participate in interviews after their cases had been closed. All study participants were compensated for their contributions with \$50 gift cards.

Data collection consisted of semi-structured, in-depth interviews. The interview protocol began with a prompt that encouraged tenants to recall their feelings and sensations from the day, as suggested by Small and Cook (2023). Through protocol questions and additional probes, interviews also variously addressed subjects mentioned in prior studies including understanding of court documents and processes (Nelson, 2021; Sandefur, 2007), prior interactions with criminal and civil legal systems (Greene, 2015; Sudeall, 2022), and logistical barriers such as transportation and inflexible employment (A. Hoffman & Strezhnev, 2023). The semi-structured interview approach allowed for in-depth discussion of the multiple barriers and challenges that

tenants face, as well as how they intersect. Interview participant characteristics are described in Table 1. All names used for the reporting of results are pseudonyms.

Table 2-2: Interview participant characteristics (n = 23)

Gender	
Male	10
Female	13
Race / Ethnicity ²	
Asian	0
Black	6
Hispanic or Latino/a/x	7
Native American	2
White	10
Prefer Not to Answer	1
Basis for default judgment	
Non-response	14
Hearing absence	7
Default on stipulated agreement	2

Interview transcripts were coded abductively in Atlas.ti through both deductive and inductive processes (Vila-Henninger et al., 2024). I first created an initial codebook based on prior socio-legal and policy research – and building on this deductive foundation, I implemented a flexible coding procedure that promoted theory development through inductive reasoning

² Race and ethnicity interview questions allowed for multiple selections; as such the total does not equal 23.

during the course of coding the first ten transcripts (Deterding & Waters, 2021; Vila-Henninger et al., 2024). During this process, I added codes to the initial codebook that focused on the application of administrative burden theory to the language used by tenants. After the initial ten interviews had been coded through this inductive process, the final codebook was then used to code all remaining transcripts.

2.6 FINDINGS

Study participants described the experiences they endured before and during the eviction process as traumatic and psychologically harmful. In combination with a confusing, complex legal process, these experiences resulted in a mismatch between tenants' experiences and the legal expectations of the court. Tenants described significant learning costs associated with the eviction process, primarily related to their inability to access the information they needed and difficulties interpreting court documents when they did receive them. Most tenants were also not aware of Washington's right to counsel program prior to their eviction. Compliance-related sources of administrative burden were less common in tenants' narratives than learning or psychological costs, but they were often insurmountable when they arose. The experience of eviction also exacted psychological costs on tenants stemming from stress and the stigmas associated with poverty and eviction.

2.6.1 *The context of evictions*

Research from multiple disciplines has demonstrated that tenants must often face financial, emotional, and psychological challenges as they navigate eviction proceedings (Collinson et al., 2024; Keene et al., 2024; Willie et al., 2021). While eviction may be a

particularly acute stressor, these challenges parallel the stressful circumstances facing many beneficiaries of social safety net programs (Christensen et al., 2020). Interview results indicate that study participants attempted to contest their evictions as they faced health issues, relationship challenges, and financial instability. These difficulties compounded the perceived learning, compliance, and psychological costs of eviction proceedings and accessing the right to counsel program.

Health challenges commonly contributed to tenants' difficulties with the administrative burdens of the eviction process. Yesenia, a Latina undocumented immigrant who worked in the informal economy, lost her ability to work because of illness stemming from unaddressed water contamination in her unit. During the course of her eviction, she faced major health-related impediments to daily functioning. Her description of the hearing notice documentation that she received is instructive in understanding her absence at a hearing.

"I read the paper, but I'm sick, I cannot see good. My son was working alone. I didn't work for three months, I cannot walk, I feel bad...I had a stroke, I cannot even swallow my own saliva. I cannot even talk. I lost my voice...and they sent me a paper and the paper said March 3rd or something like that, but we missed it. So a few days later I was doing something in the house and the police came and they put a paper in the door and say, if you don't get out of here by Monday at six... capture everything or you are just going to lose all your things."

Yesenia's health issues and other challenges in her life – including housing quality, language barriers, and a lack of health insurance – may have magnified the administrative burdens of the eviction process. Additionally, Yesenia was unaware of the right to counsel program and did not understand the language about the program that was contained in the documents she received in the mail.

Ultimately, Yesenia learned about her right to an attorney in an unexpected way after she had already missed her hearing and had a judgment issued against her. After visiting a pharmacy in search of medication to address the rash arising from unrelenting water contamination, an employee at the pharmacy asked her about her symptoms and referred her to a local civil legal aid provider when Yesenia explained her situation. Without this stroke of luck, she would have been unable to access her right to counsel.

Relationship challenges were also commonly mentioned by study participants as a stressor that exacerbated administrative burdens of the eviction process. Disruptions in relationships frequently overlapped with financial instability and other stressful circumstances. In many cases, tenants faced these overlapping crises as they learned about their evictions. Brenda, a Black mother of two children who was going through a separation at the time of her eviction, faced the intersecting challenges of a car accident, income instability, relationship stress, and childcare access when she began falling behind on rent. Her description of this time period demonstrates how multiple crises came to occupy her mental bandwidth.

“I’ve been going through a lot with my health as far as me being a diabetic. So I’ve been pretty sick lately, and just going through stress...I was in a very stressful relationship. With three children of ours, well, we have four with his three children... when I got into the car accident, I didn’t get any help at all. So I was not able to do what I needed to do as far as rest. And so I started getting really sick and I wasn’t able to fully perform the way that I needed to. I’m a medical assistant, so I’m up 24/7, not really sitting down. I’m checking in patients all the time, or I’m going to go give vitals, or I’m going to go do blood draws or give vaccinations. And...trying to do that while having been in a car accident, I kind of failed. So I had to take some time off and I took a few weeks off, just to try to get my body back healthy. But in the midst of that, I was still

not getting any help. I still had to take care of children, and I was just alone by myself. So it caused me to downfall because I don't have paid time off at my job. And so with me not having paid time off at my job, I did try to go through the state, I got approved, but only for a certain amount of time. And then with those hours, they don't pay fully. And so with that money, I had to catch up with things at our house that we were behind in. So with me doing all that alone, being a parent and trying to work and then doing everything by myself, it was pretty hard.”

Brenda was served with an eviction summons while she was dealing with all of these personal circumstances. She only decided to reach out for legal assistance when she was notified of her physical eviction via a notice from the sheriff – an indication that the court had already issued a judgment against her. After submitting a motion to vacate the judgment against her, Brenda was able to access legal support, obtain a neutral reference from her landlord, and have her court record protected from future screening.

For Brenda and other tenants, overlapping crises of this nature magnified the sources of administrative burden inherent in the eviction process and the right to counsel program. Health and relationship challenges were particularly salient within the study sample. In the context of these challenges, study participants described how and why they were unable to overcome the learning, compliance, and psychological costs of the civil legal process.

2.6.2 *Learning costs*

Nearly every interview respondent described facing significant informational barriers to participating in eviction proceedings and ultimately accessing legal assistance. Some tenants described not receiving the appropriate documentation at all, while others received and read the relevant documents but did not understand the messages contained within them. Tenants also

broadly expressed a lack of understanding about the processes of an eviction proceeding, and the actions required of them at each step of the legal process.

Many participant narratives suggest that physical mail may be an unreliable or insufficient means of communication. Several tenants reported that they did not receive any notice of their eviction and surmised that the landlord removed a notice from their door or otherwise interfered with their mail at properties where landlords had access to the mail facilities. The delivery of eviction summonses and hearing notices by mail also created problems for several tenants. One tenant described how the landlord had filed an eviction against them after they requested upgrades to their residence, and subsequently sent the hearing notice to the building's mailing address despite forwarding all other mail to the tenant's PO Box at his request.

In each of these cases, learning costs arose primarily from the eviction process rather than the right to counsel program itself. Mariana, a Latina single mother of two children who had been evicted from the same apartment several times, recalled experiencing a default judgment despite having experience and awareness of the steps in the eviction process. She ultimately came to understand the process after speaking with her sister who had also recently been evicted.

“My sister showed me to go online, look it up, and she's like, you missed your court date. And I'm like, I never got anything! I responded when they said they were going to take me to court again. I responded with the response letter. I had the facts and everything from it, and I'm like, I did not get no kind of court date... the first time when they did it, I got a court date and I was aware of my court date and I was present. This time, I didn't know it. They didn't seem to put it on my door or in the mail. So I missed the court date, and then the eviction went on my record the second time around.”

Several other tenants also did not recall receiving any eviction-related communications from their landlord or the court. Jamila, a Black woman who had been a victim of domestic violence and was living with her abuser and their child at the time of the eviction, also explained why she was unable to receive her mail. In response to a question about why she did not submit an answer to an eviction summons, she explained how domestic violence prevented her from contacting an attorney.

“I was going through a domestic violence situation, so I wasn’t home a lot because I didn’t want to be home. My ex was kicking my door in and doing all kinds of crazy stuff, messing up my car, and I was stuck because my car broke down because he had sabotaged it. So I didn’t get the notices, I didn’t know. And he was checking my mail, taking my mail out of the mailbox. He took the notices off the door.”

These stories demonstrate one unique aspect of learning costs embedded in the eviction process: they may be amplified by the behavior of an adversarial party. Several tenants described how their landlords’ decision making and the complexity of court rules ultimately contributed to a default judgment against them. While tenants are supposed to file a response with their landlord or landlord’s attorney and with the court, most tenants who submitted a response simply sent it to their landlord. Although some landlords may choose to file these responses with the court, in other cases tenants were surprised to learn of a judgment against them after the landlord did not submit the response and instead filed for a default judgment.

Hector, a retired Latino man and former property manager who had worked in multiple Washington counties and expressed significant familiarity with eviction proceedings based on his prior experience as a plaintiff, did not understand the response requirements for a tenant in the county where he lived at the time of his eviction. Rather than submit a response to the court and

to his landlord's attorney, he simply contacted his property manager and received a default judgment shortly thereafter. Hector described the experience from his perspective by saying: *"I responded to the property management company that was supposed to be taking care of this place, and said that it was just an oversight on my part. I gave them the letter... and they said that I never gave them anything."*

In these cases, landlords may have been following procedures appropriately – and tenants simply misunderstood the burdensome response requirements that mandated submission of documents to the landlord and to the court. In fact, responses suggest that the learning costs of the eviction process overall were so significant that many respondents did not know where to begin. Jeanelle, a Native American mother of two children who was being evicted from a family property by her stepmother after her father's passing, explained her confusion when confronted with the legal documentation she received in the mail.

"I didn't really understand what I was supposed to be doing in order to fight the eviction. I had no clue. I'm a fairly intelligent person, but when it comes to the legal aspect of things, I had no clue where I was supposed to go, what I was supposed to do. And on top of that, I'm also disabled, so being able to go into the courthouse and file anything is something that's extremely hard for me to do."

While some tenants never saw their eviction summonses or hearing notices at all, responses like Jeanelle's demonstrate that tenants who did receive a summons or other documentation were frequently unable to interpret court response requirements. Tenants' traumatic and stressful experiences during the eviction process may have also exacerbated the learning costs that they faced.

The primary theorized learning cost of the right to counsel program that tenants face (beyond those of the eviction process) is the need to learn that legal assistance is widely available. Interview data show that most tenants were not aware of their right to counsel in the early stages of their eviction proceeding. Most participants described learning about their right to an attorney upon attending their first hearing. Some, however, were notified of their right to counsel by a landlord or learned about the right to counsel program from the required language in their summons or complaint documents. Even when tenants were aware of an attorney, however, they were often confused about how to access help. Geoffrey, a Black man who was unable to catch up on back rent after his hours were sharply reduced, then eliminated, during the height of the COVID-19 pandemic, called the state's 211 line that provides information on a range of social services in an effort to get whatever help he could. He learned about the state's right to counsel program, but was not aware that he needed to attend a hearing to access legal assistance.

After several weeks of trying to contact TPB, who typically only has a small number of hours where tenants can get advice in person each week, Geoffrey was able to get advice in person at their office and learned that appointment of counsel typically follows an initial show cause hearing. By that point, however, the judge had already issued a default judgment against him. Tacomaprobono's staff was able to explain the process required to vacate his judgment and request appointment of counsel in his case.

Overall, interview responses indicated that the right to counsel program did not meaningfully increase or decrease learning costs of participating in the eviction process at the notice or filing stages. Legal assistance did, however, help reduce learning costs associated with the eviction process during the appearance/hearing and judgment stages. For tenants who were

aware of their right to counsel but unable to access legal assistance, the primary impediments they faced were the learning costs of participating in the eviction process or other compliance and psychological costs described below.

2.6.3 Compliance costs

Several study participants described the compliance costs of the eviction process. Landlords typically experience compliance costs financially when they hire professional legal counsel to manage the civil legal process. Although the right to counsel program aims to eliminate this financial cost for tenants, the time and effort of participating in the process represented an insurmountable cost for some. As Jeanelle's previous quote illustrates, compliance costs (submitting documentation at the courthouse) may be intertwined with other sources of administrative burden (confusion or uncertainty about the process).

For tenants who were able to overcome the initial burden of submitting a response during the first phase of the legal process, hearing attendance presented another compliance cost. Simone, a Black single mother who became unable to work after being diagnosed with cancer, was able to successfully navigate the eviction process and attend her hearing with the expectation of having an attorney appointed. Despite her best efforts, however, she was not let into the virtual hearing room and was defaulted on the basis of her absence. Her description of the events further demonstrate the lengths that she went to in order to eventually submit a petition to stay the default judgment against her.

"I went to the court date. I was on time, everything, but they had me waiting in the queue, and I was there literally for hours. And the judge ended up granting them the eviction because of a no-show, but literally something told me to screenshot every few minutes that I was in queue,

just for evidence that I was there. And I did that. And I ended up needing it ...I was there, I was just waiting. I just wasn't granted access into the court."

Several of the anecdotes related to learning costs also demonstrate how compliance costs relate to informational issues. In Jamila's story, for example, she was not able to access information because of her romantic partner's removal of notices and her mail, which could be viewed as either a compliance cost (checking the mail and submitting response) or a learning cost (inability to access the right information). Another tenant who was a victim of domestic violence was not aware that her household was behind on rent because her abusive partner did not tell her that he had stopped paying rent. Although the qualitative data do not enable precise disentanglement of the different administrative burdens facing tenants, tenant responses clearly demonstrate the multiple costs of participating in the process and the stressors that accompany these burdens.

Tenant responses about compliance costs of the right to counsel program largely mirrored findings about learning costs: participating in the eviction process required tenants to overcome administrative burdens, and the right to counsel program did not meaningfully increase or decrease these burdens at the notice and filing stages. At the appearance/hearing and judgment stages, however, program participants explained how legal assistance helped them manage the compliance-related burdens of the eviction process.

Jamila's description of her attorney's work demonstrates the value of having a professional managing multiple hearings for low-income households that may be balancing childcare, unpredictable work schedules, or other challenging circumstances. After their initial meeting once the eviction judgment against her had been stayed, she explained how her attorney

helped her navigate the legal process. Her response also suggests that his support was emotionally or psychologically helpful as well.

“He made it so easy for me. I think I had to go to court the next day or the day after that or something... I had to show cause or do an appearance or notice of appearance or something. And he was on top of it, like he had everything done by the next day. I didn't have to worry about nothing. I felt relieved and I trusted that he was there to help me.”

Right to counsel program attorneys were also able to help ensure that landlords and their attorneys adhered to procedural requirements. Rather than adding to the compliance costs of the eviction process, interview results suggest that legal assistance may reduce some of the burdensome requirements of the legal proceeding.

2.6.4 Psychological costs

Tenants' decision making processes were also altered by feelings of shame and internalized stigma. Facing the eviction process was a daunting proposition that triggered feelings of embarrassment and discouraged tenants from engaging with their landlords or the court. Like learning costs, these psychological costs were also heightened by tenants' physical and mental health challenges and the many stressors that preceded their evictions. For Drew, a White man, health and psychological challenges converged when his self-employment income of approximately \$120,000 per year dissipated after he developed brain cancer in his early 40s. The effects of Drew's illness on his mental capacity were magnified by internalized stigma after he was unable to pay his rent. When asked to describe his non-response to the summons he received, Drew brought up his sense of shame without provocation.

“I think that just the shamefulness of all of it...I've never been evicted before. Up until I got sick, I had a perfect rental history. I paid on time. I even did things to beautify the apartment that I had at my cost. And when I got sick, it affected...my memory and it affected my whole life in general. And so I became very avoidant to everything in my life...they had to go through the process because I wasn't communicating.”

Another tenant, a White single father named Tom, was aware of the right to counsel program because of a prior eviction but did not attend the scheduled hearing in his case because of this embarrassment. An ongoing struggle with substance abuse contributed to his avoidance of the situation.

Interviewer: *“...did you know that if you attended the hearing you would have access to an attorney? Were you aware of that program at all?”*

Tom: *“Yeah, it was just my mindset at the time. I didn't want to have anything to do with law people.”*

Interviewer: *“Can you tell me more about that?”*

Tom: *“I was on drugs. I don't like talking to cops when I'm like that. I don't like to talk to judges, I think because I'm embarrassed... but it is what it is.”*

These stories show how shame and internalized stigma can prevent tenants from accessing professional legal counsel by discouraging engagement with the court system and the civil legal process. As with tenants' descriptions of learning and compliance costs, psychological costs appeared more closely tied to the eviction process than legal assistance.

Interview participants largely expressed the opinion that their attorneys helped mitigate some of the psychological costs of eviction. Simone, for example, described how her attorney provided emotional support as she managed her illness and the other stressors she experienced as a single mother after losing her job.

“I do feel like [my attorney] did help me because I didn't have to exert myself. I didn't have to stress about it. Literally, the attorney was like, don't worry about it. We got this. We'll make sure that you and your babies are not homeless. We're going to do any[thing] and everything we can. So that really helped put my mind at ease because of course, being a mother, being sick and being in this situation, it was really hard for me. My mind was going all the time, freaking out mentally...and just speaking to them, and even them checking on me about my medical issues, what I was going through, made it so much easier for me to just...not worry about it. So it put my mind at ease.”

Interview respondents did not describe significant psychological costs related to the right to counsel program itself. Only one tenant described a source of increased stress stemming from his interaction with an attorney. Brandon, a White man whose attorney left the legal aid provider in the middle of his case, explained how her departure made him question the value of working with another right to counsel program lawyer and continuing to defend himself.

“[The attorney] said...I would have to contact a new attorney and then explain the case all over again to somebody else. And...there's been so much more emotional distress me and my fiance and son have been going through for the past four years, and I'm laying down the sword and I'm ready to almost give up.”

This story, although an exception in the interview sample, shows one of the potential psychological costs of the right to counsel program. Although tenants likely face some

administrative burdens related to working with legal aid providers throughout the course of their cases, however, interview results more generally suggested that legal assistance meaningfully reduces some costs of participation for eligible tenants.

2.7 DISCUSSION

This chapter explores whether and how the concept of administrative burden applies to tenants' experiences with eviction proceedings and right to counsel programs. By applying the theoretical framework of administrative burden in this context, I aim to bridge the gap between the theoretical construct of tenant right to counsel laws and the practical realities of implementing an accessible and effective right to counsel program. Analysis of interviews with tenants who were initially unable to access legal assistance in a right to counsel jurisdiction shows that learning, compliance, and psychological costs are a fundamental part of the eviction process and that these costs may help explain the take-up gap in right to counsel programs. This study extends the literature on administrative burden into a context more typically reserved for sociological analysis and socio-legal studies – and shows that by applying this theoretical framework, policymakers and legal advocates may be able to increase access to justice for tenants facing eviction.

Interview analysis shows that learning costs are ubiquitous throughout the eviction process. Some tenants do not understand the documents they receive or do not receive formal documentation at all. Study participants also described a lack of clarity about the steps required to access legal assistance. Although low-income households are eligible for legal assistance at case filing, capacity limitations prevent representation at this stage in Pierce County and many other jurisdictions throughout Washington. At the filing stage, tenants face learning costs from

learning about the right to counsel program and whether their household is eligible. At the appearance/hearing and judgment stages, however, attorneys can help mitigate learning costs of the eviction process. This study aligns with prior research showing that attorneys play an important role in helping tenants understand their options both within the legal system and as they navigate other social safety net programs (Fyall et al., 2023; Keene et al., 2024).

Participants' descriptions of the compliance costs of the eviction process also show how these costs vastly outweigh the compliance-related burdens of the right to counsel program. The most significant compliance costs facing tenants are response and hearing attendance requirements at the appearance/hearing stage and documentation-related costs at the appearance/hearing and judgment stages. While engagement with the right to counsel program at both of these stages does require tenants to communicate with their attorneys, interview responses suggested that legal assistance played an important role in reducing the compliance costs of eviction for right to counsel program clients. As Simone's anecdote about being unable to access a virtual hearing illustrates, however, administrative errors in the eviction process can still create insurmountable barriers to accessing legal support.

Participants' descriptions of the psychological costs of eviction and accessing right to counsel primarily centered on feelings of shame and discomfort with legal institutions. These feelings arose at all stages of the eviction process. While one tenant described the emotional toll of re-engaging with the right to counsel program after having been reassigned following his attorney's departure from their position, other participants described how legal support helped address some of the psychological costs of eviction. Prior literature suggests that these psychological costs could stem both from the receipt of government assistance (Bhargava & Manoli, 2015; Hansen et al., 2014) or from the eviction process (Bernal, 2022; Keene &

Blankenship, 2023), but the participants in this study primarily emphasized the psychological costs of the eviction process rather than those stemming from participation in the right to counsel program.

These findings show that right to counsel programs can play a meaningful role in helping tenants through the onerous process of an eviction proceeding. The theoretical framework of administrative burden enables categorization and clarification of the costs facing tenants during the eviction process and could help policymakers, court administrators and legal aid providers better understand and mitigate these costs. Careful analysis of the different costs facing tenants throughout the course of the eviction process also shows that the sources of administrative burden embedded in eviction procedures play a role in preventing legal assistance even in right to counsel jurisdictions. In other words, the learning, compliance, and psychological costs of the eviction process may explain much of the take-up gap in right to counsel programs (Cassidy & Currie, 2023; von Geldern, 2025).

This study also has several important limitations. The highly focused sampling strategy produced qualitative data from tenants who experienced a default judgment but ultimately were able to access assistance. As such, interview responses likely do not include the perspectives of tenants who faced the greatest barriers to accessing legal assistance and were never able to access support. They are also unlikely to represent the typical experiences of right to counsel program clients.

The theoretical focus on administrative burden also limits the important discussion of tenants' perceived valuation of their right to counsel. Despite the demonstrated benefits of legal assistance during an eviction, some tenants may choose to avoid the eviction process even if they are aware of Washington's new program because they do not think that an attorney will help

them. In some cases, they may be justified in this opinion. Future research should endeavor to generate empirical evidence about tenants' prior opinions about the benefits of legal assistance during eviction cases.

The findings of this study are also unlikely to be generalizable across the United States. Eviction procedures and right to counsel programs vary significantly in different jurisdictions (Benfer et al., 2025; Sudeall & Pasciuti, 2021), and patterns of administrative burden are likely to vary as well. Because of these limitations, this study primarily serves as a preliminary survey of the potential sources of administrative burden for tenants in eviction proceedings and right to counsel programs as they proliferate nationwide.

Despite these limitations, the novel empirical evidence presented in this chapter has important policy implications. Several studies have shown that right to counsel programs do not ensure universal access to legal representation for tenants (Cassidy & Currie, 2023; von Geldern, 2025), and systematic analysis of tenant interviews through the lens of administrative burden can help explain this pattern. Tenants face different learning, compliance, and psychological costs at each stage of the process, and legal system reforms may be able to leverage empirical evidence of these costs to increase access to legal assistance when it is available.

Reform efforts should consider extant findings from behavioral public administration and economics that focus on the take-up of social benefits broadly (Bhargava & Manoli, 2015; Finkelstein & Notowidigdo, 2019; Ko & Moffitt, 2020) and socio-legal research that examines the experiences of defendants in criminal and civil legal systems (A. Hoffman & Strezhnev, 2023; Greene, 2015; Keene et al., 2024; Sandefur, 2007). Although the civil legal context of evictions creates different consequences and costs for tenants than those facing defendants in criminal legal proceedings, socio-legal research has found many parallels between these contexts

(Greene, 2015; Sudeall, 2022). Reform efforts should therefore also draw on lessons from both the criminal legal context (McAuliffe et al., 2023) to understand tenants' experiences and test potential solutions to reduce the take-up gap.

Analysis of qualitative data alongside quantitative analysis of case documentation could also help create a more precise empirical picture of tenants' experiences as users of civil court and right to counsel program clients. This analysis could also create opportunities for the implementation of user-centered design practices such as those that have been used to increase participation in means-tested programs and legal systems (Hagan, 2018; Kim et al., 2025). Careful attention to policy design and tenants' user experience could result in more accessible eviction procedures and right to counsel programs.

Chapter 3. DOCUMENT-CONDITIONED LARGE LANGUAGE MODEL ANALYSIS FOR MEASUREMENT OF ADMINISTRATIVE CHECKPOINTS IN EVICTION PROCEEDINGS

3.1 INTRODUCTION

Chapter 1 theorized and presented empirical evidence of the administrative burdens facing tenants as they experienced an eviction in Washington state after the advent of a right to counsel program. In-depth interviews with tenants demonstrate the significant learning, compliance, and psychological costs they face as they attempt to participate in the eviction process and access the right to counsel program. The eviction process and the right to counsel program each have their own sources of administrative burden, and a better understanding of these burdens may help policymakers design a more effective and accessible eviction process for tenants.

Public administration and behavioral science scholars have shown how the application of human-centered design practices through the lens of administrative burden can lead to more accessible government services (Camillo, 2021; Kim et al., 2025; Moynihan et al., 2015). A small body of socio-legal research has also theorized how this approach might apply in the context of legal institutions (Hagan, 2018; Poppe, 2021). Building on that theoretical foundation, this chapter presents the results of a descriptive quantitative study of tenants' experiences and their ability to overcome some critical barriers to participation during the eviction process.

This paper complements the qualitative analysis from Chapter 1 and employs some of the principles of human-centered design to the study of administrative burdens in evictions and right to counsel programs in order to describe tenants' journeys through the eviction process. A human-centered approach to studying this topic allows for descriptive analysis of tenant behavior

throughout the eviction process and the association between certain choices or actions and right to counsel program take-up.

After demonstrating how this theoretical framework has been applied in public administration and socio-legal access to justice literature, I describe the actions that defendants (tenants) must take at the appearance/hearing stage of the legal process and how these actions could influence tenants' access to legal assistance. I also demonstrate how the concept of "administrative checkpoints" (Kim et al., 2025) can be used to better understand the sources of administrative burden in eviction proceedings. Finally, I demonstrate how document-conditioned LLM analysis of text extracted from case documents can be used to identify patterns in tenant behavior and examine the associations between behavioral patterns, tenants' access to legal representation, and case outcomes.

While the administrative burden framework has been used in conjunction with human-centered design principles in an effort to increase the take-up of social programs, this study extends that approach to the study of a common legal proceeding in the lives of low-income households and a salient new policy intervention designed to aid tenants facing eviction. By creating novel measurements to document tenants' user journeys throughout the eviction process, this analysis could help legal advocates and policymakers better understand the prevalence of barriers facing tenants at different stages of the legal process.

3.2 HUMAN-CENTERED POLICY DESIGN AND ADMINISTRATIVE BURDEN

In the last ten years, some policymakers and scholars of public policy and administration have adapted the concept of "human-centered design" that was popularized in technology companies and applied it to the examination of government programs and services (McGuinness

& Schank, 2021; Mergel, 2022; U.S. Digital Service, 2024). Although the concept of human-centered design does not have one consistent definition, these efforts are typically intended to intentionally design government programs and services with their users' interests, goals, and preferences in mind (Herd et al., 2023). Real-world applications of these practices often involve collaborations in which government agencies partner with universities, researchers, and corporations that specialize in the concept of human-centered design (Pahlka, 2023).

Proponents of user-centered design describe a multi-stage iterative process that consists of prototyping, testing, service delivery, and assessment as a part of a continual improvement process (Hagan, 2018; Herd et al., 2023; McGuinness & Schank, 2021). This process may involve both qualitative and quantitative data collection and analysis in order to better understand the user journeys of program participants or service recipients (Kim et al., 2025).

Although this is a new area of policy research and administration, some promising examples exist from the past decade. McGuinness and Schank (2021), for example, describe in detail the collaborative, user-focused approach of the Built for Zero movement and the significant progress it has made at reducing veteran homelessness in some communities. Kim et al. (2025) also use the administrative burden framework and a user-centered lens to show how minimizing the exclusionary effects of mandatory interviews for SNAP applicants reduced the learning and psychological costs of the application process and increased access to benefits.

Even with the best of intentions, however, researchers and government officials may not be well equipped to design public programs and services for all potential users. Hall and Hernandez (2024), for example, describe how design decisions about policy interventions are often made by “a small, elite group of folks who work in relative isolation from the targeted population ” (p. 98). While it may be possible to disrupt this pattern and its harmful effects for

the accessibility of programs and services, government agencies typically do not have the time or resources to use human-centered design at all in their work – and if they do, may not be able to effectively engage with the most socially or economically marginalized communities.

3.3 HUMAN-CENTERED DESIGN AND ACCESS TO JUSTICE

Although barriers to participation in legal systems have not been widely studied through the framework of administrative burden, existing research has described some of the many learning, compliance, and psychological costs facing potential participants in legal processes (von Geldern & Martin, 2025). Some research on civil and criminal legal institutions has shown that many people (and particularly low-income individuals) frequently do not understand how to effectively engage in legal processes (Greene, 2015; Nelson, 2021), are unable to comply with court requirements (A. Hoffman & Strezhnev, 2023; Graef et al., 2023), and face psychological barriers to participation stemming from fear or uncertainty (Bernal, 2022; Greene, 2015).

Much of this research has emerged from the “access to justice” movement in legal and socio-legal studies (Abel, 2010; Sandefur, 2007; Young, 2020). This body of literature argues that the experience of “justice” remains out of reach for many users of American legal systems even when these systems have been hypothetically designed to guarantee equal access to legal rights and resources. Although some access to justice literature has argued that this issue is “bigger than law and lawyers” and that it more broadly relates to a “crisis of exclusion and inequality” (Sandefur, 2019), others have argued that providing legal aid to unrepresented litigants could help meaningfully reduce the justice gap (Legal Services Corporation, 2017).

Some access to justice literature has also begun to engage concepts from research on human-centered design. In particular, access to justice scholars have detailed the challenges

facing unrepresented participants in the legal process and examined the possibility that the concepts and practices of human-centered design could help create more user-friendly court systems. These studies have variously used the language of participatory design (Hagan, 2019), institutional design (Hagan, 2018; Poppe, 2021) and human-centered design (Hagan, 2018) to describe design efforts to create more accessible courts.

Bernal and Hagan (2020) describe several potential avenues for implementing human-centered design practices in legal settings. In their study, the authors describe four main approaches to collecting data and improving the design of court systems. These approaches each focus on reducing the learning, compliance, and psychological costs of participating in legal processes, although they do not exactly use the same language as administrative burden researchers.

The approaches described by Bernal and Hagan each rely on different types of data and processes. *Expert-oriented design* uses findings from adjacent literatures to inform interventions that could be effective in legal contexts (Greiner et al., 2016). The *human-centered* civil justice design paradigm (Quintanilla, 2016) emphasizes the inclusion of all affected stakeholders during the design of innovations or interventions in civil courts. The *public-centered* theory of civil justice design (Salter & Thompson, 2016) builds on this stakeholder perspective but reframes litigants as customers who are attempting to use a dispute resolution service offered by the government. Finally, Sandefur (2019) and Bernal and Hagan (2020) also describe a *community-led development* approach that relies on in-depth co-design sessions and often focuses on the development of technological and other extralegal tools in order to improve court users' experiences inside the courtroom and other outcomes outside of the legal system.

Findings from access to justice literature conclusively show that there is a substantial need to improve users' experiences with civil and criminal legal institutions. By using the framework of administrative burden from public administration literature in concert with the design approaches described above, court administrators and other policymakers may be able to lessen the learning, compliance, and psychological costs facing litigants and thereby improve the accessibility of programs that are implemented in legal contexts.

3.4 EVICTIONS AND RIGHT TO COUNSEL: THE USER JOURNEY AND ADMINISTRATIVE CHECKPOINTS

As described in Chapter 1, eviction proceedings can be conceptualized as occurring in five stages. In a recent study by Kim et al. (2025) about administrative burdens in the SNAP application process, the authors use the concept of “administrative checkpoints” to describe the “mandatory administrative requirements that a user must complete in order to proceed in an administrative process ” (p. 3). This concept is also applicable to the study of evictions and the procedural requirements facing tenants at different stages of the civil legal process. In the eviction process and the right to counsel program in Washington State, for example, there are two such checkpoints at the appearance/hearing stage of the legal proceeding that are particularly important to tenants' ability to access legal counsel: submission of a written response (“appearance”) and attendance at an initial “show cause” hearing.

Washington's right to counsel program legally authorizes tenants to receive legal assistance from the program as soon as the case is initiated (Benfer et al., 2025), but doing so is not practicable for many legal aid providers across the state because they do not have sufficient staff capacity to screen tenants for eligibility and provide legal services before the first hearing

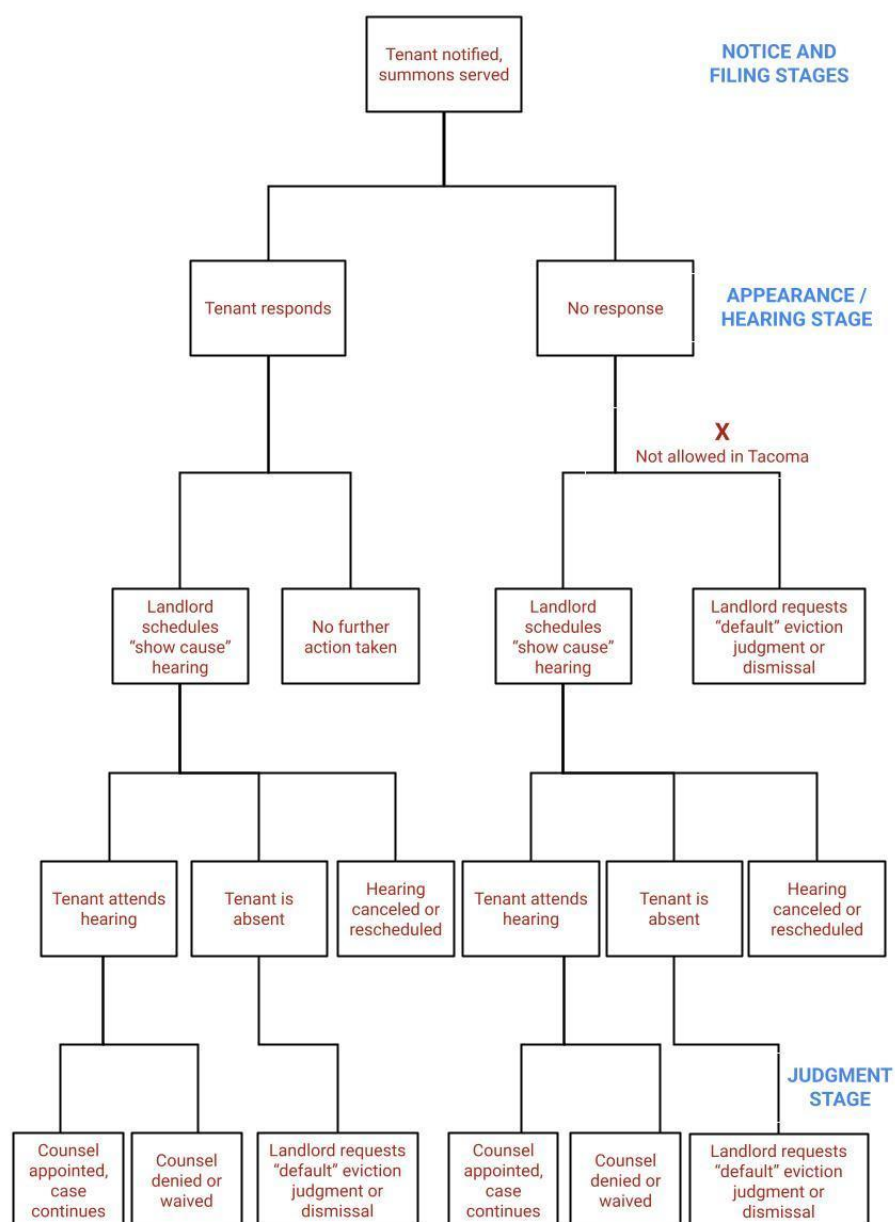
(Washington State Office of Civil Legal Aid, 2024). Because of capacity constraints, appointment of legal representation more typically occurs at the appearance/hearing stage, after a tenant has attended a hearing to defend themselves.

Prior to the appearance/hearing stage, tenants receive several documents notifying them about the details of their eviction case and the availability of legal counsel for low-income tenants. In addition to a document initially notifying them of their landlords' intent to pursue eviction, they receive summons and complaint documents which are delivered in-person by a third-party process server or mailed if in-person service is not successful (Revised Code of Washington 59.18.365, 2021). When landlords or their attorneys schedule a show cause hearing, the local court typically mails an Order to Show Cause document that notifies the tenant of their upcoming hearing.

The eviction process and the right to counsel program in Washington create two key administrative checkpoints for tenants who intend to defend themselves and access legal assistance. After receiving a summons, tenants in Washington typically have 7 days to submit a response in the form of a response, notice of appearance, or appearance pro se document filed with the court and sent to their landlord (Revised Code of Washington 59.12.070, 2005). If a tenant does not respond by the deadline listed on their summons, a landlord may request and receive a default eviction judgment and an Order for Writ of Restitution (von Geldern et al., 2024). Pierce County Superior Court follows this statewide rule, with the exception of the cases located in the City of Tacoma where a municipal ordinance prohibits default judgments on the basis of non-appearance (Tacoma Municipal Code, 2018). Tenants must also attend a hearing either virtually or in person in order to be screened for eligibility in the right to counsel program by a legal aid provider (von Geldern et al., 2024). The diagram in Figure 1 depicts the stages of

the eviction process in Washington from the perspective of tenants, excluding the final warrant stage where a tenant would be physically removed from their home by a sheriff.

Figure 3-1: The eviction process and right to counsel program take-up in Washington



Because tenant responses to eviction filings and hearing minutes are filed by court clerks during the course of legal proceedings, these documents may provide some insight into the

difficulty of the barriers posed by the two main administrative checkpoints. This study aims to create a clearer picture of tenants' user journey through the eviction process in Washington after the implementation of the right to counsel program. Although I was unable to fully implement any of the four user-centered design strategies for legal system interventions described above, this exploratory quantitative analysis can be used alongside the qualitative analysis presented in Chapter 1 to empirically assess tenants' ability and willingness to participate in the eviction process and access legal assistance.

3.5 DATA AND METHODS

Although the millions of eviction cases filed each year generate extensive documentation of case proceedings and legal outcomes, most details are stored in heterogeneous case documents only accessible through court web portals. While hand coding case outcomes based on review of these documents is time intensive and expensive, the recent proliferation of large language models (LLMs) has created new opportunities for analysis of large volumes of text for the purposes of legal analysis and empirical research. A recent study from Ribeiro de Faria et al. (2025) shows that analysis of legal texts can be useful for empirical research with careful validation of results. Shastri et al. (2024) use optical character recognition (OCR) technology to extract text from documents filed in eviction cases and prompt an LLM to document outcomes based on the OCR output for a set of 105 cases hand coded by Summers and Steil (2024). This study also generally reports accurate outcomes but with significant need for correction and validation. This research shows that LLM-based analysis of legal texts and text extracted from court documents via OCR is a promising but imperfect method for increasing the scale at which we can analyze eviction case filings.

To better understand tenants' experiences with eviction after the implementation of Washington's right to counsel law, I collected and analyzed 195,050 case documents from 8,503 unlawful detainer (eviction) cases filed in Pierce County, Washington between January 2022 and December 2024. I received these documents from the Eviction Research Network, who had conducted initial statewide analysis of case filings (Thomas & Schwinghammer, 2024). The final dataset contained all documents filed in any eviction case that began between 2022-2024. Documents were collected and labeled in June 2025. I then used a pre-built optical character recognition (OCR) model available through the Azure AI portal to extract all readable text from the documents. Using this text, I created a dataset containing case numbers, document names, and strings containing all text from each document.

Based on prior research that used hand coding of case documents to measure procedural and legal outcomes (Sudeall & Pasciuti, 2021; von Geldern et al., 2024; von Geldern & Martin, 2025), I identified a list of case document types that contained information about each outcome of interest. For example, the presence of an "order appointing counsel" indicated that a tenant had received formal legal counsel through the right to counsel program. I used a straightforward document identification algorithm to identify which document types were filed in each case. I supplemented this case-level document identification with LLM analysis of the text contained in each document in order to identify significant procedural events or case outcomes. I created custom prompts for each document type based on the available information in those documents, and prompted ChatGPT-4o to answer questions about the text contained in each relevant document using the Azure AI platform. Table 1 describes what variables were extracted from each document type.

Table 3-1: Source documents and measurement of case-level variables

Variable	Source documents
Address	Summonses, Complaints
Alleged amount owed	Complaints
Landlord had representation	Agreements, Complaints, Dismissals, Summonses
Tenant submitted response (“appearance”)	Responses, Notice of Appearances
Hearing held	Hearing minutes
Tenant attended hearing	Hearing minutes
Tenant received representation	Orders appointing counsel, Agreements, Orders and Motions for Dismissal
Eviction judgment issued	Writ of Restitution, Orders staying or vacating Writ of Restitution
Case dismissed	Orders and Motions for Dismissal
Record protection order	Order for Limited Dissemination
Tenant displaced	Agreement, Order for Writ of Restitution, Order staying or vacating Writ of Restitution, and Orders and Motions for Dismissal

For each selected document, the full OCR-extracted text was provided to the LLM as input with a specific prompt tailored to the document category. Document texts were truncated at 200,000 characters when necessary (only complaint documents, fewer than 50 documents). LLM outputs were constrained to structured JSON objects that aligned with predefined response categories. Constraining responses allowed me to integrate LLM outputs into downstream statistical analyses.

After extracting and analyzing the JSON objects from each relevant document, I created algorithms to identify case-level outcomes that took into account the documents filed in each case and the LLM extraction outputs from documents listed in Table 1. For example, a case was deemed to have an eviction judgment issued if an Order for a Writ of Restitution was filed, and no documents staying or vacating the Order were filed later in the same case. This document-conditioned LLM analysis was used to identify procedural events and case outcomes.

Prior to analysis, I removed commercial cases based on extracted outputs from complaint documents and cleaned address data from both summons and complaint documents to maximize address completeness and validity. I first corrected OCR errors in city names manually based on visual inspection of the extracted data (e.g., Tacuman → Tacoma, Purellup → Puyallup). I then aligned addresses from both documents to identify a valid address for as many cases as possible. Ninety-eight percent of cases had addresses in both summons and complaint documents types while 145 cases had a complaint address only, 9 had a summons address only, and 4 had no legible address in either document. For cases with only one of these document types filed, I used that address for analysis.

I then geocoded addresses in two stages. First, I submitted all addresses with complete street, city, state, and ZIP code information to the U.S. Census Bureau's batch geocoding API, which matched 92.4% of cases. After successfully geocoding those cases, I submitted the remaining unmatched addresses (predominantly cases with missing ZIP codes) to the Google Maps Geocoding API, which recovered an additional 6.3% of cases and brought total geocoding coverage to 98.7%. I performed a spatial join between geocoded coordinates and 2020 Census block group boundaries for Pierce County to assign each case a census block group identifier for merging with American Community Survey (ACS) estimates of neighborhood median income. I

verified that all geocoded addresses fell within Pierce County boundaries, and excluded all cases for which no extracted addresses geocoded to a valid location in Pierce County.

During this cleaning and geocoding process, I removed 88 commercial cases and 46 residential cases with missing address data or addresses that geocoded to locations outside of Pierce County. Using geocoding data, I estimated travel times from each tenant's address to the Pierce County Superior Courthouse (930 Tacoma Ave S, Tacoma, WA) using the Google Maps Distance Matrix API, with both driving and transit times estimated assuming a 1:00pm arrival to align with the timing of the daily unlawful detainer docket. Public transit time estimates were unavailable for 748 cases, but I successfully calculated an estimated driving time estimate for all cases in the final dataset. The final dataset included 8,234 cases with complete information on all relevant procedural and legal variables, and analyses incorporating public transit time estimates use a slightly smaller set of 7,486 cases.

To verify the accuracy of the estimates produced with the document-conditioned LLM analysis, I randomly selected 300 cases from the full dataset and manually coded outcomes for these cases. I sampled case numbers uniformly across three filing years contained in the dataset (2022 - 2024) to ensure diverse temporal coverage and to ensure inclusion of the diverse document formats or court procedures as they evolved during the study period.

I conducted three sets of analyses with the final dataset. First, I examined predictors of tenant procedural engagement by estimating year-stratified logistic regression models of whether tenants filed an appearance and attended a hearing. Second, I modeled tenant access to legal representation to assess how procedural engagement relates to take-up of the right to counsel program. Third, I examined how procedural engagement and representation relate to case outcomes and how this changes over time.

I stratified results by year to reflect the rapidly changing economic and policy environment throughout the study period. While Washington’s right to counsel law was passed and program implementation began in 2021, statewide implementation did not occur until early 2022 (Fyall et al., 2023). In 2022, eviction filings remained historically low in the wake of the federal eviction moratorium and Washington’s “bridge” proclamation (Fyall et al., 2023). Throughout 2023, eviction filings increased steadily as federal rental assistance slowly dissipated – and the results of this study suggest that a local ordinance intended to reduce default eviction judgments in Tacoma (Pierce County’s largest city and the county seat) was implemented more completely in October (Tacoma Municipal Code, 2018). In 2024, eviction filings returned to or exceeded pre-pandemic levels in many jurisdictions and federal rental assistance became much less widely available – and as this happened, the right to counsel program struggled to provide enough attorney support for the growing volume of cases (Demkovich, 2024; Thomas & Schwinghammer, 2024; Washington State Office of Civil Legal Aid, 2024). Each of these years therefore represents a distinct policy environment with respect to evictions and the right to counsel program.

All models presented below include controls for the logged amount allegedly owed, case filing year, landlord representation, and local factors including neighborhood median income at the census block group level. Models also include a binary indicator of whether a case was filed in Tacoma, where a municipal ordinance prohibits default judgments on the basis of non-appearance (Tacoma Municipal Code, 2018). The effect of this ordinance on access to legal counsel and case outcomes is theoretically ambiguous, because it could increase tenant engagement by guaranteeing a hearing or reduce appearance rates because an appearance is not required to obtain a hearing. Appearance and hearing attendance models also include travel time

to the courthouse via both driving and public transit as estimated via the Google Maps API. These models provide novel evidence on the predictors of tenants' participation in eviction proceedings, access to right to counsel programs, and case-level outcomes.

3.6 RESULTS

Document-conditioned LLM analysis allowed me to systematically document tenants' engagement with the eviction process at key administrative checkpoints. I begin by summarizing the accuracy of estimated variables when compared with manual review of case documents. I then describe the patterns in tenants' submission of written responses (“appearance”) and attendance at preliminary show cause hearings and summarize the relationship between these behaviors and case outcomes that occur at the judgment stage of the legal process.

3.6.1 *Accuracy*

To verify the accuracy of my analytic pipeline, I randomly selected 100 cases from each year (2022 - 2024) and manually reviewed case documents to create observations for each relevant variable in those 300 cases. Nearly all variables were boolean, with the exception of addresses and the alleged arrears in dollars. I used the data cleaning and geocoding process to verify address data, and for arrears data I estimated the mean absolute and percentage errors and the total percentage of values that fell within \$100 of the actual value. I used this approach to reflect the fact that this amount was relatively small within the context of alleged amounts owed.

For the boolean variables, I analyze each variable's confusion matrix (the counts of true positives, true negatives, false positives, and false negatives). I report accuracy, precision, recall, and F1 score as summary measures of classification performance in Table 3-2. Precision captures

how often the algorithm was correct for true values, recall captures how often the algorithm correctly identified true values, and F1 is the harmonic mean of precision and recall that is intended to penalize estimation strategies that improve on precision or recall at the expense of the other. Together these metrics provide a full picture of classification performance for estimates of boolean variables (Distel et al., 2026; Sokolova & Lapalme, 2009).

Estimates were highly accurate but imperfect across all variables based on comparisons with hand coded values from 300 cases. Approximately 97% of all estimated values for alleged amount owed were within \$100 of the actual value, with a mean absolute error of \$50.50 and a mean absolute percentage error of 0.89%. Accuracy measures also demonstrated consistently high performance for case-level boolean variables. The overall accuracy of 98.4% across all variables with similarly strong precision (99.1%), recall (97.7%), and F1 or harmonic mean (0.983) demonstrates that the document-conditioned approach was highly effective at measuring case-level outcomes. This precision was consistent across procedural variables (tenant appearance, hearing held, tenant hearing attendance), the boolean measure of tenant access to the right to counsel program, and most outcome variables (eviction judgment, dismissals, record protection orders). The most challenging variable to document accurately was court displacement, which required documentation of multiple outcomes from different documents in chronological order. Overall, errors appear isolated and did not appear systematic for any variables.

Table 3-2: Accuracy metrics for estimates of boolean case-level variables (n = 300)

Variable	Accuracy	Precision	Recall	F1
Landlord had representation	99.7%	99.7%	100.0%	0.998
Tenant responded (“appeared”)	98.3%	100.0%	95.5%	0.977
Hearing was held	99.7%	100.0%	99.4%	0.997
Tenant attended a hearing	98.3%	98.5%	97.7%	0.981
Eviction judgment	99.0%	100.0%	98.4%	0.992
Case dismissed	98.3%	99.0%	96.1%	0.975
Record protected	99.0%	98.7%	97.5%	0.981
Tenant received representation	99.0%	97.8%	100.0%	0.989
Tenant displaced	94.0%	97.8%	94.4%	0.961
Total	98.4%	99.1%	97.7%	0.983

3.6.2 Descriptive statistics

Table 3-3 presents descriptive statistics for case characteristics of the full sample of 8,234 residential eviction cases filed in Pierce County between 2022 and 2024. Case filings increased substantially over the study period as the federal eviction moratorium and Washington state’s bridge proclamation lapsed (Demkovich, 2024). The vast majority of cases involved landlords with legal representation (98.9%) and nearly 90% of cases included a monetary complaint against the tenant. Monetary complaint amounts demonstrated a significant right skew, with an average of \$7,275 and a median of \$4,395. Just over a quarter of cases were filed in neighborhoods below 50% of Pierce County’s area median income (AMI).

Table 3-3: Case characteristics (n = 8,234)

Filing year	
2022	23.8%
2023	34.2%
2024	42.0%
Case characteristics at filing	
Non-monetary complaint (% of cases)	11.9%
Median monetary complaint (\$)	\$4,395
Mean monetary complaint (SD)	\$7,275 (\$13,997)
Landlord representation (% of cases)	98.9%
Low-income neighborhood (% of cases)	29.3%
Travel time to courthouse (mins)	
Median driving time	14.9
Mean driving time (SD)	16.4 (8.7)
Median public transit time	48.7
Mean public transit time (SD)	55.0 (32.6)

Table 3-4 shows descriptive statistics for procedural and case outcomes. Monetary complaint statistics exclude cases with no monetary basis (12.0%). Low-income neighborhoods are defined as addresses in census block groups with median income below 50% of Pierce County AMI. These results are disaggregated by whether the property that is the subject of the complaint is in Tacoma because of a local ordinance prohibiting default judgments against tenants without a hearing that could affect tenant or landlord decision-making during the eviction process (Tacoma Municipal Code, 2018). Figure 1 above demonstrates the stage of the legal

process at which this ordinance disallows eviction judgments on the basis of tenants' non-participation.

Table 3-4: Case-level outcomes (n = 8,234)

	Non-Tacoma (n = 4,029)	Tacoma (n = 4,205)	Total (n = 8,234)
Filed appearance	42.2%	37.3%	39.7%
Hearing held	55.2%	65.0%	60.2%
Tenant attended hearing	43.9%	47.9%	45.9%
Tenant attended hearing (conditional on hearing held)	79.5%	73.7%	76.3%
Received representation	44.0%	47.6%	45.8%
Eviction judgment	67.8%	64.7%	66.2%
Dismissal	28.6%	29.8%	29.2%
Record protection order	27.4%	29.3%	28.4%
Court displacement	76.2%	73.4%	74.8%

Tenants filed a formal appearance in 39.7% of cases overall, with lower rates in Tacoma than elsewhere. Despite lower appearance rates, Tacoma cases were more likely to include a scheduled hearing in alignment with the intended effect of the local Tacoma ordinance on default judgments. Although case-level hearing attendance rates were slightly higher in Tacoma due to the higher rate of hearings being scheduled, tenants in Tacoma were less likely to attend hearings when they were scheduled. Representation rates were slightly higher in Tacoma, and case

outcomes (eviction judgments, dismissals, record protection orders, and court displacement) were slightly more favorable in Tacoma when compared to other parts of Pierce County.

3.6.3 *Logistic regression models*

To examine predictors of tenants' participation in the legal process, access to legal representation, and case outcomes, I estimated a series of year-stratified logistic regression models. Stratifying by year accounts for the rapidly changing policy and economic environment throughout the study period (2022–2024), allowing examination of how the relationships between participation, access to legal assistance, and case outcomes evolved throughout the course of this volatile period.

The first set of models examines case-level predictors of tenant behavior at the hearing and appearance stage of the legal process. I first estimate a model predicting tenants' submission of a written response or appearance (Table 3-5) and then two subsequent models predicting whether a hearing occurred and whether the defendant or their attorney attended a hearing at any point during the case (Table 3-6). To predict whether tenants filed a written appearance, I estimated the following logistic regression model:

$$Y_i = \beta_0 + \beta_1(\text{Tacoma})_i + \beta_2(\text{Monetary})_i + \beta_3(\text{Plaintiff Representation})_i + \beta_4(\text{Low-income})_i + \beta_5(\text{Drive Time})_i + \beta_6(\text{Transit Time})_i + \varepsilon_i$$

In this equation, i indexes the case and Y_i represents the log odds of a tenant submitting a written appearance in that case. β_1 through β_6 measure the associations between submission of an appearance and, respectively, whether the property was located in Tacoma, whether the complaint included a monetary claim, whether the landlord had legal representation, whether the

property was in a low-income neighborhood, driving time to the courthouse, and public transit time to the courthouse. All models are estimated separately for each filing year (2022, 2023, 2024) to account for the changing policy environment.

I then estimated a series of year-stratified models for two other procedural outcomes: whether a hearing was held in case, and whether a tenant or their attorney attended a hearing in the case. The first predicts whether a hearing was held using the following equation:

$$Y_i = \beta_0 + \beta_1(\text{Tacoma})_i + \beta_2(\text{Monetary})_i + \beta_3(\text{Plaintiff Representation})_i + \beta_4(\text{Low-income})_i + \beta_5(\text{Appearance Filed})_i + \mathcal{E}_i$$

In this equation, i indexes the case and Y_i represents the log odds of a hearing being held in that case. β_1 through β_6 measure the associations between submission of an appearance and, respectively, whether the property was located in Tacoma, whether the complaint included a monetary claim, whether the landlord had legal representation, whether the property was in a low-income neighborhood, and whether an appearance was filed in the case. The second model predicts hearing attendance conditional on a hearing being held:

$$Y_i = \beta_0 + \beta_1(\text{Tacoma})_i + \beta_2(\text{Monetary})_i + \beta_3(\text{Plaintiff Representation})_i + \beta_4(\text{Low-income})_i + \beta_5(\text{Appearance Filed})_i + \beta_6(\text{Drive Time})_i + \beta_7(\text{Transit Time})_i + \mathcal{E}_i$$

Next, I estimated year-stratified models to assess the associations between case characteristics and procedural outcomes and tenants' access to legal representation. The models used the following equation:

$$Y_i = \beta_0 + \beta_1(\text{Tacoma})_i + \beta_2(\text{Monetary})_i + \beta_3(\text{Plaintiff Representation})_i + \beta_4(\text{Low-income})_i + \beta_5(\text{Appearance Filed})_i + \beta_6(\text{Attended Hearing})_i + \mathcal{E}_i$$

Here, i indexes the case and Y_i represents the log odds of a tenant successfully accessing legal representation during the case. In addition to predictors that had been included in prior models, I included β_6 to measure the association between hearing attendance and access to legal representation.

Finally, I estimated a series of year-stratified models that examine associations between procedural engagement, legal representation, and case outcomes. All case outcome models use the same specification:

$$Y_i = \beta_0 + \beta_1(\text{Tacoma})_i + \beta_2(\text{Monetary})_i + \beta_3(\text{Plaintiff Representation})_i + \beta_4(\text{Low-income})_i + \beta_5(\text{Appearance Filed})_i + \beta_6(\text{Attended Hearing})_i + \beta_7(\text{Legal Representation})_i + \mathcal{E}_i$$

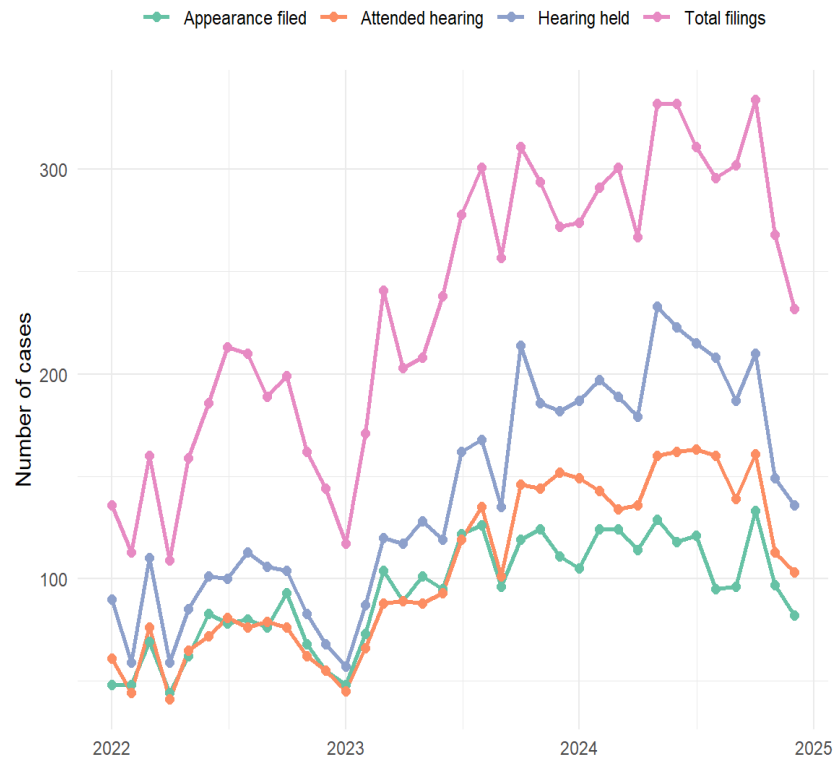
The outcome (Y_i) varies across models: whether an eviction judgment was issued, whether the case was dismissed, whether an Order for Limited Dissemination (record protection order) was issued, and whether the case resulted in the tenant's physical displacement. This model specification allows examination of how procedural engagement at the checkpoint stages and access to legal representation relate to final case outcomes, while controlling for case characteristics present at filing.

3.6.4 *Tenant behavior and administrative checkpoints*

There are two main administrative checkpoints facing tenants in Pierce County Superior Court: submission of a written appearance and attendance at an initial hearing. A prior study of Washington's right to counsel program showed that about 40 percent of tenants file an appearance and about 20 percent of cases result in a default eviction judgment against tenants who do not appear (von Geldern & Martin, 2025). This study, however, did not examine statistical predictors of appearance or how these relationships changed over time. Figure 3-2 shows the variation in tenants' ability to overcome these administrative checkpoints throughout the study period, and subsequent tables present year-stratified logistic regression models predicting tenant appearances and hearing attendance.

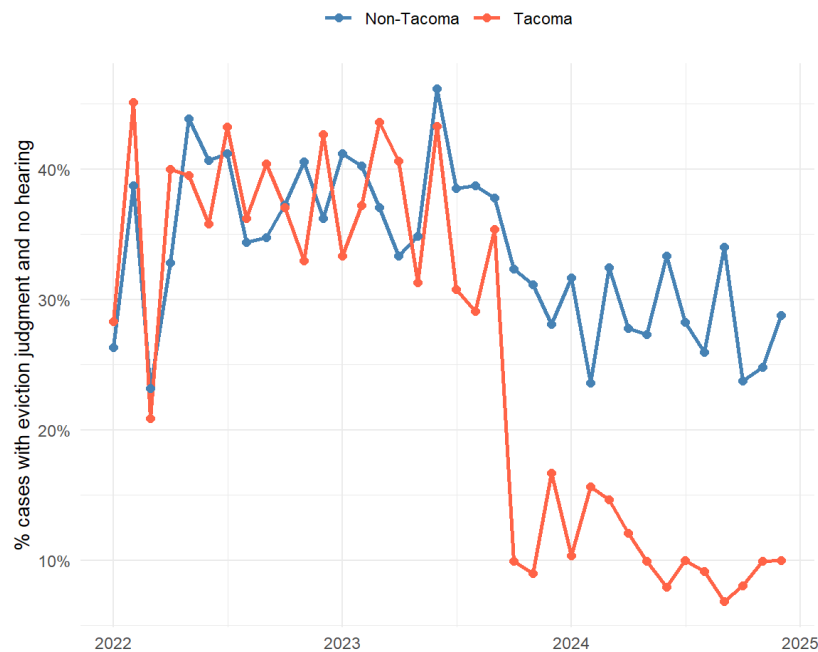
Figure 3-2 depicts the percentage of cases in which an appearance was filed, a hearing was held, and a tenant or their attorney attended at least one hearing for each month throughout the study period. Approximately 40% of tenant households filed an appearance ($n = 3,269$), although the appearance rate declined slightly in 2024 (37.9%) relative to prior years. Despite this decline in appearances, hearings were held in a growing share of cases over the study period, rising from 54.2% in 2022 to 65.3% in 2024. Tenant hearing attendance followed a similar upward trend, increasing from 40.6% of all cases in 2022 to 49.6% in 2024.

Figure 3-2: Eviction filings and administrative checkpoints



Disaggregation of results by location suggests that changes over time may be related to increased adherence to the Tacoma ordinance preventing default judgments on the basis of non-appearance. Figure 3-3 depicts this trend. In 2022, default eviction judgments without a hearing were issued at nearly identical rates in Tacoma (36.8%) and elsewhere (36.5%). By 2023 a modest gap in these cases had opened (28.5% vs 36.1%), and in 2024 only 10.2% of cases filed in Tacoma resulted in an eviction judgment without a hearing compared to 28.6% elsewhere. October 2023 appears to be a significant juncture for this trend. After this point, tenants in Tacoma became less likely to submit an appearance, more likely to have the opportunity to attend a hearing, and less likely to attend hearings when they were held.

Figure 3-3: Default eviction judgments for non-appearance



Model outputs also support the possibility of a changing policy environment over time. The Tacoma ordinance showed a marginal negative association with appearance rates in 2022 and then a strong negative association in 2024. Higher alleged rent amounts and non-monetary complaints were associated with lower appearance rates in 2022 and 2024, while low-income neighborhood status showed a marginally negative association with appearance in 2022 but not in subsequent years. Monetary complaint status was not significantly associated with appearance in any year, suggesting that the type of complaint does not independently predict tenant engagement after controlling for other case characteristics. Drive and transit times were not significant predictors of appearance in any year, consistent with Hoffman and Strezhnev's (2023) finding that geographic proximity effects dissipate when virtual hearing attendance is allowed.

Table 3-5: Predictors of tenant appearance

	2022	2023	2024
Intercept	0.195	-1.645	-0.596
SE	(0.449)	(0.641)	(0.565)
Address in Tacoma	-0.261*	-0.133	-0.267**
SE	(0.128)	(0.105)	(0.094)
Monetary complaint	0.033	0.262	0.174
SE	(0.120)	(0.146)	(0.154)
Landlord represented	-0.178	1.400*	0.229
SE	(0.408)	(0.625)	(0.551)
Low-income neighborhood	-0.320**	-0.003	-0.117
SE	(0.112)	(0.090)	(0.082)
Drive time (mins)	-0.024	0.004	0.011
SE	(0.015)	(0.013)	(0.012)
Transit time (mins)	0.003	-0.001	-0.002
SE	(0.003)	(0.003)	(0.002)
N	1771	2550	3165
AIC	2378.1	3453.8	4172.5
BIC	2416.5	3494.7	4214.9
Log Likelihood	-1182.06	-1719.91	-2079.24

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Results of the models predicting hearing occurrence and attendance show a similar pattern. In 2022, filing in Tacoma was not predictive of whether a hearing was held, by 2023 it was statistically significant, and by 2024 it had grown further. Tenant appearance rates remained the strongest predictor of hearings being held in all three years, while the association between low-income neighborhood status and hearing occurrence fluctuated over time. Conditional on a hearing being held, the predictors of tenant attendance were relatively stable across years, with

appearance consistently the strongest predictor. Filing in Tacoma was not associated with conditional attendance in 2022 and 2023 but became significantly negative in 2024, consistent with the large increase in hearings being scheduled for Tacoma-based tenants who had not submitted an appearance. Travel time was not a significant predictor of conditional hearing attendance in any year, consistent with Hoffman and Strezhnev's (2023) finding that geographic proximity effects dissipate when virtual hearing attendance is allowed.

Table 3-6: Predictors of hearing outcomes

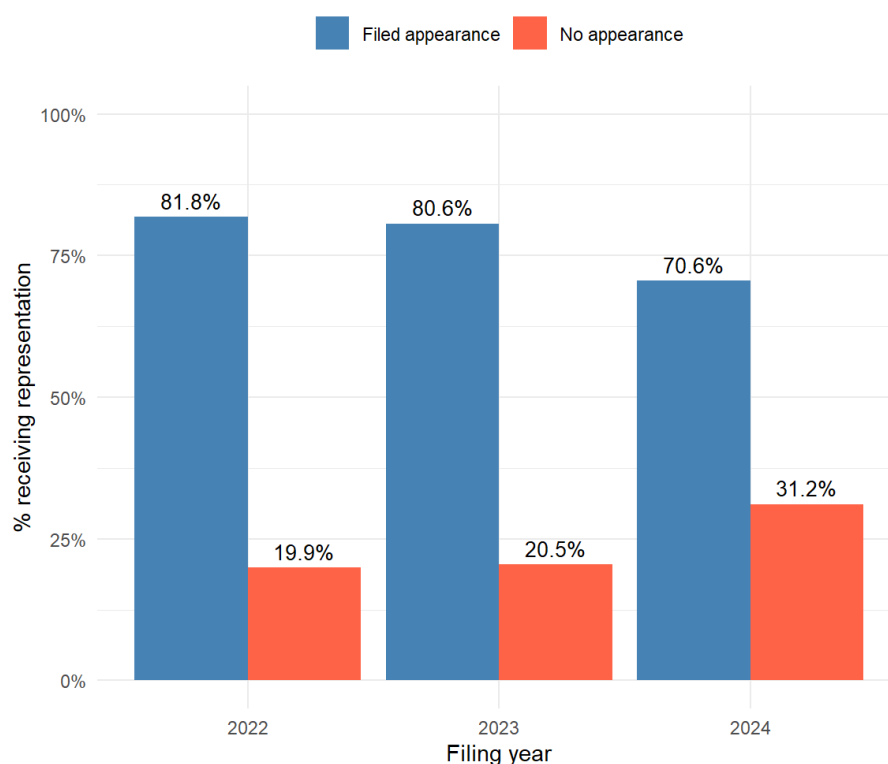
	2022	2023	2024	2022	2023	2024
	Hearing held			Attendance (conditional)		
Intercept	-0.255	-0.340	-1.228	1.346	0.115	1.206
SE	(0.415)	(0.406)	(0.440)	(0.838)	(0.623)	(1.131)
Address in Tacoma	0.061	0.616***	0.944***	-0.051	-0.148	-0.336*
SE	(0.105)	(0.092)	(0.082)	(0.201)	(0.174)	(0.142)
Monetary complaint	-0.108	-0.112	0.049	0.078	0.013	-0.169
SE	(0.124)	(0.147)	(0.153)	(0.186)	(0.217)	(0.218)
Landlord represented	-0.390	-0.518	0.704	-0.743	0.564	-0.242
SE	(0.412)	(0.405)	(0.440)	(0.780)	(0.578)	(1.118)
Low-income neighborhood	-0.236*	-0.007	0.272**	-0.222	-0.049	-0.164
SE	(0.118)	(0.099)	(0.088)	(0.178)	(0.143)	(0.112)
Drive time (mins)	—	—	—	0.029	0.010	0.017
SE				(0.023)	(0.019)	(0.017)
Transit time (mins)	—	—	—	-0.007	-0.002	-0.004
SE				(0.005)	(0.004)	(0.004)
Filed appearance	2.302***	2.470***	2.086***	1.010***	1.212***	0.896***
SE	(0.115)	(0.103)	(0.099)	(0.155)	(0.130)	(0.109)
N	1771	2550	3165	959	1495	2104
AIC	2204.9	3051.8	3785.6	1037.8	1521.0	2256.9
BIC	2238.3	3087.5	3822.4	1076.8	1563.5	2302.1
Log Likelihood	-1096.44	-1519.91	-1886.78	-510.91	-752.50	-1120.43

* p < 0.05, ** p < 0.01, *** p < 0.001

3.6.5 Access to legal representation

Throughout the study period, tenants' ability to surmount administrative checkpoints was highly predictive of access to legal counsel. Table 3-7 presents logistic regression models predicting tenants' access to representation. Overall, 77.3% of tenants who filed an appearance received representation, compared to 25.1% of those who did not – and 89.8% of tenants who attended a hearing received representation, while only 8.4% of those who did not were able to access legal counsel. The share of tenants who received representation but did not submit an appearance grew substantially over the study period, from 19.3% in 2022 to 31.2% in 2024. Despite this change, however, logistic regression models show that both appearance and hearing attendance are enduring predictors of access to representation.

Figure 3-4: Representation rates by appearance status



The year-stratified models also support the idea that the pathway to representation has changed over time. While the association between appearance and representation decreases with each year, the association between hearing attendance and representation grows – although all of these behavioral predictors are strongly associated with access to representation throughout the study period. Filing in Tacoma and in low-income neighborhoods was associated with higher rates of representation in 2023 but not in the other two years. Landlord representation appears as a positive predictor of tenant representation in 2024, but this result is difficult to interpret given that only 27 cases in that year (0.8%) involved an unrepresented landlord.

Table 3-7: Predictors of tenant legal representation

	2022	2023	2024
Intercept	-2.710***	-2.955***	-6.310***
SE	(0.587)	(0.662)	(0.738)
Address in Tacoma	0.005	0.259	0.169
SE	(0.156)	(0.137)	(0.147)
Monetary complaint	0.113	0.002	0.320
SE	(0.183)	(0.231)	(0.266)
Landlord represented	-0.234	-0.262	2.462***
SE	(0.572)	(0.656)	(0.717)
Low-income neighborhood	0.102	0.157	0.070
SE	(0.179)	(0.150)	(0.158)
Filed appearance	2.813***	2.434***	0.917***
SE	(0.169)	(0.142)	(0.149)
Attended hearing	3.896***	4.025***	5.574***
SE	(0.173)	(0.140)	(0.167)
N	1958	2819	3457
AIC	1131.2	1566.2	1513.0
BIC	1170.2	1607.8	1556.1
Log Likelihood	-558.58	-776.12	-749.52

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

3.6.6 Case outcomes

The final set of models in Table 3-8 predict four case-level outcomes using the same year-stratified approach: eviction judgments, dismissals, record protection orders, and court-ordered displacement. These models include tenant appearance, hearing attendance, and legal representation as predictors along with other case characteristics at filing. These models

allow me to examine the association between procedural outcomes and case outcomes after controlling for case characteristics.

Table 3-8: Predictors of eviction judgments and dismissals

	2022	2023	2024	2022	2023	2024
	Eviction judgment			Dismissal		
Intercept	-.0348	-0.127	-0.519	0.051	0.124	-0.244
SE	(0.442)	(0.402)	(0.418)	(0.414)	(0.392)	(0.401)
Address in Tacoma	-0.189	-0.052	-0.265***	0.162	-0.002	0.182*
SE	(0.109)	(0.087)	(0.073)	(0.109)	(0.088)	(0.077)
Monetary complaint	-0.220	-0.077	-0.181	0.111	0.040	0.294
SE	(0.130)	(0.145)	(0.145)	(0.129)	(0.147)	(0.158)
Landlord represented	2.172***	1.709***	1.317**	-1.886***	-1.658***	-0.651
SE	(0.441)	(0.402)	(0.419)	(0.411)	(0.391)	(0.402)
Low-income neighborhood	0.251*	-0.160	0.033	-0.178	0.120	-0.050
SE	(0.126)	(0.095)	(0.079)	(0.126)	(0.096)	(0.083)
Filed appearance	-0.661***	-0.644***	-0.516***	0.497***	0.836***	0.688***
SE	(0.130)	(0.103)	(0.080)	(0.132)	(0.107)	(0.085)
Attended hearing	0.162	0.186	0.702***	-0.205	-0.308*	-0.738** *
SE	(0.155)	(0.136)	(0.159)	(0.155)	(0.137)	(0.163)
Received representation	-1.451***	-1.058***	-0.582***	1.384***	0.654***	0.152
SE	(0.175)	(0.147)	(0.159)	(0.178)	(0.148)	(0.163)
N	1958	2819	3457	1958	2819	3457
AIC	2095.7	3268.7	4477.7	2096.2	3205.5	4149.2
BIC	2140.3	3316.2	4526.9	2140.8	3253.1	4198.4
Log Likelihood	-1039.83	-1626.33	-2230.87	-1040.09	-1594.77	-2066.59

* p < 0.05, ** p < 0.01, *** p < 0.001

Tenant appearance was negatively associated with eviction judgments and displacement and positively associated with dismissals across all three years. Landlord representation showed the opposite associations, though these diminished over time. Monetary complaint type was not a significant predictor of eviction judgments or dismissals in any year after controlling for other factors. Hearing attendance was not significantly associated with eviction judgments or dismissals in 2022 or 2023, but in 2024 it counterintuitively became positively associated with eviction judgments and negatively associated with dismissals.

The association between legal representation and case outcomes changed significantly during the study period. Representation was associated with reduced eviction judgments and displacement, and increased dismissals and record protection orders, but the relationships with eviction judgments, displacement, and dismissals diminished with each successive year. This attenuation coincides with the persistent reduction in availability of COVID-era emergency rental assistance funding from 2022 through 2024 (Demkovich, 2024).

Table 3-9: Predictors of court displacement

	2022	2023	2024
Intercept	0.437	-0.167	-0.587
SE	(0.383)	(0.389)	(0.419)
Address in Tacoma	-0.102	-0.076	-0.365***
SE	(0.111)	(0.095)	(0.079)
Monetary complaint	-0.271*	0.060	-0.170
SE	(0.135)	(0.156)	(0.157)
Landlord represented	1.344***	1.915***	1.583***
SE	(0.376)	(0.389)	(0.420)
Low-income neighborhood	0.297*	-0.149	-0.077
SE	(0.131)	(0.103)	(0.084)
Filed appearance	-0.662***	-0.722***	-0.584***
SE	(0.137)	(0.118)	(0.088)
Attended hearing	0.109	0.383**	0.824***
SE	(0.157)	(0.146)	(0.165)
Received representation	-0.830***	-0.395*	-0.048
SE	(0.179)	(0.160)	(0.167)
N	1958	2819	3457
AIC	2019.5	2873.5	4027.7
BIC	2064.1	2921.0	4076.9
Log Likelihood	-1001.74	-1428.73	-2005.84

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Tenant appearance and representation were negatively associated with displacement across all three years. Landlord representation and higher alleged arrears were positively associated with displacement throughout the study period. Filing in Tacoma showed a weak negative association to displacement in 2022 and 2023 and became significantly negative in

2024. Non-monetary complaints were negatively associated with displacement in 2022 but not in other years.

Table 3-10: Predictors of record protection (Orders for Limited Dissemination)

	2022	2023	2024
Intercept	-3.310***	-4.001***	-4.430***
SE	(0.520)	(0.640)	(0.936)
Address in Tacoma	0.250	-0.016	-0.324**
SE	(0.133)	(0.112)	(0.113)
Monetary complaint	0.021	0.411*	0.183
SE	(0.155)	(0.185)	(0.215)
Landlord represented	-0.741	-0.116	-0.534
SE	(0.473)	(0.612)	(0.919)
Low-income neighborhood	0.006	-0.170	0.153
SE	(0.154)	(0.122)	(0.121)
Filed appearance	0.117	0.363**	-0.005
SE	(0.154)	(0.124)	(0.113)
Attended hearing	0.108	0.692***	2.642***
SE	(0.175)	(0.162)	(0.284)
Received representation	3.434***	3.661***	3.479***
SE	(0.281)	(0.245)	(0.253)
N	1958	2819	3457
AIC	1413.8	2021.1	2071.6
BIC	1458.5	2068.7	2120.8
Log Likelihood	-698.91	-1002.57	-1027.79

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Legal representation was by far the strongest and most stable predictor of record protection orders across all three years. The relationship between hearing attendance and record protection became stronger over time, while the relationship between filing an appearance and record protection varied. Tacoma residency was not a significant predictor of record protection in 2022 or 2023 but became negatively associated in 2024. Monetary complaint type was positively associated with record protection in 2023 but not in other years.

3.7 DISCUSSION

By applying document-conditioned LLM analysis to text extracted from PDF documents filed in all eviction cases in Pierce County, WA between 2022 and 2024, I created novel and precise measures of tenants' ability to overcome the administrative checkpoints of the eviction process and access legal representation through a right to counsel program. Applying the theoretical framework of administrative burden and the principles of human-centered design allows me to clearly define and measure the points in the eviction process that systematically prevent tenants from participating in evictions and accessing legal counsel when it is available. The theoretical approach and empirical strategy help create a model of tenant behavior during eviction processes and further unpack the “black box” of eviction courts (Sudeall & Pasciuti, 2021). Although this model will vary in other jurisdictions with different rules and procedures, many of the patterns identified here will translate to comparable contexts. Study results show that predictors of tenant appearances varied throughout the study period. Low-income neighborhood status was negatively associated with appearances in 2022 but not in subsequent years, and inclusion of a monetary basis for the legal complaint was not a significant predictor of appearance in any year after controlling for other case characteristics. This second finding

contrasts with the results of an earlier study that identified non-monetary complaints as a motivating factor for tenants to respond to eviction summonses (Larson, 2006).

In addition to contributing to a sparse literature on the predictors of participation in civil courts and eviction proceedings, this study also demonstrates the importance of studying local rules and ordinances that may affect case dynamics. The Tacoma ordinance disallowing appearance-based default judgments (Tacoma Municipal Code, 2018) did not predict appearance rates in 2022 or 2023, but became negatively associated with appearances in 2024. This finding, along with the visual evidence from Figure 3-3 showing a reduction in appearance-based default evictions in Tacoma beginning in October 2023, suggests that adherence to the ordinance increased meaningfully in late 2023 and continued throughout 2024. Future research should explore what precipitated this change – including the possible effect of the November 2023 vote on a ballot initiative proposing a “Landlord Fairness Code” (Most, 2023) – and how other local rules and ordinances influence tenant behaviors and decision making during evictions.

Tenant appearances consistently predicted whether hearings were held and whether a tenant attended hearings. This finding suggests that early engagement in the legal process is a strong predictor of tenant participation in the case and access to counsel. For cases filed in 2024, filing in Tacoma is associated with a lower appearance rate, higher rate of hearing occurrence, and a marginally lower attendance rate when a hearing was held. The negative association between filing in Tacoma and conditional attendance in 2024 likely reflects the fact that more tenants in Tacoma had the opportunity to attend a hearing despite not engaging at the appearance stage. This finding suggests that reducing the ordinance’s emphasis on reducing the compliance costs of appearance requirements does not necessarily increase tenants’ engagement in the legal process.

Tenants' ability to clear the two main administrative checkpoints of the eviction process predicted access to legal representation throughout the study period. Consistent with Hoffman and Strezhnev's (2023) study of default eviction, I find that geographic proximity and travel time are not predictors of participation in this context where virtual hearing attendance is allowed. The models do, however, reveal a notable shift in the relative importance of the two pathways to representation over time. The association between appearance and representation weakened substantially from 2022 to 2024, while the association between hearing attendance and representation grew. This trend suggests that the right to counsel program has increasingly relied on screening at hearings as the primary intake mechanism rather than attorneys providing support for tenants at the appearance stage. If hearing attendance is the dominant pathway to representation, then efforts to increase tenant engagement at the hearing stage through proactive outreach or re-designed communications may be more productive than efforts focused on reducing compliance costs at the appearance stage.

Legal representation consistently predicted more favorable outcomes for tenants. Representation was associated with fewer eviction judgments, lower displacement rates, and increases in dismissals and record protection orders. These associations diminished over time and coincided with the apparent change in the implementation of the Tacoma ordinance (see Figure 3-3) and expiration of COVID-era emergency rental assistance programs in late 2023. This creates a challenge for causal methods intended to identify the effects of legal representation but aligns with observations of both socio-legal scholars (Brodie & Bowman, 2023) and economists (Caspi & Rafkin, 2024) who argue that access to rental assistance may be more effective than access to legal representation for many tenants facing an eviction.

Despite some remaining ambiguity about the causal effect of legal representation on case outcomes and tenants' wellbeing, results strongly suggest that access to record protection orders was a clear benefit of legal representation for tenants. Orders for Limited Dissemination typically require awareness of the law and require formal court filings that tenants cannot easily navigate without counsel. The growing association between hearing attendance and record protection over time also aligns with prior evidence of the changing pathways to representation from 2022 to 2024.

While this study presents novel evidence on the links between case characteristics, tenant behavior, and case outcomes, it also has several limitations. First, the analysis may not generalize to jurisdictions with different court systems, legal aid capacity, or tenant populations. Expanding the scope and generalizability of this analysis would require access to documents from other jurisdictions. Second, the year-stratified models describe associations rather than causal effects – so while they can help elucidate patterns, they do not clearly identify the effects of behavioral and policy changes for tenant outcomes. Third, case outcomes extracted from court documents do not necessarily represent ground truth – the court displacement measure, for example captures court-approved displacement rather than actual residential moves, and likely undercounts displacement because dismissals are counted as cases in which tenants were not displaced.

These limitations suggest several important areas for future research. Analyzing a broader chronological range of cases from Pierce County could help identify the timing and consequences of the Tacoma ordinance from when it was implemented in 2018 to the present day. Causal methods such as regression discontinuity or a difference-in-differences design exploiting the October 2023 break could also create precise causal estimates of the ordinance's effects on case outcomes. In addition to deeper exploration of this intervention that emphasized

compliance costs, future studies could examine the effects of interventions that target learning, compliance, and psychological costs across different stages of the eviction process. Finally, researchers could apply the document-conditioned LLM analysis method developed here to court documents from other jurisdictions or areas of the legal system to precisely measure a deeper set of social, behavioral, and case outcomes across varied policy environments and administrative systems. Applying this method with the theoretical framework of administrative burden and a human-centered approach in mind could allow researchers and practitioners to design more human, accessible civil and criminal legal systems.

3.8 CONCLUSION

This study examines tenants' journeys through the eviction process and pathways to a near-universal right to counsel program. I used a novel analytic strategy combining document identification and LLM analysis of unstructured text to create precise measures of tenant behavior surrounding two key checkpoints in eviction proceedings. The findings create a unique and detailed empirical picture of the eviction process and contribute to academic literature at the intersection of socio-legal studies, behavioral science, and public administration. This study also provides practical insights for legal aid practitioners, court administrators, and other policymakers.

The results provide a descriptive, quantitative supplement to the theoretical and empirical findings from Chapter 1 by revealing the prevalence and predictive power of tenant participation at different stages of eviction proceedings. I show that submission of a written appearance and attendance at hearings are significant administrative checkpoints that many tenants are not able to clear – and that these checkpoints are strongly associated with representation and case

outcomes even after controlling for case characteristic, neighborhood income, and geographic proximity to the local court. In concert with the results of qualitative analysis from Chapter 1, these findings suggest that many tenants' user journeys end at these checkpoints and that patterns of tenant behavior reflect the salience of learning, compliance, and psychological costs in evictions.

Stratification of regression results by year also shows that procedural and legal dynamics are not static. As court procedures and policy contexts changed from 2022 through 2024, tenants' paths to the right to counsel program and the statistical associations between representation and case outcomes evolved significantly. In particular, my analysis enabled preliminary exploration of a municipal ordinance that required landlords to hold hearings before obtaining eviction judgments – and results suggest that this ordinance meaningfully changed tenant behavior and altered case outcomes to a lesser extent. This ordinance does not seem to strongly impact tenants' access to the right to counsel program, however, suggesting that reducing compliance costs of the eviction process may be insufficient for encouraging participation.

The year-stratified models also demonstrate how the associations between tenant legal representation and case outcomes changed from 2022 to 2024. Although legal representation predicted case outcomes to some extent throughout the study period, the relationship between representation and displacement (eviction judgments and court displacement) weakened considerably as access to federal rental assistance waned. This result, as well as the strong relationship between legal representation and record sealing orders, suggests that the efficacy of right to counsel laws may depend heavily on other aspects of the policy environment surrounding eviction.

Taken together, these findings have valuable implications for the design of eviction processes and right to counsel programs across the U.S. Future research should explore other applications of human-centered design and the administrative burden framework within legal institutions – and more specifically, whether changes to the choice architecture of eviction proceedings could alter procedural and case dynamics.

Chapter 4. CAN A BEHAVIORAL NUDGE INCREASE TENANTS' ACCESS TO LEGAL ASSISTANCE?

4.1 INTRODUCTION

The first two chapters of this dissertation have detailed the myriad sources of administrative burden that tenants must overcome in order to participate in eviction proceedings and access right to counsel programs. Learning, compliance, and psychological costs all abound during the eviction process – and these costs prevent tenants from clearing critical checkpoints during the appearance and hearing stage of the civil legal proceeding. While the prior chapters have shown that the theoretical framework of administrative burden is descriptively useful, this chapter builds on those findings and explores the possibility that the administrative burden framework can help researchers, policymakers and legal aid providers design targeted interventions to increase program take-up.

This chapter examines the effectiveness of an informational intervention intended to encourage tenants to attend hearings at which they can be screened for eligibility in Washington's right to counsel program. The intervention was designed in partnership with the legal aid providers who assisted study design and interview recruitment for Chapter 1. Working with these partners, I conducted a randomized controlled trial in which treated households were sent a postcard with information about the availability of legal assistance, instructions to attend a hearing, and a de-stigmatizing message approximately a week before their first eviction hearing. The postcard was designed to reduce learning and psychological costs of the eviction process and the right to counsel program.

This intervention represents a “kitchen sink” (Hall & Jurcevic, 2022) approach that includes multiple components that could each have an effect on tenants' attendance at hearings.

Rather than precisely identifying the effectiveness of each component, this study serves to demonstrate the importance of a research agenda focused on interventions that might increase take-up of legal assistance for tenants facing eviction. It also shows that the theoretical framework of administrative burden – used in concert with socio-legal and behavioral science literature on hearing attendance in civil and criminal courts – can provide a useful guide for future experimentation and policy reform.

4.2 EVICTIONS, RIGHT TO COUNSEL PROGRAMS, AND ADMINISTRATIVE BURDEN

Findings from the first two chapters of this dissertation demonstrate that the eviction process imposes learning, compliance, and psychological costs (administrative burdens) on tenants who desire to participate in proceedings and access legal assistance. In Washington state, many tenants are unable to make it past the “administrative checkpoints” (Kim et al., 2025) of submitting a written appearance and attending a hearing, and face eviction judgments as a result.

The administrative burden framework can be useful in addressing this problem. While the concept of administrative burden is used to study take-up gaps in many public programs (Bhargava & Manoli, 2015; Daigneault et al., 2025; Hopkins & Dorion, 2024), this framework has not been widely applied to the study of programs implemented through legal institutions. A large body of legal and socio-legal literature shows that low-income individuals and households face substantial barriers to participation in both the civil and criminal legal systems (Greene, 2015; Rhode, 2000; Sandefur, 2008; Sandefur & Teufel, 2020), and I argue that these barriers can be interpreted in terms of learning, compliance, and psychological costs.

Chapter 1 clearly demonstrates that tenants face several major learning costs when trying to participate in eviction proceedings or access legal assistance through a right to counsel

program. Tenants may not understand how to defend themselves or what steps to take in order to do so, and may generally be confused by the information they receive about the eviction proceeding. While most of these learning costs stem primarily from the nature of eviction court and the legal process, tenants may also not be broadly aware of the right to counsel programs where they exist.

Tenants may also face compliance costs during the eviction process. Submitting a written appearance may require access to a printer or fax machine, and most tenants are required to attend a hearing in order to defend themselves and access legal assistance (A. Hoffman & Strezhnev, 2023; Benfer et al., 2025). Although evidence on the effect of these costs is limited, evidence from Chapter 1 suggests that Washington's right to counsel program does not impose major compliance costs above and beyond what the eviction process requires.

Finally, eviction proceedings also impose psychological costs on tenants – in particular, Chapter 1 and other research (e.g., Bernal, 2022) has shown that some tenants have to overcome feelings of fear, shame, or stigma in order to participate in an eviction proceeding. While the effects of these feelings may be difficult to measure precisely, the prevalence of these costs in qualitative data collected from tenants suggest that targeted efforts to reduce psychological costs could increase participation.

Findings from Chapter 1 suggest that most administrative burdens facing tenants who intend to defend themselves against an eviction complaint stem from the legal process. One notable exception is that many tenants may be altogether unaware of Washington's right to counsel program. Understanding the sources of administrative burden in this and similar contexts could help policymakers and legal aid providers design and implement interventions that might increase tenants' access to legal support.

4.3 USING NUDGES TO REDUCE ADMINISTRATIVE BURDEN

The administrative burden framework can help researchers and policymakers design effective evidence-based strategies for removing barriers to participation in public programs. Possible interventions could include individually-focused initiatives such as behavioral nudges or structural reforms focused on creating a more accessible legal process. While many different interventions could be effective at reducing administrative burdens, this chapter applies an approach from research at the intersection of public administration and behavioral science that has shown how behavioral “nudges” can help address common sources of administrative burden by creating simpler or more desirable interactions with government programs and services.

The theory and practice of nudges originated from literature at the intersection of behavioral economics and psychology. This research argued that people often rely on cognitive shortcuts, or heuristics, rather than pure rationality or utility maximization in their decision making processes (Kahneman & Tversky, 1979; Tversky & Kahneman, 1974). That insight spawned a theory of nudging – that small design changes in a decision-making environment (referred to as “choice architecture”) can influence behavior in predictable and significant ways without meaningfully restricting freedom of choice or mandating certain behaviors (Thaler & Sunstein, 2008).

Early research on nudges argued that behavioral science could be used to improve targeted outcomes through non-coercive approaches. This concept was used in a wide range of experiments such as those that automatically enrolled employees into retirement savings plans (Madrian & Shea, 2001) to improve long-term financial wellbeing or re-ordered food choices in a conference setting to encourage healthy food intake (Wansink & Hanks, 2013). The use of nudges was also internalized in government agencies through the creation of “nudge units” that

were designed to integrate behavioral science concepts into policy development and implementation (Halpern, 2015). One major goal of these units was to increase engagement with government services and programs by reducing barriers that could be described as sources of administrative burden (Congdon & Shankar, 2015; Richburg-Hayes et al., 2017).

There are several reasons that nudges might be a valuable strategy to reduce administrative burdens. Nudges are typically inexpensive and cost effective when compared to alternative strategies (Benartzi et al., 2017), can be applied in a wide variety of settings (Congdon & Shankar, 2015; Richburg-Hayes et al., 2017), and preserve individual freedom of choice. As a result, nudge-based interventions may be more practical than more complex or difficult to implement policy interventions focused on encouraging behavior changes in certain contexts.

Despite these benefits, however, other behavioral science research suggests that nudges might not be an effective antidote for all administrative burdens. Some behavioral scientists, for example, have argued that interventions promoting longer term learning or capacity development are required to promote significant and sustained behavior changes (Chater & Loewenstein, 2023; Herzog & Hertwig, 2025). Most existing research has also not addressed the likely possibility that nudges may be more or less effective for certain demographic groups, or that they simply change the behavior of individuals who are most amenable to certain behavior changes in the first place (Dupree & Kraus, 2022; Eyal, 2014; Hall & Hernandez, 2024). The generally positive reception of nudges in academic literature and policymaking circles could also be the result of publication bias that artificially inflates the aggregate benefits of nudges (Maier et al., 2022). Overall, this body of research raises serious questions about the broad applicability of nudges to address administrative burdens.

Nudges can target learning, compliance, or psychological costs, as well as some combination thereof. Several studies have found that informational interventions reduced learning costs related to the Earned Income Tax Credit (EITC) (Bhargava & Manoli, 2015), financial aid programs (Page et al., 2023), and tax benefits for college (Bergman et al., 2019). Other published studies, however, have shown null effects of informational interventions intended to provide tenants with information about eviction procedures (Bernal & Yuan, 2025) and to increase take-up of the state and federal EITCs in California (Linos, Ramesh, et al., 2020). Overall, these studies show that targeting learning costs can be effective – or not – depending on the context in which they are implemented.

Although research on nudges addressing compliance burdens is more limited, some studies have shown that information can play an important role in helping prospective beneficiaries of government programs overcome compliance-related costs. This has been demonstrated in field experiments that show how targeted information can improve adherence with code enforcement regulations (Linos et al., 2020) and take-up of the Supplemental Nutrition Assistance (SNAP) program (Kim et al., 2025; Lopoo et al., 2020). While existing research has not been able to provide a detailed analysis of mechanisms that explain the relationship between information and participants' ability to overcome compliance costs, some studies have shown that clear, timely information about compliance burdens and how to overcome them is linked to increased access to programs and services.

Research on the effectiveness of nudges to reduce psychological costs is less robust. These costs, particularly stigma associated with the receipt of government assistance, are salient across a wide variety of government programs and services (Hatton et al., 2024; Hertel-Fernandez, 2024; Hopkins & Dorion, 2024). Although a recent meta-analysis of

behavioral interventions found that no studies have examined the effects of interventions entirely focused on reducing psychological costs (Daigneault et al., 2025), several studies have measured the effects of informational interventions that include de-stigmatizing language. These studies have shown mixed results overall (Daigneault et al., 2025) but several studies have shown that language meant to address psychological costs of participation in government services or programs can be a component of effective behavioral nudges (Finkelstein & Notowidigdo, 2019; Lasky-Fink & Linos, 2024; Manoli & Turner, 2014).

This body of literature at the intersection of behavioral economics and public administration broadly suggests that nudges can reduce administrative burdens in some contexts. More research is needed, however, to clarify when and for whom a nudge-based approach might be most or least effective. This study aims to contribute to this body of literature by examining this question in an understudied context.

4.4 NUDGING LOW-INCOME TENANTS TOWARD LEGAL ASSISTANCE

In order to be effective, nudges and other behavioral interventions in public policy must bear in mind the policy context in which they are implemented (Hall & Jurcevic, 2022). While experimental evidence on nudges in the context of eviction court and right to counsel programs is lacking, some sociological and socio-legal research is instructive for understanding tenants' and low-income Americans' experiences with civil court and evictions.

In general, civil legal problems like the experience of eviction are stressful and confusing for many people (Sandefur, 2008; Sandefur & Teufel, 2020). In evictions specifically, qualitative evidence from several jurisdictions shows that many tenants do not understand the legal process or how to defend themselves (Keene et al., 2024; Nelson, 2021; von Geldern & Martin, 2025)

and experience feelings of shame or perceived stigma that discourage them from participating in case proceedings (Bernal, 2022; von Geldern & Martin, 2025). Interventions that aim to provide information and target the psychological consequences of the legal process could therefore reduce the barriers to participation in evictions that I have previously described as sources of administrative burden.

To my knowledge, only one prior study has tested the possibility that a nudge could encourage tenants' participation in eviction cases. In a study examining the effect of sending self-help materials to tenants facing an eviction in Pima County, Arizona, Bernal & Yuan (2025) reported that the nudge did not meaningfully increase hearing attendance or the mounting of an affirmative defense. Findings from the experiment, which was implemented in a context where legal aid was not widely available, further showed that although Hispanic tenants were marginally more likely to participate in legal proceedings, this participation was actually associated with slightly worse case-level outcomes.

Although these findings suggest limited promise for nudges designed to increase tenants' participation in eviction proceedings, they do not preclude the possibility that timely information could help address some common sources of administrative burden facing civil litigants when legal assistance is available. Experimental studies of legal assistance provision show that tenants are not typically aware of legal representation when it is available, but that legal counsel is rarely declined when it is offered (Greiner et al., 2012; Seron et al., 2001). Existing research has not, however, tested the hypothesis that providing clear, timely information about the availability of legal assistance could encourage tenants to participate in the eviction process.

This study tests the proposition that a nudge designed to address the learning and psychological costs of eviction and the right to counsel program can increase tenants'

participation and access to legal assistance when it is widely available. Working with a legal aid provider in a right to counsel program, I implemented an experiment to test the effectiveness of an informational postcard that provides information about the availability of legal assistance and encourages tenants to attend a hearing at which they can be screened for eligibility in the program. This intervention was intended to test for the effect of reducing learning and psychological costs of the eviction process and of a right to counsel program using a simple, low-cost nudge.

4.5 STUDY CONTEXT

In 2021, the Washington State legislature authorized the creation of the nation's first statewide right to counsel program through the passage of Senate Bill 5160. This program is administered by the state's Office of Civil Legal Aid (OCLA), and legal representation for tenants is provided by a statewide network of third-party civil legal aid providers (Fyall et al., 2023). Tenants with incomes below 200 percent of the federal poverty line are theoretically eligible for Washington's right to counsel program after the filing of a case against them, but because of capacity constraints stemming from higher than anticipated caseloads, must typically attend a preliminary "show cause" hearing (at which the landlord and tenant are supposed to present their cases) in order to complete an eligibility screening for legal services.³

This paper presents the results of an experiment that took place in Pierce County, Washington in early 2025. Pierce County has a high eviction rate and is the site of the second-most evictions of any Washington County (Thomas & Schwinghammer, 2024). It has a typical rate of default judgments in which tenants are evicted on the basis of their non-response

³ Email correspondence with OCLA, October 30, 2024.

or non-attendance at a hearing (von Geldern et al., 2024), and case-level data for recent cases are easily accessible and reliable in comparison to data from other counties.

Tenants in Pierce County receive a notification about the right to counsel program during the filing stage of the eviction process. Washington law mandates that all summons documents contain the following language and states that summonses must be served in-person but may be delivered via mail (“alternative service”) in the event that in-person service is unsuccessful (Revised Code of Washington 59.18.365, 2021):

“GET HELP: If you do not respond by the deadline above, you will lose your right to defend yourself or be represented by a lawyer if you cannot afford one in court and could be evicted. The court may be able to appoint a lawyer to represent you without cost to you if you are low-income and are unable to afford a lawyer. If you believe you are a qualifying low-income renter and would like an attorney appointed to represent you, please contact the Eviction Defense Screening Line at 855-657-8387 or apply online at <https://nwjustice.org/apply-online>. For additional resources, you may call 2-1-1 or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. – 12:15 p.m., or (888) 387-7111 for seniors (age 60 and over). You may find additional information to help you at <http://www.washingtonlawhelp.org>. Free or low-cost mediation services to assist in nonpayment of rent disputes before any judicial proceedings occur are also available at dispute resolution centers throughout the state. You can find your nearest dispute resolution center at <https://www.resolutionwa.org>.”

After a tenant has been served, they must notify the court and their landlord (or landlord’s attorney) of their intent to participate in the legal proceeding. Upon receipt of the response, landlords may request that the court schedule a show cause hearing and send an Order to Show Cause to the tenants. In some circumstances, tenants may also request show cause hearings to request their landlords’ and the court’s approval of a record protection order or to contest another issue in the case. Depending on the court’s calendar and the volume of eviction proceedings relative to court capacity, show cause hearings in Pierce County are typically scheduled 2-4

weeks after the mailing of an Order to Show Cause. All hearings are held in person at Pierce County Superior Courthouse in Tacoma, WA, but all parties had the option to attend virtually during the study period and the vast majority of litigants attended virtually.

Although comprehensive longitudinal data on hearing attendance were not available prior to the execution of this experiment, a cross-sectional study of evictions in Pierce County after implementation of the right to counsel program found that about a quarter of tenants face an eviction judgment against them for not submitting an answer and that about 15% of tenants face an eviction judgment because of an absence at a show cause hearing (von Geldern et al., 2024). In Tacoma, the county seat and largest city in Pierce County, eviction judgments are not allowed unless tenants have the opportunity to attend a show cause hearing (Tacoma Municipal Code, 2018). This rule only applied to addresses in the city of Tacoma during the study period.

In Washington's right to counsel program, each county has a primary legal aid provider responsible for providing services to tenants who have attorneys appointed by the local court. Each county also has one or more organizations that provide services to tenants if the primary legal aid provider has a conflict of interest with a potential client or is unable to staff the case for another reason. The primary legal aid provider in Pierce County throughout the study period was Tacomaprobono Community Lawyers (TPB).

Working in close partnership with TPB and advised by a Study Advisory Group of legal aid providers from across Washington State, I designed an experiment to test the effectiveness of an informational mailer sent to tenants in the days leading up to their first show cause hearing. Because of financial and staff capacity limitations, TPB and I focused on implementing a nudge that did not require extensive cooperation from other parties or complicated implementation procedures. This approach allowed us to test a minimal intervention that would be more likely to

scale if effective, and one that could be replicated or scaled with relative ease. I also wanted to design an intervention that could be implemented using publicly available data sources and simple tools.

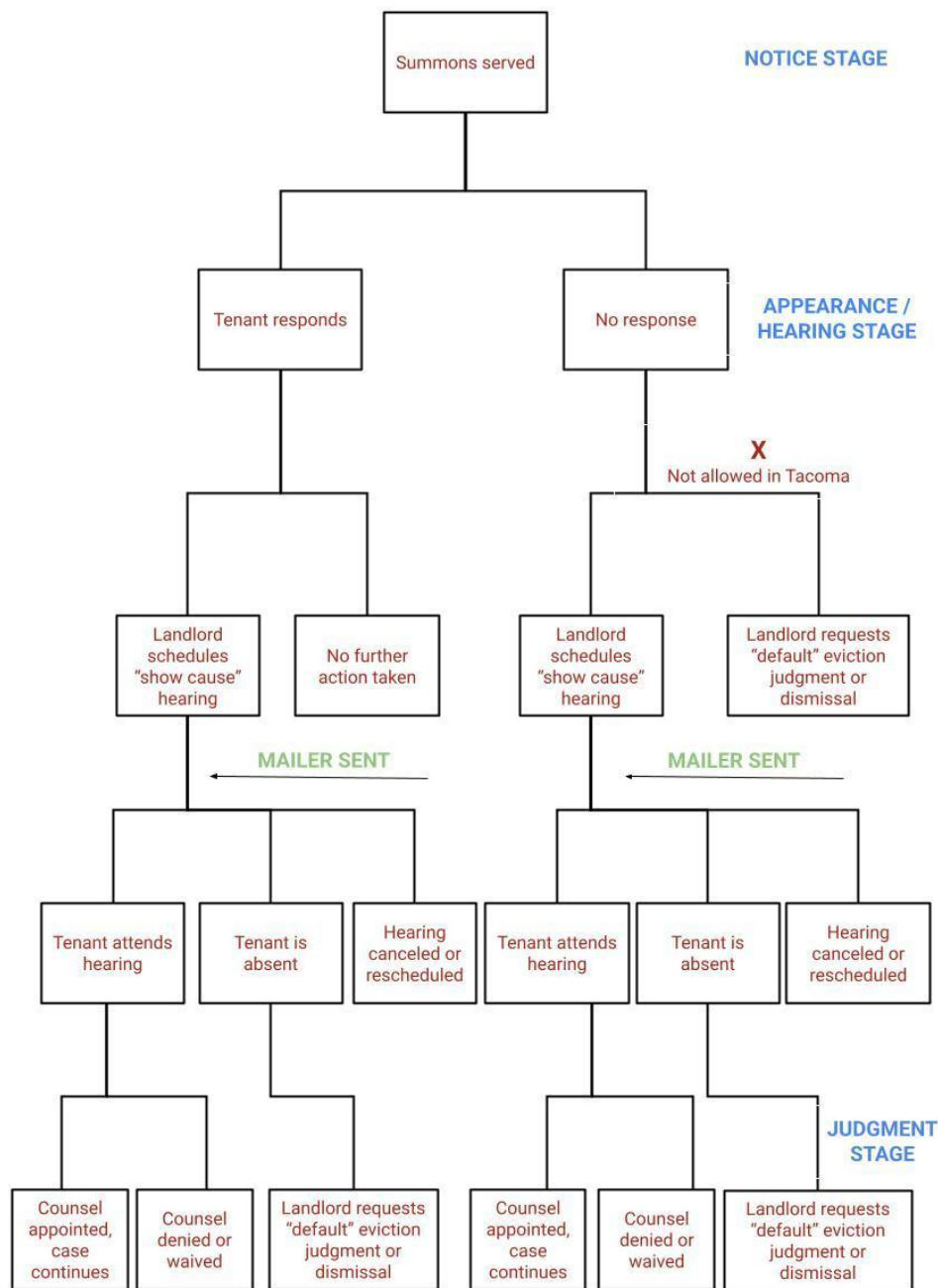
Although submission of an answer and hearing attendance may both be strong predictors of right to counsel program take-up, the intervention was designed to focus narrowly on reducing sources of administrative burden once a hearing had been scheduled. There were two main reasons for this decision. First, available evidence suggests that the vast majority of eviction summonses in Pierce County are served before they are filed with the court – and for these cases, there is no publicly available data until after the response deadline has typically passed (von Geldern et al., 2024). For tenants with upcoming hearings, however, I was able to access tenants' names and addresses from publicly available case documents in real time. This was sufficient to implement a simple informational intervention.

Second, I anticipated that the impact of hearing attendance on right to counsel program take-up would be more direct than the effects of increasing answer rates. In Pierce County – and most other counties in Washington – formal appointments of counsel occur at show cause hearings. While tenants who submit an answer may still wait several weeks before attending a hearing and accessing legal assistance, tenants who attend a hearing are screened for eligibility in the right to counsel program as a part of the hearing process. Although submission of a written answer is strongly associated with access to legal assistance in Washington (von Geldern & Martin, 2025), findings from Chapter 2 show that hearing attendance is a stronger predictor.

4.6 EXPERIMENTAL DESIGN

This experiment was registered on the Open Science Framework and approved by the University of Washington Institutional Review Board prior to implementation. The intervention consisted of a postcard sent to tenants who had a show cause hearing scheduled but had not been screened for eligibility in the appointed counsel program. Through a series of collaborative meetings with an attorney and a communications team member at TPB, we co-designed a postcard (with the TPB communications team member completing the actual design work) based on available evidence from prior research and TPB's direct knowledge and experience with housing insecure tenants in Pierce County. The timing of the intervention within the eviction process is depicted in Figure 4-1.

Figure 4-1: Intervention timing



We prioritized several components when designing the intervention. Prior interviews with low-income tenants in Pierce County showed that some tenants were familiar with Tacomaprobono prior to their eviction and expressed a positive opinion of the organization

overall. As such, we included the Tacomoprobono logo in a central location. The postcard also included a clear direction to attend the upcoming show cause hearing and a message intended to address feelings of stigma or shame: “YOU DESERVE THE CHANCE TO DEFEND YOURSELF IN COURT.” It also included information about the limited opportunities that do exist for tenants to connect with Tacomaprobono in advance of their hearing. Because hearings could be canceled or case dynamics could change in the days between the postcard being sent and the original hearing date, we also elected to omit specific hearing details to minimize potential uncertainty.

The design is included in Figure 4-2. While an intervention of this nature could not address compliance-related burdens of the eviction process and the right to counsel program, it was designed to address some learning costs (knowledge of the program, and how to access support) and psychological costs (internalized stigma or feelings of being undeserving of support). We were not able to include any features that allowed us to track the delivery or receipt of the mailer to tenants.

Figure 4-2: Mailer design

ARE YOU FACING EVICTION?

YOU DESERVE THE CHANCE TO DEFEND YOURSELF IN COURT

You may qualify for a free court-appointed attorney.

To find out, attend your hearing via Zoom or in person.

*Tacomaprobono Community Lawyers
Housing Justice Project*



www.tacomaprobono.org

QUESTIONS?

Visit www.tacomaprobono.org and scroll down to "Upcoming Legal Aid Pop-ups" to find walk-in locations where you can ask our outreach staff about the eviction process. Outreach staff cannot give legal advice, and if you come to a pop-up you still must attend your hearing to have a lawyer appointed for your case.



Office
621 Tacoma Ave S., Suite 302
1-3 p.m. Monday-Thursday

Pierce County Superior Court holds an unlawful detainer docket every weekday with the exception of holidays. The case sample for this experimental study included all initial show cause hearings on the court's unlawful detainer dockets between January 16 and May 2, 2025 (75 daily dockets in total). Five or six business days ahead of each hearing (depending on the

availability of Research Assistants and the court calendar), several Research Assistants and I collected tenant names and addresses from the Pierce County Superior Court Legal Information Network Exchange (LINX) web portal for all cases in which a preliminary show cause hearing was upcoming and an attorney had not yet been appointed by the court. Eligible households were randomized into a treatment and control group using the *randomizr* package in R, and treatment group households were sent a postcard that same day. The hearing that was the basis of the randomization will be referred to as the *target hearing* for the remainder of this chapter.

4.7 HYPOTHESES

This study had seven hypotheses. Hypotheses 1a and 1b predicted that treatment would affect tenants' attendance at show cause hearings and their access to legal representation that required attendance at their hearing. Hypotheses 2a-e predicted that treatment would affect case outcomes related to tenants' access to legal representation based on findings from prior literature (Cassidy & Currie, 2023; Seron et al., 2001; von Geldern, 2025).

Hypothesis 1a: Treated tenant households will be more likely to attend a hearing.

Hypothesis 1b: Treated tenant households will be more likely to receive legal representation in their cases.

Hypothesis 2a: Treated tenant households will be less likely to have a writ of restitution (eviction judgment) issued in their case.

Hypothesis 2b: Treated tenant households will be more likely to have an Order of Limited Dissemination issued in their case (preventing third party screening companies from sharing their case records).

Hypothesis 2c: Treated tenant households will be more likely to have their cases dismissed.

Hypothesis 2d: Treated tenant households will be less likely to have monetary judgments issued against them.

Hypothesis 2e: Treated tenant households will have lower monetary judgments against them.

Although the mailer could hypothetically affect the likelihood of a hearing being held by empowering the tenant to negotiate with their landlord or otherwise encouraging the landlord to request cancellation of the hearing, I did not expect this to be the case and therefore did not include it as a hypothesis. I did measure this relationship (see Figure 4-3), however, to ensure that any effects on hearing attendance not conditional on hearing occurrence were not merely due to hearing cancellations.

4.8 DATA AND METHODS

I collected data by hand coding case documents obtained via the Pierce County Superior Court Legal Information Network Exchange (LINX) web portal, and outcome data were later double checked with the computational procedure described below. Tenant name and address data that was required for the intervention was collected by a team of Research Assistants 5-6 business days in advance of daily hearing dockets. Research Assistants then labeled the mailers for hearings assigned to the treatment group and sent them the same day.

After the target hearing occurred, I used the web portal to collect several pieces of information about the appearance and hearing stage of the case. First, I documented whether the tenant household had submitted a response that was filed with the court. I also collected target hearing outcome data after the hearing date by reviewing case webpages and filed documents. If

the hearing was held, I read the hearing minutes to identify whether anyone from the tenant household attended the hearing and whether they were screened for eligibility in the right to counsel program if so. I also determined whether they had an attorney appointed by the court, were denied appointed counsel, or waived their right to an attorney. Hearing outcomes are described in Table 1.

Table 4-1: Hearing outcomes

Outcome	Definition
Hearing held	Target hearing was held on the day it was originally scheduled
Tenant attended hearing	A member of the tenant household attended the target hearing

Note: all hearing outcomes in Table 4-1 were coded as binary indicators.

In October 2025, I also documented case outcomes that were associated with legal representation in prior research: eviction judgments, whether a monetary judgment was ordered (and a dollar amount if so), whether a case resulted in a dismissal, and whether an order was issued preventing dissemination of the eviction record in future tenant screening reports. These variables were created by identifying documentation of a particular outcome that had been approved by a judge or commissioner (e.g., an “Order for a Writ of Restitution” for an eviction judgment) and checking whether this initial outcome had been reversed at any point.

I also collected a binary measure of whether case documents indicated that a tenant was required to move out through combined review of judgment documents, hearing minutes, and any agreements filed with the court in an effort to create the best possible measure of a “court displacement rate” (Summers, 2022). Court displacement was measured as false for cases where

the final outcome was a dismissal with no eviction judgment, although in these cases the tenant may have moved – and as such, this measure may be an underestimate of tenants’ true physical displacement. All of these case-level outcomes are summarized in Table 4-2 below.

Table 4-2: Case outcomes

Outcome	Definition
Tenant screened for representation	Tenant was screened for eligibility in the right to counsel program in the case following the target hearing
Representation appointed	The court appointed an attorney to represent any tenant at any point in the case following the target hearing
Monetary judgment issued	The case following the target hearing resulted in a monetary judgment against the tenant
Eviction judgment	The case following the target hearing resulted in a writ of restitution (eviction judgment) against the tenant
Court displacement	The case following the target hearing resulted in a writ of restitution (eviction judgment) against the tenant; or an agreement or order for the tenant to move out of the contested property
Record protected	The court issued an Order for Limited Dissemination in the case following the target hearing
Dismissal	The case following the target hearing resulted in an Order of Dismissal

Note: all case outcomes in Table 4-2 were coded as binary indicators.

All binary case outcomes were also double checked using a computational procedure that incorporates natural language processing techniques that have been used in other scholars’ analysis of eviction case documents (Thomas et al., 2024). First, I downloaded case folders containing all documents filed in each case in the experimental sample from the LINX portal and

labeled each document using the metadata in the .html file that is included in each case folder. This allowed me to measure all case-level outcomes except for tenants' physical displacement by examining what documents were filed – for example, if an “Order Appointing Counsel” was filed in a given case, that indicated that the tenant in the case had an attorney appointed by the court.

I supplemented this document identification analysis with large language model (LLM) analysis of text extracted from each document using optical character recognition (OCR) technology. Using a pre-built OCR model available through the Microsoft Azure platform, I first extract all text from each agreement document filed in every case included in the experiment. I then prompted ChatGPT-4o through the Azure platform to answer questions about the text that was extracted from these documents – specifically, whether the document text indicated that the tenant vacated the premises that was the subject of the unlawful detainer complaint. In combination with document identification analysis for eviction judgments (writs of restitution), I was able to create a more precise measure of court displacement through combined identification of eviction judgments and LLM analysis of agreement document text. Together, I used these computational approaches to double-check the results of hand coding – and in cases where the results of computational analysis and hand coding conflicted, cases were manually reviewed a second time to ensure accurate measurement.

4.9 RESULTS

4.9.1 Descriptive statistics

The initial experimental sample included 712 target hearings scheduled between January 16 and May 2, 2025.⁴ Hearings were the unit of randomization. Descriptive statistics about case characteristics prior to randomization are depicted in Table 4-3. These figures show an equal balance across case characteristics that have been linked to hearing attendance and access to legal counsel in prior research (von Geldern & Martin, 2025).

To assess whether these case characteristics were balanced across treatment and control groups, I conducted Pearson chi-square tests of independence for treatment status against each binary covariate in the table below. The results indicated no statistically significant differences (all p-values > .525), indicating that randomization achieved balance based on these observable case characteristics.⁵

Table 4-3: Experimental sample (n = 712 hearings)

	Household treated before hearing (n = 366)	No treatment before hearing (n = 346)
Address in Tacoma	217 (59.3%)	197 (56.9%)
Answer submitted	152 (41.5%)	137 (39.6%)

The analysis presented below describes the effect of the treatment on several different variables at both the hearing and case levels. Results are presented for hearing outcomes, which

⁴ Fourteen households faced multiple hearings in the same case because their initial hearing was rescheduled, and three households faced two different eviction cases at the same address during the study period.

⁵ Although it would have been unlikely in the short timespan between mailers being sent and hearings occurring, the treatment could have led some households to contact TPB or submit a written response after receiving a postcard. I checked this by verifying appearance dates and found that only two households submitted a response after the treatment date for their respective hearing. Only one of these households received a mailer. This demonstrates that treatment did not increase tenants' submission of an answer.

describe what occurred at target hearings as described in Table 4-1, and case outcomes, which describe what occurred in cases as a whole (Table 4-2). Although the initial unit of randomization was the hearing level, treatment is defined at the household level. Specifically, treatment was measured by whether a particular household (defined through matching tenant names and address) had received a mailer at any prior point during the study period.

4.9.2 *Analysis of treatment effects on hearing outcomes*

I conducted a series of logistic regressions to assess the effect of treatment on hearing occurrence and tenant attendance. I estimated the effect of treatment exposure – whether a mailer was sent to the household prior to each hearing – on hearing outcomes using the following model:

$$Y_i = \beta_0 + \beta_1 Treated_i + X_i + \varepsilon_i,$$

In this equation, i indexes the hearing and Y_i represents the log odds of that hearing being held as scheduled. $Treated_i$ is a binary indicator of whether a mailer was sent to that household before the hearing, and β_1 measures the effect of treatment exposure. X_i is a vector of control variables including a binary indicator for whether the address was covered by the City of Tacoma's ordinance preventing default evictions before a show cause hearing, and a binary indicator for whether the tenant submitted an appearance prior to treatment. Standard errors are clustered at the household level to account for correlation among repeat observations from the same household.

Figure 4-3: Treatment effects on hearing outcomes

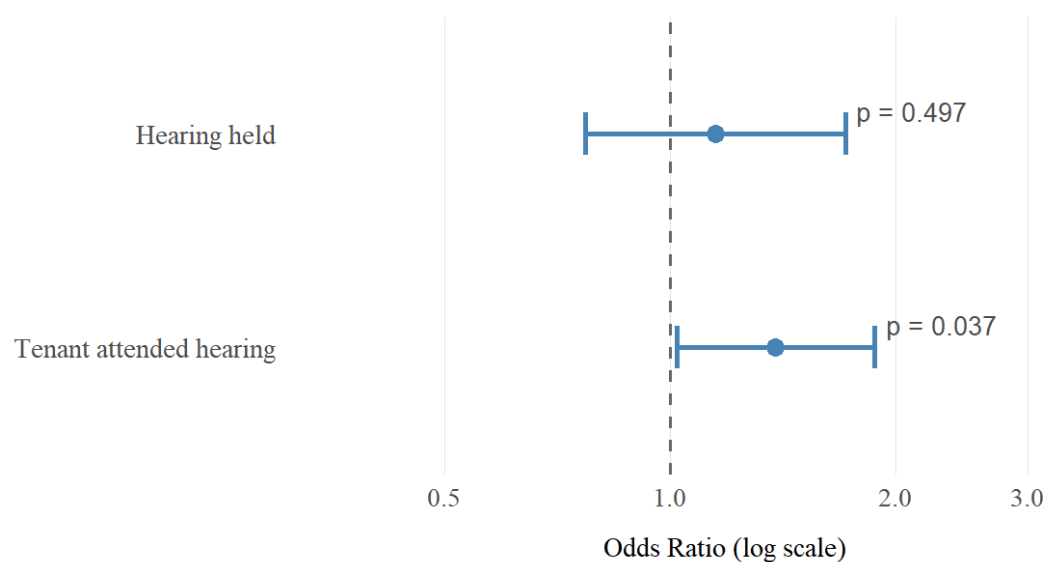


Figure 4-3 above depicts the estimated treatment effects on hearing outcomes in terms of odds ratios, with estimates and confidence intervals displayed in Table 4-4 below. The mailer did not change the probability that a particular hearing was held or canceled, but significantly increased tenants' attendance at hearings.

Table 4-4: Estimated treatment effects on hearing outcomes (ITT, n = 712 hearings)

Outcome	Estimated odds ratios (95% CI)	p-value
Hearing held	1.15 (0.77, 1.712)	.497
Hearing attendance	1.38 (1.019, 1.871)	.037

I also estimated the treatment effect of the mailer conditional on hearings being held. In this limited sample of hearings, the treatment effect is also statistically significant at the $p = .05$ level.

Table 4-5: Estimated treatment effect on hearing attendance conditioned on hearing occurrence (n = 592 hearings)

Outcome	Estimated odds ratio (95% CI)	p-value
Hearing attendance	1.43 (1.001, 2.036)	.049

Results show that treatment did not meaningfully affect the likelihood of target hearings being held as scheduled, but that treated tenant households were more likely to attend target hearings. This effect was statistically significant in the entire sample, and when the sample was restricted to hearings that were held as scheduled. In the control group, 63.3% of households attended their hearing when it was held compared to 71.6% households in the treatment group. When not conditioning on hearing occurrence, the control group had a 52.0% attendance rate compared to 60.3% for the treatment group. Both approaches yield an absolute difference of 8.3 percentage points, meaning that approximately 12 mailers must be sent for one additional household to attend a hearing.

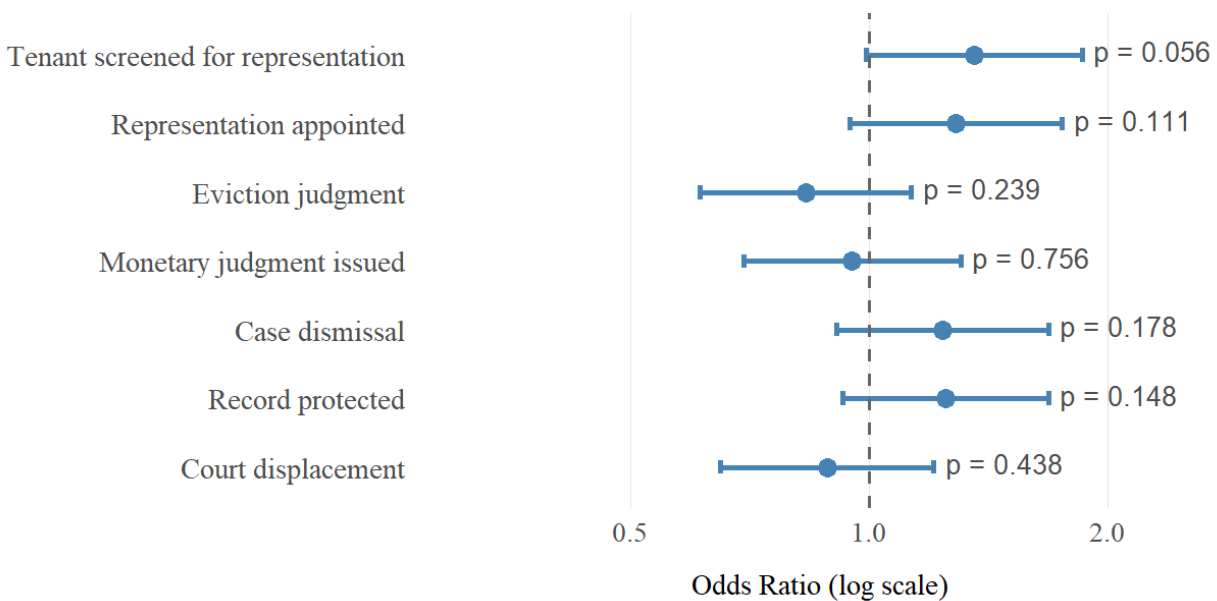
4.9.3 Analysis of treatment effects on case outcomes

To test for treatment effects on case outcomes, I estimated a second set of logistic regression models. Case outcomes occurred during or after the target hearing date. I used the following equation to estimate this second set of regressions:

$$Y_i = \beta_0 + \beta_1 Treated_i + X_i + \varepsilon_i$$

In this equation, i indexes the hearing and Y_i represents a vector of binary case outcomes. $Treated_i$ is a binary indicator for whether a mailer was sent to that household prior to that hearing, and β_1 measures the treatment exposure effect. X_i is the same vector of control variables used in the prior set of models. Standard errors are again clustered at the household level to account for correlation among repeat observations from the same household.

Figure 4-4: Treatment effects on case outcomes



These results suggest that the effect of the mailer became diluted with each subsequent step in the process. While treatment effects on hearing outcomes were significant, the effect on screening is marginal at $p = .056$ and the effect on take-up of legal counsel falls just beyond the bounds of statistical significance at $p = .1$. Although the estimated effects of legal assistance on legal outcomes each align with the stated hypotheses, these effects are also not statistically significant.

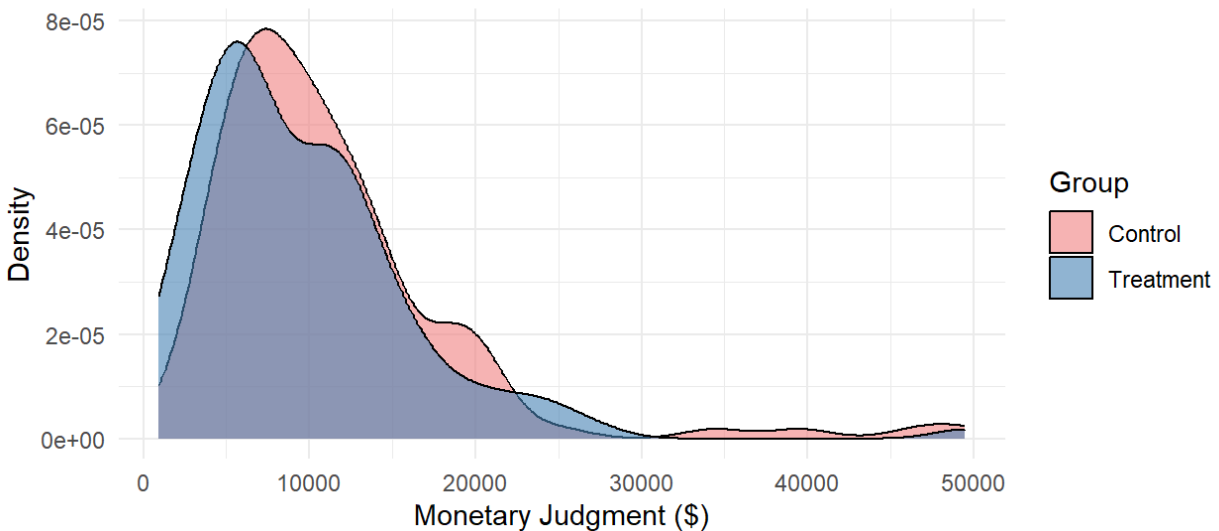
Table 4-6: Estimated treatment effects on case outcomes (ITT, n=682 cases)

Outcome	Estimated odds ratios (95% CI)	p-value
Tenant(s) screened for counsel	1.36 (0.992, 1.858)	.056*
Legal representation appointed	1.29 (0.944, 1.751)	.111
Eviction judgment	0.847 (0.622, 1.154)	.293
Monetary judgment issued	0.756 (0.694, 1.304)	.756
Dismissal	1.24 (0.908, 1.682)	.178
Record protected	1.23 (0.914, 1.664)	.170
Court displacement	0.885 (0.649, 1.206)	.438

Finally, I estimated the effect of treatment on the amount of the judgment using ordinary least squares regression on log-transformed judgment amounts. This approach allows us to distinguish between treatment effects on the likelihood of a monetary judgment against tenants

and treatment effects on the size of the judgments when they were issued ($n = 235$). Standard errors were clustered at the household level.

Figure 4-5: Distribution of monetary judgments by treatment status



Analysis shows that treatment did not significantly affect the probability of judgment issuance, but did reduce the amount of monetary judgments issued by 16.7 percent (approximately \$1,887) in cases where judgments were issued. This result was statistically significant at the .05 level ($p = .023$).

4.10 DISCUSSION

The results of this experiment show that a low-cost informational intervention focused on reducing the learning and psychological costs of eviction and Washington's right to counsel program increased tenants' attendance at eviction hearings and marginally increased rates of eligibility screening for legal assistance. Findings also show weaker treatment effects at each successive stage of the process, from hearing attendance, screening for eligibility in the program, appointment of legal counsel, and subsequent case outcomes.

These results contrast with the results of a prior study showing that sending a self-help mailer to tenants with little or no prospect of receiving legal assistance did not increase participation in the legal process (Bernal & Yuan, 2025). This suggests that tenants perceive little value in defending themselves in court without legal counsel, and that an offer of legal assistance sent with a destigmatizing message from a well-known local nonprofit can meaningfully change their perception of the value of participating in the legal process.

While these results show that the mailer was an effective means of changing tenant behavior at a critical juncture in the legal process, they also serve to highlight the limitations of behavioral nudges in complex contexts. Increasing tenant attendance at hearings did not significantly increase access to legal counsel despite the direct connection between the two outcomes. Furthermore, the aggregate treatment effects on case-level legal outcomes were not statistically significant with the exception of the amount of monetary judgments – suggesting that the nudge did not meaningfully alter case dynamics in many cases.

This study's findings contribute to literature at the intersection of behavioral science, public administration, and socio-legal studies in several ways. First, the experiment demonstrates how the principles of behavioral science can be applied alongside the theoretical framework of administrative burden in civil court settings. By targeting specific learning and psychological costs of the eviction process identified in Chapter 1, the intervention was able to achieve a statistically significant effect on tenant behavior. While other research has shown how behavioral science can leverage the framework of administrative burden, this study extends that idea to a new and salient context for scholars studying poverty, housing insecurity, and civil legal processes.

The results of this study also support prior socio-legal studies that suggest some limitations of providing legal assistance to tenants during an eviction. While multiple studies have documented the aggregate (Cassidy & Currie, 2023; Ellen et al., 2021) and individual (Greiner et al., 2012; Keene et al., 2024; Seron et al., 2001; von Geldern, 2025) benefits of legal assistance for tenants at risk of eviction, other socio-legal scholars in the subfield of access to justice have argued that legal counsel may be insufficient for many tenants who face unaffordable housing costs and other overlapping challenges (Brodie & Bowman, 2023). This chapter demonstrates that increasing access to professional legal help does not necessarily lead to better outcomes for tenants.

Despite the limited effects on case outcomes, however, the results of this study suggest that legal assistance is highly desirable for many tenants. Especially in jurisdictions with active right to counsel programs or widely available legal assistance, policymakers should consider reforms to the eviction process that help more tenants access available legal resources. In particular, scholars and policymakers should leverage existing research on the typical stages of the eviction process (Benfer et al., 2025) and the administrative burden framework (Herd & Moynihan, 2019) to create clear, replicable approaches to improving the accessibility of legal proceedings.

The administrative burden framework may be particularly useful because it allows for clear categorization of the barriers that tenants might face. Efforts to reduce learning costs might include informational interventions like the experiment described here, but could also include information provided through multiple channels and at different stages of the process – ideally, before the stage at which tenants are screened for access to legal assistance. Reforms targeting compliance costs could reduce appearance or hearing attendance requirements, or could

emphasize earlier access to legal assistance so attorneys can be better equipped to manage logistical aspects of their clients' cases. Both legal aid providers and government agencies can learn from the psychological costs described in Chapter 1 as well – and by incorporating particular messages or attempting to connect with tenants in less stigmatizing contexts than a court setting, these entities could help tenants overcome the inherent psychological costs of eviction.

4.11 LIMITATIONS

This study had several important limitations. First, the intervention was implemented at a small scale and with a particular subset of tenant households who had already progressed to the hearing stage of the legal process. The small scale of the study limited the precision of treatment effect estimates and left some important questions unanswered. With respect to case-level outcomes, for example, it is noteworthy that all of the estimated effects were consistent with the directionality of stated hypotheses. It is therefore unclear whether the lack of statistical significance in these effects is due to a true lack of relationship between hearing attendance and case outcomes, or the limited sample size.

The study design also did not allow me to measure whether mailers were delivered or whether tenant households received each mailer. Understanding the rates of delivery or receipt could help distinguish between the intent-to-treat effects measured in this study and the effects of treatment on tenants that actually received the mailer. More broadly, future research could also consider the utility of different communication formats such as text messages or multi-channel outreach strategies.

Finally, this study was also limited – like many other studies of behavioral interventions – by the “kitchen sink” (Hall & Jurcevic, 2022) approach to mailer design that applied multiple strategies simultaneously. Because our mailer design included multiple aspects that could have impacted tenants’ behavior but was only sent to one treatment group, we were not able to distinguish between the different possible effects of the reminder about an upcoming hearing, the de-stigmatizing message, the offer of legal assistance, and the use of a logo from a well-known local organization.

4.12 CONCLUSION

This study represents a promising first step towards the development of a scientific approach to designing more accessible eviction procedures for tenants. The experimental results demonstrated that a simple informational nudge can trigger meaningful changes in tenant behavior during eviction proceedings. This study shows that the mailer increased hearing attendance and reduced monetary judgment amounts against tenants when issued. The results falling outside the bounds of statistical significance suggests that the intervention influenced case outcomes but that more research is needed to clarify the effects of nudges on take-up of legal assistance and case-level legal outcomes.

This experiment contributes to the theory and practice of right to counsel programs and other legal assistance initiatives for tenants facing eviction. I present clear evidence that some tenants are confused about the required steps to participate in the legal process, unable to comply with court procedures, and feel fearful or ashamed as they face eviction. I also show that careful, targeted outreach can help address some of these barriers to participation and that the theoretical

framework of administrative burden is a useful conceptual tool for legal aid providers or policymakers that aim to reduce barriers or increase access to legal assistance.

The administrative burden framework can also provide a map for future interventions and research in this context. Although it has not been commonly applied to the study of civil and criminal courts, this experiment demonstrates the potential utility of understanding the burdens created by legal institutions and procedures. Each stage of the eviction process imposes unique burdens on tenants as they endure the threat of losing their homes, and different outreach strategies and other policy reforms could target these burdens and increase tenants' access to legal assistance and other resources.

Chapter 5. CONCLUSION

The resurgence of eviction filings to pre-pandemic levels and the proliferation of right to counsel laws raise important questions about the experiences of tenants who are unable to access legal counsel even when it is offered. By applying the theoretical framework of administrative burden and the principles of human-centered design to a mixed methods study of the eviction process and the first statewide right to counsel program, this dissertation elucidates the social and behavioral barriers that prevent access to justice even in jurisdictions with active right to counsel laws. In doing so, I move beyond existing theoretical and policy conversations around right to counsel programs and delve into the practice of providing accessible legal assistance for tenants facing eviction.

The three chapters describe the nature of the administrative burdens facing tenants, examine statistical predictors of access to legal representation and case outcomes, and test whether a targeted intervention co-designed with a local legal aid provider can increase take-up of legal assistance. This research demonstrates that targeted, human-centered interventions can increase access to justice for low-income households facing eviction. The results also highlight the need for a more robust body of research to disaggregate the burdens facing tenants at each stage of the eviction process, and the potential for legal counsel or other interventions to mitigate some of those burdens.

Chapter 2 elaborates the administrative burdens of the eviction process and Washington's right to counsel program and shows that tenants face substantial learning, compliance, and psychological costs – and that most of these sources of administrative burden are embedded in the civil legal system rather than arising from the implementation of a new legal assistance program. Tenants' detailed descriptions of their personal circumstances before and during the

eviction process demonstrate the overlapping crises many households endure as they face eviction, and how these crises may impede their ability to access legal assistance. Policymakers and court administrators should use this evidence to design legal processes and programs that address tenants' multiple needs and offer multiple opportunities for tenants to access services. In particular, the qualitative results show that clear, timely information that addresses the fear and internalized stigma associated with courts could be especially effective.

Chapter 3 uses natural language processing to map tenants' user journeys quantitatively across more than 8,000 eviction cases in one high-volume eviction court in Washington. Using document-conditioned LLM analysis, I identify written responses and hearing attendance as critical administrative checkpoints that enable tenants to access the right to counsel program. In addition to the methodological contribution of extracting precise estimates of behavioral and case outcomes from unstructured documents, this chapter examines how the associations between access to legal assistance and case outcomes varies throughout a volatile study period characterized by emergence from the COVID-19 pandemic and rapidly changing policy environments. I also find suggestive evidence that a policy intervention intended to reduce tenants' compliance costs has somewhat limited impacts on participation and access to justice. This evidence – in combination with findings that submission of a written response in the early stages of the legal process is a strong predictor of take-up – suggest that encouraging participation might be more likely to increase access to justice than the removal of logistical barriers. While removing procedural hurdles may increase take-up of legal assistance, policymakers and court administrators must also use theory and evidence from applied behavioral science research to motivate tenants to participate.

Chapter 4 evaluates a behavioral intervention designed to reduce the burdens identified in the prior chapters, with a particular focus on increasing tenants' attendance at initial hearings. While the informational "nudge" with de-stigmatizing language significantly increased hearing attendance, its limited impact on downstream case outcomes suggests that increasing participation does not automatically alter case outcomes to the same extent. Reducing learning and psychological costs is a necessary step toward improving participation, but such interventions cannot offset the structural challenges of housing affordability or the myriad other challenges tenants face in the period before and during eviction proceedings. On the other hand, the fact that all estimated treatment effects pointed to more favorable outcomes for tenant households in the treatment group suggests that a similar intervention at a larger scale could meaningfully alter aggregate case outcomes.

This dissertation reframes the civil legal system and right to counsel programs as state-administered services that generate burdens familiar to scholars of other social welfare programs. By bridging the gap between public administration and socio-legal scholarship, I aim to advance a user-centered approach to designing legal systems and implementing access to justice initiatives in evictions and comparable proceedings. If policymakers and advocates intend for right to counsel programs to ensure universal access to professional legal support for low-income households, they must acknowledge the barriers inherent in many eviction courts and legal assistance programs and use research and evidence to mitigate them.

These findings have important implications for court administrators and the leaders of right to counsel programs. First, my research shows that the effects of reducing learning, compliance, and psychological costs in eviction proceedings remain poorly understood. Findings from Chapters 3 and 4 suggest that reducing compliance costs at the appearance stage does not

necessarily increase tenants' participation – but that reducing learning and psychological costs with timely, de-stigmatizing messaging in the days leading up to a hearing can encourage tenants to attend. More research is needed to understand how targeted reductions in the sources of administrative burden arising from each stage of the legal process might impact tenants' behavior and access to legal services.

Methodologically, I also show how document-conditioned LLM analysis can be used to extract behavioral and case outcomes from unstructured case documents – an approach that could potentially be used across multiple jurisdictions and court types. Future work could use these methods to evaluate how specific policy variations such as restrictions on default judgments or expanded access to counsel at earlier stages reshape tenant trajectories. With increased precision, this analytic approach could also be useful for legal aid providers as they engage with potential clients during intake processes and through formal representation.

Ultimately, this dissertation shows that right to counsel programs are far from a guarantee for tenants facing the threat of eviction. The administrative burden framework and the concept of human-centered design can help legal aid providers, court administrators, and policymakers better understand the barriers that tenants face in their pursuit of legal help. By identifying and reducing the burdens embedded in eviction proceedings and legal assistance programs, policymakers can design more accessible legal proceedings and ultimately increase access to justice.

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