



HIGH VOLUME CALENDARS AND RACIAL/ETHNIC DATA IN DC COURTS

Funded by SJI

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Lastly, we would like to express our gratitude to the State Justice Institute for their continued efforts in improving the quality of justice to state court and for their support of this project (Grant SJI-21-T-015).

The views and opinions expressed in this report are those of the authors and do not necessarily reflect those of the D.C. Superior Court, the State Justice Institute or the National Center for State Courts.

Background

In October 2020, the D.C. Courts submitted a grant application to the State Justice Institute (SJI) requesting funds to assess the Court’s high-volume calendars to enhance access to court services, to promote procedural fairness, to increase efficiency in court operations, and to ensure that processes and procedures promote racial equity. With these funds, the Courts contracted with the National Center for State Courts (NCSC) to conduct an independent study of landlord and tenant; debt collection and small claims; and mortgage foreclosure dockets and develop recommendations for the Courts to implement.

The NCSC collaborated with D.C. Courts’ project staff, court stakeholders, and external stakeholders to identify and analyze how D.C. Court employees, judicial officers, and courthouse stakeholders conceptualize and meet procedural fairness concerns; documented the ways that the high-volume calendars currently promote procedural fairness; engaged with community partners about their expectations and experiences with the court system; analyzed litigant data to better understand how case characteristics and outcomes are related to litigant race, ethnicity, and other demographic characteristics; and identified challenges and recommendations for improvement.

Scope of Work and Project Team

To produce this report, the NCSC team:

1. Provided client consultations
2. Reviewed the D.C. Superior Court rules and business practices
3. Identified key data elements in the Court’s case data for the three calendars
4. Conducted data analysis and created data models, including racial/ethnic background
5. Conducted stakeholder interviews, focus groups, and virtual court observations

The NCSC project team consisted of multiple consultants and analysts with subject matter expertise. They included:

- Ms. Paula Hannaford-Agor, Director of Civil Justice Initiatives
- Ms. Danielle Hirsch, Principal Court Management Consultant
- Ms. Alisa Kim, Court Management Consultant
- Dr. Andrea Miller, Senior Court Research Associate
- Ms. Samira Nazem, Principal Court Management Consultant
- Mr. Zach Zarnow, Principal Court Management Consultant

Recommendations

The NCSC drafted the following recommendations based on interviews and focus groups with stakeholders, a review of the D.C. Court’s rules, and an analysis of court data. The recommendations aim to provide both broad and specific recommendations based on case types, with varying levels of cost and manpower required to implement them, which allows the court to prioritize the recommendations based on available funds and time. Throughout the project, the NCSC has provided the Courts with draft

recommendations for discussion and review and to allow the Courts to implement some of these recommendations before the conclusion of the project.

While the recommendations are organized by docket below, we believe that many of the recommendations are applicable across dockets and case types and so should be considered in broad terms for adoption. **To aid the court in understanding where a recommendation was derived from, it is described in full in the section where stakeholders first mentioned this need. It is then repeated in title only where the NCSC team again heard that this was a priority.**

Landlord/Tenant Recommendations

The following recommendations for Landlord/Tenant cases are derived from six stakeholder focus groups conducted from May-June 2021. These groups included internal court staff (judges and clerks) and external stakeholders (legal aid and private attorneys).

- 1. Schedule landlord tenant cases in a way that allows time for mediation, rental assistance applications, and in a manner that respects the time of court users.**
 - a. Formalize the new practice of scheduling a mediation session before any bench trial, on a separate day from the trial itself.**

The Court already has a standard practice of scheduling a stand-alone day for mediation in any case on a jury track. In the past, for cases set for bench trials, the Court has held a status call in the morning on the day of trial and then sent the parties to same-day mediation, with the expectation that a trial will begin later that day. During remote operations the Court has instituted a practice of scheduling a mediation date before the trial date, through the Court's Multi Door Mediation Center. This has worked well for both plaintiffs and defendants. It allows the parties more time to try to work out a settlement without the pressure to report back for a trial if they do not resolve the case in the limited time given during the morning before trial. Moreover, on the day of trial, it provides the parties with certainty that the trial will proceed and not be delayed for several hours—sometimes until the late afternoon—due to same-day mediation.

- b. Continue to include a representative from one of the organizations that process Emergency Rental Assistance applications in all court hearings.**

Many nonpayment of rent cases are resolved when the defendant receives emergency rental assistance. Often the process for applying for assistance is confusing or difficult for tenants, who are given limited windows on various days to call providers and compete with other tenants to get appointments to apply. This process would operate more smoothly if every tenant could connect with an emergency rental assistance provider at the initial hearing or any other hearing in the case and begin the intake process immediately. Earlier access to the application process would better enable the parties to settle cases with more certainty of how much assistance, if any, is available.

- c. Call cases in an order that prioritizes the parties that are already present.**

Sometimes, Court clerks will call cases for which no defendant has appeared and the judge will then enter a default, even though there were other cases where all parties were

present and ready for their case to be heard. If a tenant was late to a hearing, perhaps because of technical issues in the remote hearing world or because they are in the wrong courtroom, they might later join the hearing to learn that a default had already been entered. Clerks also do not always call cases in a consistent and predictable order. These same problems can occur with remote or in-person hearings. To avoid these issues, the Court clerks should wait to call those cases in which one party is not present until the other cases for which all parties are present have been addressed. For those cases where all parties are present, the clerks could institute a practice of asking the parties to estimate how much court time their case will require when they check in with the clerk, so that cases can be called more efficiently to minimize the wait time for parties who are present for an issue that might be resolved in only a few minutes (e.g. a continuance request, a joint dismissal, etc.). It would also be reasonable for the Court to ask the plaintiff or plaintiff's attorney to remain available (on call by phone) for the remainder of the scheduled hearing time block in case a party appears late for the hearing. The Court has indicated that it intends to continue the practice of using one hour scheduling blocks. NCSC supports this plan (see below).

d. Continue the staggered scheduling of hearings that began during remote operations, eliminating the “cattle call” that used to occur every morning at 9:00 am.

One of the great frustrations of all litigants under the old system of in-person operations was the 9:00 am roll call for cases scheduled for courtroom B-109. Often more than 100 cases would be scheduled on any given day, with litigants and attorneys crowding into the courtroom to listen for their names to be called. After all cases were called, the parties would be excused to disperse throughout the building, with many tenants then going to line up either to speak with landlord attorneys or signing into the legal services resource centers upstairs. There was no way for the many scheduled cases to be handled in a short time, so by design some plaintiffs and defendants would be waiting for hours, often past 2:00 pm, before their matter could be resolved.

Immediately prior to the pandemic, the Court had proposed amending the time listed on the summons to 8:30 am, thereby requiring parties to appear 30 minutes earlier for initial hearings and check in either with the Clerk's Office or by another electronic process. This new system was never implemented before the Court closed due to the public health emergency.

During remote operations, the Court has begun scheduling hearings in one-hour blocks. This has allowed parties greater certainty that their case will be called at the time it is scheduled and that their time in court will be completed in a predictable window of time. This system is preferable to the one that had been proposed shortly before remote operations began. Scheduling hearings in these one-hour blocks should continue as the Court resumes in-person or hybrid proceedings.

e. Improve the process for asking for continuances for litigants unable to appear because of conflict, work, childcare, or other obligations.

The Court should establish a mechanism to allow litigants to request continuances by telephone, email, and/or by submitting a web-based form; and the Court should respond in a timely fashion so that litigants may plan for how to handle their conflicts should the continuance not be granted. Ideally, there should be a presumption that continuances be granted for the first time requested.

f. Leverage technology (including text reminders and email messages) to reduce the number of default judgments.

Many litigants do not appear, and a default judgment is entered at their initial hearings. Deficient service and undelivered notices may significantly contribute to this problem. The Court should consider instituting reforms, including using technology to send reminders (via email, postal service, and text) with information about upcoming hearings, including the date, time, location, and instructions regarding remote access as applicable.

Moreover, notices should be sent both by multiple methods. Oral notice should never be all that is offered, except in emergencies. And parties should be notified that documents may be emailed to them and to encourage them to regularly check their email. Whenever possible, this should be done both orally and in writing.

g. Continue to provide an option for remote participation in hearings.

The switch to remote operations has shown that the Court can conduct hearings remotely. While there may be a need for some proceedings to be conducted in person (*e.g.* evidentiary hearings, trials, contested motions, etc.), the possibility of participating remotely allows greater flexibility for all parties to be present for hearings with less disruption to other aspects of their daily lives, and makes the court process more accessible for those who are equipped to participate. At the same time, the Court should continue to make efforts to increase accessibility for those with limited access to technology, or for those who are less adept at using that technology.

The Court has been engaging with practitioners about the specifics of remote proceedings and the return to in-person hearings. We are grateful for this ongoing dialogue and hope it continues. Specifically, an arrangement that allows either party to appear in person or remotely would provide the most flexibility, rather than requiring that *all* parties appear in person or remotely.

2. Continue and strengthen community engagement efforts.

a. Resume regular meetings of the Landlord Tenant Rules Advisory Committee, with an expanded membership.

The Rules Advisory Committee has played a useful role in reviewing the L&T Rules and suggesting amendments that could improve Court operations and the litigation process. The Committee has not met since the most recent set of amendments to the rules were adopted in 2019, following a lengthy process over many years. In the past this Committee

has been a valuable tool for practitioners to have a dialogue with the Court about changes that could be needed as practice evolves. It might be helpful to expand the membership of the Committee to be sure that its membership includes attorneys with different sizes and scopes of practice, as well as including more legal services organizations that regularly represent defendants in eviction matters.

b. Continue public outreach town hall meetings.

The NCSC project team was able to attend three townhall meetings conducted by the courts in March 2022. A broad cross section of the legal community attended. The townhall meetings were informative and allowed for questions and open discussion. It was also a great way to inform the public of available resources, such as the remote access kiosks around town. The court should continue this practice and make efforts to reach out to other community leaders and groups (faith groups, social service providers, libraries, schools.).

3. Simplify and standardize civil fee waiver process across the court.

The Court should approve applications for fee waivers submitted by recipients of means-tested public benefits, including Medicaid, DC Healthcare Alliance or Interim Disability Assistance without requiring applicants to complete extensive and time-consuming applications. This would reduce the burden on litigants to complete (duplicate and invasive) paperwork and would reduce the burden on judges and the court to schedule and conduct hearings to determine these fee waiver applications. The Court should also ensure instructions on how to file civil filing fee waivers are easily understandable, written in plain language, translated into commonly spoken languages, and widely available.

4. Continue to improve wayfinding and courthouse navigation through increased and improved signage, the better utilization of navigators, and improved communication between departments and resources throughout the buildings.

a. Improve the signage and access throughout the building to better allow litigants to find courtrooms and legal resources.

Current signage in Court Building B is minimal, and generally limited to small placards next to doors. Members of the public who are not already familiar with the building often do not know where to find the courtroom, go to the wrong courtroom, or do not know how to find the Clerk's Office or court-based legal services organizations located on the second floor. Better signage at the building entrance, in lobbies, in elevators, and outside courtrooms and resource centers would help address this concern.

The entrance to the building itself is not well marked from the outside, and the steps to the entrance can be intimidating for those with mobility issues or with strollers. The alternative entrance is a significant walk away from the main entrance, without any direct connection by sidewalk between the two doorways. Often this means people must choose between dragging things up the stairs at the front of the building or facing a long walk to a distant door that then requires them to press a buzzer and wait to gain access.

b. Continue to utilize court navigators for both in person and remote assistance

In 2018 the Court introduced Court Navigators to Court Building B, and stationed them in room B-115, around a corner from the main security station. We understand that the role of these Navigators is to answer basic questions, allow access to computers and a printer, and to show people to the various rooms in the building. In practice, we have found that they are often difficult to locate in the building. Their office may be unoccupied for extended times.

To be most effective, Navigators should be stationed in the hallways so they can interact freely with members of the public throughout the day. If they have capacity, stationing a Navigator in each courtroom also would be helpful. They should wear a standard uniform to indicate their role so members of the public feel comfortable asking them for help.

Navigators can also help the Court as it continues the practice of staggered hearing schedules and electronic check-in for hearings, because parties will be entering the building at a wider range of times for a greater variety of hearings. In the past, most members of the public could be guided directly to courtroom B-109 at 9:00 am, but if hearing times are set throughout the day, there will no longer be a single standard place and time for people to report. These parties will need more assistance in finding the correct room at the correct time. Likewise for providing assistance at remote access terminals/kiosks or assisting via breakout room on online platforms.

c. Improve the sharing of information with counsel about where litigants are checked in.

Hearings in the Landlord Tenant Branch occur on two separate floors of Court Building B, with many litigants spending time during the day on the first floor in the courtroom, in the Clerk's Office, in a room set aside for plaintiffs' counsel (Room B-113), or other small anterooms throughout the courthouse. A significant number of litigants spend time at the Landlord Tenant Resource Center or the offices of court-based legal services organizations on the second floor of the building. When using these resources, these parties are signed into a shared online spreadsheet that is accessible by the court clerks and court-based legal services organizations. With so many different places for lawyers and litigants to wait during the day, it is common for attorneys or parties to have to spend time walking throughout the building looking for each other. This inefficiency and uncertainty would be reduced if the plaintiffs' attorneys could also access this spreadsheet or some other means to see where parties have signed in, so they know if they are receiving legal services or if they are instead waiting somewhere else in the building.

d. Continue to update and improve instructions, summons and complaint language, and other communications to litigants.

Before the Court switched to remote operations, litigants who arrived late for the 9:00 am initial hearings were often given a range of instructions about what to do. One policy was that these litigants were to check in at Window 4 in the Clerk's office, then wait for

their case to be re-called at 10:30. In practice this did not happen consistently. Often defendants who checked in would be told to find the attorney representing the plaintiff, and plaintiffs who checked in late were told that their case had been dismissed. Others would be sent to the Landlord Tenant Resource Center for assistance with a motion to vacate the default/dismissal. Sometimes litigants would return to the courtroom after checking in at Window 4, but their case would never be re-called. The Court should adopt a clear procedure to address how to handle parties arriving late to in-person hearings and ensure that procedure is both communicated consistently to all litigants and implemented uniformly.

The procedure necessary for vacating a default might also be simplified to allow parties who consent to vacate a default to do so without need to file a motion or have a hearing held. Details for how this might work can be addressed in further conversation with the Court and members of the bar, possibly through the Rules Committee.

Under remote operations, the current summons is not correct. It still states that parties are required to appear in person for a hearing in their case. It has not been updated to include information about the Landlord Tenant Legal Assistance Network intake number and directs litigants seeking assistance to visit the in-person Landlord Tenant Resource Center that has been closed since March 13, 2020. The Complaint form is similarly in need of revision and updating to reflect recent amendments in landlord tenant law, and to be more easily understood by litigants who are not familiar with the legal process.

e. Include written guidance about appeal or review process in all written judgments.

For written judgments entered by an associate judge, including a notice of appeal form. Attach standardized, plain language instructions about how and when to file the notice of appeal. And for written judgments entered by a magistrate judge, include a motion for review of the magistrate judge's order form with standardized, plain language instructions about how and when to file this motion.

Debt Collection/Small Claims Recommendations

The following recommendations were derived from internal and external stakeholder focus groups held between November 2021 – March 4, 2022. Like the landlord/tenant stakeholder focus groups, internal stakeholders consisted of judges and court staff, and external stakeholders consisted of legal aid and private attorneys.

- 1. Call cases in an order that prioritizes the parties that are already present.**
- 2. Standardize processes and regularly re-train clerks on how litigants can request an ADA accommodation or interpreter for both in-person and remote hearings.**

Stakeholders reported that the process for these requests is inconsistent in practice. Currently, some clerks send information prior to the initial hearing while other clerks wait until the morning of the initial hearing, or clerks do not ask at all, leaving litigants to self-advocate. This information can be provided on initial notices, online, and the Court can

also inform legal aid offices to ensure everyone is aware of the protocols. To the extent that information already exists, it is not being well communicated and this may require continual outreach to ensure all court users are aware.

- 3. Improve the signage and access throughout the building to better allow litigants to find courtrooms and legal resources, especially for ADA access to the courts.**
- 4. Ensure that legal information is updated, widely available, and provides the parties with information about resources outside of the court.**

Stakeholders like the small claims handbook but noted that it needs to be updated to be consistent with planned remote and virtual protocols, new scheduling practices, and to ensure all information is up to date generally. In the handbook and on the website the court could also make potential court users aware of their ability to mediate before filing and could include contact information of mediation providers. Stakeholders also noted the importance of getting this information to people as early as possible, and the need to have aspects of the process explained and that explanation repeated at each step. For example, many noted that people do not understand service of process, and so the court should endeavor to explain the steps as clearly and plainly as possible, in multiple media formats, and in multiple places (instructions, websites, inserts, etc.).

- 5. Liberally grant continuances and make the process for requesting a continuance easier.**

All court users have lives outside their case, and scheduling conflicts, work conflicts, childcare needs, or other obligations that impact a scheduled hearing are inevitable.

Continuances are often necessary to ensure that all parties can have meaningful access to the courts. However, the process for requesting and approving a continuance can be challenging and time-consuming for both litigants and the court. The rules should establish an easy mechanism to allow lawyers and litigants to submit requests and receive decisions via email, telephone, or through a web-based form.

In some situations, the rules should also allow for automatic or presumptive approval of continuances. For example, continuances that are submitted by agreement of the parties, even continuances to reschedule a trial date, should be granted by the court without requiring a demonstration of good cause. Each party should also have the opportunity to request one continuance as a matter of right without having to demonstrate good cause or participate in a hearing. This is particularly important for defendants who do not have any input as to the scheduled date and time for their initial hearing, and who may need time to apply for legal aid or to retain counsel.

For repeated continuance requests, it may be appropriate for the court to require a demonstration of good cause. A comment to the Rules could be helpful in laying out factors for judges to consider in making a good cause determination. Such factors should include scheduling conflicts with work or childcare, technological disruptions (for remote hearings), and illness of the litigant or an immediate family member, among others.

Remote hearing options can also be an important consideration for scheduling court dates that are respectful of the needs and schedules of all parties.

To address the issue of time to disposition targets, the court can set limits and timeframes for continuances. To anticipate and prepare for continuances, the court should track data on continuances and use it to inform the number of cases scheduled per block.

The court should also investigate online scheduling tools that allow litigants to choose time slots that work for them. Several of these are off-the-shelf and are relatively low-cost, such as Doodle and Calendly, both of which have been used by courts for this purpose¹. By setting specific dates and parameters for continuances, the court user can reschedule within a specific block of time while choosing a date/time that works best for them.

6. Create separate initial notices for debt collection and small claims cases.

The Court should create two notices: one for small claims cases and one for debt collection cases. Currently, both case types are on the same notice, which creates confusion for litigants as there are two separate call-in numbers and hearing rooms (both for virtual and in-person), and the distinction between the two is not always obvious to court users. Creating separate notices will also free up space on a given notice for things like translated information, QR codes or short links to resources or instructions, and ADA and interpreter information.

7. Continue to provide an option for remote participation in hearings.

Mortgage Foreclosures Recommendations

The following recommendations for mortgage foreclosures were derived from stakeholder focus groups held mid-March through May 2022. Internal stakeholders consisted of judges and court staff, and external stakeholders consisted of legal aid and private attorneys.

As mentioned, many of the recommendations can be applicable across all case types.

- 1. Liberally grant continuances and make the process for requesting a continuance easier.**
- 2. Liberally vacate defaults when the court has received notice that the address they have on file is bad.**

If the court receives a return to sender/bad address notification in a case where a default has been entered, but the party who defaulted later appears, the default should be vacated.

¹ The Salt Lake City Justice Court used Doodle before transitioning to a custom-built solution. Several courts in Louisiana use Calendly. Florida's Eleventh Judicial Circuit uses a custom-built program called CourtMAP: <https://www.jud11.flcourts.org/Programs-and-Services/Online-Services/courtmap>.

3. Ensure that legal information is updated, widely available, and provides the parties with information about resources outside of the court.

The DC Court’s webpage, and in particular the self-help portions, should be arranged so that the most sought-after information is front-loaded to allow people easier access to only the information they need, instead of having to scroll or click through multiple links. A multi-media/multi-channel approach will ensure that people have access to the information that assists them in the way that they need, resulting in better prepared court users and less burden on court staff. The NCSC recently assisted the Philadelphia Municipal Court in redesigning their [webpage](#) and we recommend that the DC courts follow a similar model of making buttons and sections action oriented (what do you want to do? Who are you and what are your goals?) so that information is targeted. Lastly, the DC Courts should conduct a plain language and reading level test of their website content. Useful tools and guidance can be found at www.plainlanguage.gov and via free tools, like [The Hemmingway App](#).

Self-Help resources are like a garden. They require regular care and maintenance, or you end up with weeds and dead plants. As laws, rules, and procedures change, so too should all the self-help materials that are related. When partner organizations release new information or update their hours or case acceptance criteria, so too should their listing on the court site. User testing is equally important. A resource is no good if the intended audience/users find it unhelpful or difficult to use. User testing can be done at a relatively low cost and need not involve an outside evaluator or enormous amounts of staff time. A few hours simply asking people to use your resources and tracking where they have trouble can yield valuable information about how to improve. These resources should be available in multiple media types, in multiple languages, and in plain language at a lower than fifth grade reading level. Care should be taken to ensure that resources are available online for those who can access them, and in person or in print for those who struggle with technology or lack adequate internet connectivity.

The court should provide instructions on how to use the remote platform, and those instructions should be shared with parties early and be available in multiple languages. The court should include information about how to use common features, as well as how parties can alert the court to screen share, translation, or accessibility needs as they relate to the platform.

4. Update and improve complaint packets and notices.

Stakeholders mentioned the need to improve the layout and design of complaint packets and notices. For example, it would be better if time sensitive information, such as the hearing date and location (and whether the hearing is virtual or in person), were prominently displayed at the top of the packet. Legal aid providers, hotlines, legal information and other resources should also be included at the bottom, where they are easy to find. The use of white space, call out boxes, and plain language would also improve

the readability and make it easier for defendants to understand what was happening.² Stakeholders also suggested the inclusion of a lender designated point of contact in the filing and complaint so that the defendant can contact them directly. They report that most defendants do not know who to contact and that the current “single point of contact department” does not work well.

5. Continue to provide an option for remote participation in hearings.

6. Build more robust collaborations with legal aid providers.

Court staff should have ready access to an updated and detailed list of referral partners, so that they can better refer court patrons. The list should include hours, locations, case types/areas of law, eligibility criteria, and phone numbers and websites. Supervisors and other appropriate court staff should also have a designated point of contact at the law schools, public libraries, legal aid, and other agencies to troubleshoot and to be able to update them on changes in procedures or rules. A more robust flow of information would benefit all, including the court, because many of those other actors are able to prepare and guide their clients before they come to court. This kind of relationship also lends itself to cooperative service provision and can lay the groundwork for organizing lawyer for the day, legal aid clinics, subject matter specific one-off events (like a criminal records expungement day), and other such services in collaboration with and/or at the court. Co-locating services assists court patrons and makes for an easier referral process.

7. Streamline scheduling for mortgage foreclosure cases.

During remote operations the Court has instituted a practice of scheduling a mediation date before the trial date, through the Court’s Multi Door Mediation Center. This has worked well for both plaintiffs and defendants.

Many stakeholders provided scheduling feedback such as moving cases to the same building, moving away from Friday calendars, and creating a reverse mortgage day. If cases could be moved to the same building, it would create less confusion for court users and allow legal aid providers to be in the same space with opportunities to assist more litigants.

8. Facilitate early outreach by housing counselors, legal aid, and mortgage foreclosure prevention resources to defendants.

Early outreach to mortgage foreclosure defendants can facilitate mediation and the negotiation of payment plans. External stakeholders suggested creating a database to share information between the courts and legal aid providers to allow legal aid to reach out directly to those facing mortgage foreclosure. Housing counselors would like their

² For example, here is a re-designed eviction summons form, produced by Stanford’s Legal Design Lab, demonstrating best practices: <https://www.legaltechdesign.com/2021/09/what-does-a-user-centered-eviction-summons-look-like/>. Also see www.ncsc.org/formscamp2022.

foreclosure hotline information featured prominently in court notices and on the website. They can work with defendants to provide information about payments plans and prevention funds and make referrals to legal aid.

9. Continue the practice of having easy to identify housing counselors on hand and also pilot their use virtually.

Pre-pandemic, housing counselors in blue shirts were stationed in the court to provide assistance. Once the courts open, the housing counselors should be available in person, as well as a “virtual” counselor to assist those litigants appearing virtually. A quiet area should be designated for the virtual housing counselor, and if there are more people appearing in person, they can also provide in-person assistance. We recommend a trial period to see what the right balance will be.

10. Include information about the appeal or review process with all written judgments.

For written judgments entered by an associate judge, include a notice of appeal form. Attach standardized, plain language instructions about how and when to file the notice of appeal. For written judgments entered by a magistrate judge, include a motion for review of the magistrate judge’s order form with standardized, plain language instructions about how and when to file this motion.

11. Continue public outreach town hall meetings.

Rules Review

Landlord/Tenant Rules Review and Recommendations

After a review of the [2019 Landlord & Tenant Rule Amendments](#) (“the Rules”), NCSC has identified several areas where the rules could be further enhanced by incorporating best practices that promote access to justice and improve efficiency in the management of high-volume dockets. The relevant rules are also listed alongside each recommendation.

1. Follow plain language principles when drafting court rules and other public-facing information.

Court rules should be understandable to both lawyers and litigants and should be written in clear and concise language following plain language principles. The Rules would benefit from a comprehensive plain language review to ensure that they can be easily understood and used by the intended audiences. The rules should also replace “his or her” language with “they” to be both more inclusive and concise. Restructuring and rewording the rules to incorporate plain language best practices, even without making any changes to the underlying substance, can benefit both access to justice and public trust and confidence in the courts.

NCSC has compiled a [list of resources](#) to help courts and justice partners incorporate plain language best practices into their written content. The National Association of Court Managers has also created a comprehensive [Plain Language Guide](#) and the federal government offers guidance at [PlainLanguage.gov](#).

2. Adhere to best practices in rule formatting and style.

The National Center for State Courts has developed a style guide for drafting rules, “17 avoidable pain points when authoring and electronically publishing local court rules (and orders)”³. There are elements of this guide that apply to many of the recommendations. For example, the rules when accessed lacked bookmarking/navigation and at times had spacing that made them difficult to read. Likewise with the unnecessary use of legal jargon.

3. Normalize the practice of remote hearings by referencing them in court rules.

The Rules do not mention remote hearings, although they have since become a mainstay of the DC courts. The current language should be amended to remove the presumption that all hearings will take place in-person. Phrases like “appear personally” or “date, time, and location of hearing” should be rewritten to clarify that a hearing may take place in-person, remotely, or through a hybrid combination of the two. Forms that are referenced throughout the rules should also be reviewed to ensure that they contemplate the possibility of remote hearings and provide the necessary information for litigants to understand and participate in a hearing either remotely or in-person.

- Rules: 11, 13, 14-II

4. Include links to all referenced court forms, and update forms to align with court rules and to improve their usability.

The Rules make reference to a number of court forms that litigants may use at various stages of litigation. When a specific form is referenced, a link to the form should be included to assist lawyers and litigants in finding the correct form. All links should be permanent links that will continue to work even if the underlying document is revised in the future. It is also a best practice to not codify forms in the rules, because doing so can make it very difficult to update those forms.

Court forms can be an important tool for self-represented litigants seeking to initiate or defend a case without counsel. Forms must be easily found, easily understood, and easily used by both lawyers and litigants. Court forms should be written in plain language, following the best practices for written communications, and incorporate user-friendly design elements. This should include attention to spacing and density, font size, the use of simple graphics, and including QR codes or short links to online resources.

Commonly used forms should also include clear instructions for the user including information about their legal rights, any filing or timing requirements, and resources where they can access legal help (e.g. the Summons should inform a defendant that they have the right to file a jury demand, how and when to do so, where they can find more information, and how they can find a lawyer). The substance of the forms should be reviewed to ensure that they align with changes to the Rules.

- Rules: 3, 4, 12-I, 14, 14-II
- DC Code § 47–1370(c)(1)

³ See www.ncsc.org/a2j for this resource under the Technical Assistance subheading.

5. *Ensure litigants have the information necessary to understand the allegations made against them and to prepare and present an argument.*

Additional pleading requirements can increase access to justice by providing defendants with the information necessary to understand the allegations against them and by providing legal aid and private attorneys with the documentation necessary to effectively review and assess a case. The speed at which eviction cases generally move and the limited access to discovery make these initial disclosures particularly important in landlord-tenant matters. If a defendant or their counsel are unable to review documents until the day of trial, they will be limited in their ability to prepare an adequate defense.

Many jurisdictions have incorporated pleading requirements to address this concern including attachment of the termination notice, the relevant portions of the lease, and/or the rent ledger with the Complaint. Enhanced pleading requirements can also assist court staff in effectively screening and triaging cases and can support eviction diversion programs by providing relevant context for legal aid attorneys, rental assistance screeners, mediators, and other service providers to operate in the most effective and efficient manner.

- Rules: 3(a)(1), 10(b)

6. *Provide information about the availability of civil fee waivers and the application process when referencing court fees.*

Litigants should not be precluded from pursuing or defending a case because of an inability to pay court fees. When referencing filing fees, the rules should also mention the availability of fee waivers and provide a link to the applicable forms and rules. By making this information more readily available, litigant who qualify for a waiver of court fees will be able to take advantage of the rules that are intended to assist them.

- Rules: 6(a)(1), 15

7. *Streamline the process by which continuances are requested, and grant such requests liberally when necessary to allow litigants to participate in their case.*

Continuances are often necessary to ensure that all parties are able to have meaningful access to the courts. However, the process for requesting and approving a continuance can be challenging and time-consuming for both litigants and the court. The rules should establish an easy mechanism to allow lawyers and litigants to submit requests and receive decisions via email, telephone, or through a web-based form.

In some situations, the rules should also allow for automatic or presumptive approval of continuances. For example, continuances that are submitted by agreement of the parties, even continuances to reschedule a trial date, should be granted by the court without requiring a demonstration of good cause. Each party should also have the opportunity to request one continuance as a matter of right without having to demonstrate good cause or participate in a hearing. This is particularly important for defendants who do not have any input as to the

scheduled date and time for their initial hearing, and who may need time to apply for legal aid or to retain counsel.

For repeated continuance requests, it may be appropriate for the court to require a demonstration of good cause. A comment to the Rules could be helpful in laying out factors for judges to consider in making a good cause determination. Such factors should include scheduling conflicts with work or childcare, technological disruptions (for remote hearings), and illness of the litigant or an immediate family member, among others. Remote hearing options can also be an important consideration for scheduling court dates that are respectful of the needs and schedules of all parties.

- Rules: 7(c)(2), 8(a)(1), 11(d), 13(f)(2)

8. *Promote consistency in court procedures and information.*

Litigants should have access to the same information and resources, regardless of when or how they attend court. Both in-person and remote hearings should strive to offer a similar experience to litigants and to provide access to the same resources and information remotely that a litigant would find in the courthouse. The use of prepared introductory statements and written materials can promote consistency between judges and across courtrooms. These communications should incorporate plain language principles, and introductory remarks should also be made available in writing.

- Rule: 11(a)

9. *Encourage an equitable approach to the entry of default judgments.*

Court rules should afford the same courtesy and protections to both plaintiffs and defendants. Specifically, judges should be able to exercise their discretion in continuing a case if either litigant fails to appear at a scheduled court date, rather than requiring the entry of such a judgment in some circumstances. Courts are encouraged to practice leniency, at least for the initial hearing date, before entry of a default judgment. Providing a litigant with a second opportunity to receive notice and to participate in their court proceeding can help to reduce default judgments and further access to justice.

Plaintiffs should be held to the same standard when seeking to obtain a default judgment as they would if the defendant were present in court. The rules should establish the same standards for ensuring that the plaintiff has complied with all necessary requirements before entering a judgment against a defendant.

- Rules: 11(b)(2), 11(c), 14(a), 14(c)(2)(B)

After an initial review of the [Superior Court Rules of Procedure for the Small Claims and Conciliation Branch](#) (“the Rules”) and [Chapter 39 \(Small Claims and Conciliation Procedure in the Superior Court\) of the DC Code](#), NCSC has identified several areas where the rules could be further enhanced by incorporating best practices that promote access to justice and improve efficiency in the management of high-volume dockets. The relevant rules and statutes are also listed alongside each recommendation.

1. Follow plain language principles when drafting court rules and other public-facing information.

Court rules should be understandable to both lawyers and litigants and should be written in clear and concise language following plain language principles. The Rules would benefit from a comprehensive plain language review to ensure that they can be easily understood and used by the intended audiences. The Rules should also replace “his or her” language with “they” to be both more inclusive and concise. Restructuring and rewording the Rules to incorporate plain language best practices, even without making any changes to the underlying substance, can benefit both access to justice and public trust and confidence in the courts.

NCSC has compiled a [list of resources](#) to help courts and justice partners incorporate plain language best practices into their written content. The National Association of Court Managers has also created a comprehensive [Plain Language Guide](#), and the federal government offers guidance at [PlainLanguage.gov](#).

2. Adhere to best practices in rule formatting and style.

The National Center for State Courts has developed a style guide for drafting rules, “17 avoidable pain points when authoring and electronically publishing local court rules (and orders)”⁴. There are elements of this guide that apply to many of the recommendations. For example, the rules when accessed lacked bookmarking/navigation and at times had spacing that made them difficult to read. Likewise with the unnecessary use of legal jargon.

3. Normalize the practice of remote hearings by referencing them in court rules.

The Rules do not mention remote hearings, although they have since become a mainstay of the DC courts. They should be updated to acknowledge the availability of remote and hybrid hearings, including any relevant guidance as to how and when remote hearings may be available to litigants. Forms that are referenced throughout the Rules should also be reviewed to ensure that they contemplate the possibility of remote hearings and provide the necessary information for litigants to understand and participate in their court date, whether remotely or in-person.

4. Create and reference forms that can assist self-represented litigants in initiating and responding to a case.

Court forms can be an important tool for self-represented litigants seeking to initiate or defend a case without counsel. Forms must be easily found, easily understood, and easily used by both lawyers and litigants. Court forms should be written in plain language, following the best practices

⁴ See www.ncsc.org/a2j for this resource under the Technical Assistance subheading.

for written communications, and incorporate user-friendly design elements. This should include attention to spacing and density, font size, the use of simple graphics, and including QR codes or short links to online resources.

Form should include clear instructions for the user including information about their legal rights, any filing or timing requirements, and resources where they can access legal help (e.g. the Summons should inform a defendant that they have the right to file a jury demand, how and when to do so, where they can find more information, and how they can find a lawyer). The substance of the forms should be reviewed periodically to ensure that they align with any changes to the Rules and that all legal information is complete and accurate.

The Rules should also require that the Complaint and Summons include information about free legal resources that may be available to the Defendant (including legal aid, lawyer referral services, and self-help resources including the [Consumer Law Resource Center](#)) and remote hearing options. This information should be regularly reviewed to ensure its accuracy.

The Rules should reference the existing forms and provide a link to the form. All links should be permanent links that will continue to work, even if the underlying document is revised in the future. References to other resources available online (including federal statutes, the DC Code, and specific websites) should also be accompanied by links.

- Rules: 3(a)(Complaint), 4(Service), 5 (Answer with Counterclaims), 6 (Jury Demand), 12(b)(SCRA Form), 13 (Motion and Notice of Motion)
- DC Code: § 16–3902(e)

5. Leverage technology to better inform litigants about pending litigation and increase appearance rates.

The Rules should be updated to allow for the use of e-mail, text messaging, and other modern methods of communication that may be able to reach some litigants in a more efficient way. Court pleadings should collect email addresses for the parties, in addition to mailing addresses and phone numbers, and the Rules should allow for notices to be sent via email if the parties agree. Alternate methods of service should be regularly reviewed to determine what additional communications may be appropriate and effective ways of reaching litigants. For example, some state courts have authorized alternate service for text message or social media, if the plaintiff has reason to believe that the defendant is a regular user of such methods of communication.⁵ The Rules should also consider expanding the use of the Court’s website for posting legal notices, as it may be a more efficient and economical alternative to publication.⁶

- Rules: 3(b), 4(e)(2)

6. Provide information about the availability of civil fee waivers and the application process when referencing court fees.

⁵ For example, Utah’s alternative service options include text messaging, email, and social media instead of publication (https://www.utcourts.gov/howto/service/alternate_service.html).

⁶ The Alaska Court System has created a Legal Notices Website: <https://courts.alaska.gov/notices/index.htm>

Litigants should not be precluded from pursuing or defending a case because of an inability to pay court fees. When referencing filing fees, the rules should also mention the availability of fee waivers and provide a link to the applicable forms and governing statute. By making this information more readily available, litigants who qualify for a waiver of court fees will be able to take advantage of the rules that are intended to assist them. To the extent possible, the process for requesting a fee waiver should be streamlined to avoid creating unnecessary burdens for the applicants or the court.

- Rules: 4(e)(3), 6(a)(1)
- DC Code: § 16–3903

7. Streamline the process by which continuances are requested and grant such requests liberally when necessary to allow litigants to participate in their case.

Continuances are often necessary to ensure that all parties have meaningful access to the courts. However, the process for requesting and approving a continuance can be challenging and time-consuming for both litigants and the court. The rules should establish an easy mechanism to allow lawyers and litigants to submit requests and receive decisions via email, telephone, or through a web-based form.

In some situations, the rules should also allow for automatic or presumptive approval of continuances. For example, continuances that are submitted by agreement of the parties, even continuances to reschedule a trial date, should be granted by the court without requiring a demonstration of good cause. Each party should also have the opportunity to receive one continuance as a matter of right without having to demonstrate good cause or participate in a hearing. This is particularly important for defendants who do not have any input as to the scheduled date and time for their initial hearing, and who may need time to apply for legal aid or to retain counsel.

For repeated continuance requests, it may be appropriate for the court to require a demonstration of good cause. A comment to the Rules could be helpful in laying out factors for judges to consider in making a good cause determination. Such factors should include scheduling conflicts with work or childcare, technological disruptions (for remote hearings), and illness of the litigant or an immediate family member, among others. Remote hearing options can also be an important consideration for scheduling court dates that are respectful of the needs and constraints of all parties.

- Rules: 7(b), 7(c)

8. Promote consistency in court procedures and information.

Litigants should have access to the same information and resources, regardless of when or how they attend court. Both in-person and remote hearings should strive to offer a similar experience to litigants and to provide access to the same resources and information remotely that a litigant would find in the courthouse. The use of prepared introductory statements and written materials can promote consistency between judges and across courtrooms. These communications should

incorporate plain language principles, and introductory remarks should also be made available in writing.

- Rule: 11(a)

9. Encourage an equitable approach to the entry of default judgments.

Both plaintiffs and defendants should be afforded the same protections with respect to default judgments. Specifically, judges should be able to exercise their discretion in continuing a case if either litigant fails to appear at a scheduled court date, rather than requiring the entry of such a judgment in some circumstances. Courts are encouraged to practice leniency, at least for the initial hearing date, before entry of a default judgment. Providing a litigant with a second opportunity to receive notice and to participate in their court proceeding can help to reduce default judgments and further access to justice.

- Rules: 7(b), 12(b), 12(c)
- DC Code: §16–3906(c)

General Civil Division Rules Review and Recommendations

NCSC has identified several areas where the [DC Superior Court Rules of Civil Procedure](#), which include [provisions relevant to mortgage foreclosure cases](#), could be further enhanced by incorporating best practices that promote access to justice and improve efficiency in the management of high-volume dockets. The relevant rules are also listed alongside each recommendation.

1. Follow plain language principles when drafting court rules and other public-facing information.

Rules and statutes should be understandable to both lawyers and litigants and should be written in clear and concise language following plain language principles. The Rules would benefit from a comprehensive plain language review to ensure that they can be easily understood and used by the intended audiences. The rules should also replace “his or her” language with “they” to be both more inclusive and concise. Restructuring and rewording the rules to incorporate plain language best practices, even without making any changes to the underlying substance, can benefit both access to justice and public trust and confidence in the courts.

NCSC has compiled a [list of resources](#) to help courts and justice partners incorporate plain language best practices into their written content. The National Association of Court Managers has also created a comprehensive [Plain Language Guide](#) and the federal government offers guidance at [PlainLanguage.gov](#).

2. Adhere to best practices in rule formatting and style.

The National Center for State Courts has developed a style guide for drafting rules, “17 avoidable pain points when authoring and electronically publishing local court rules (and orders)”⁷. There

⁷ Available at: https://www.ncsc.org/__data/assets/pdf_file/0019/75421/Seventeen-lessons-for-local-court-rules-and-orders.pdf.

are elements of this guide that apply to many of the recommendations. For example, the rules when accessed lacked bookmarking/navigation and at times had spacing that made them difficult to read. Likewise with the unnecessary use of legal jargon.

3. *Normalize the practice of remote hearings by referencing them in court rules.*

The Rules do not mention remote hearings, although they have since become a mainstay of the DC courts. The current language should be amended to remove the presumption that all hearings will take place in-person. Phrases like “appear personally” or “date, time, and location of hearing” should be rewritten to clarify that a hearing may take place in-person, remotely, or through a hybrid combination of the two.

Forms that are referenced throughout the rules should also be reviewed to ensure that they contemplate the possibility of remote hearings and provide the necessary information for litigants to understand and participate in a hearing either remotely or in-person.

4. *Include links to all referenced court forms, and update forms to align with court rules and to improve their usability.*

Court forms can be an important tool for self-represented litigants seeking to initiate or defend a case without counsel. Forms must be easily found, easily understood, and easily used by both lawyers and litigants. Court forms should be written in plain language, following the best practices for written communications, and incorporate user-friendly design elements. This should include attention to spacing and density, font size, the use of simple graphics, and including QR codes or short links to online resources.

When a specific form is referenced, a link to the form should be included to assist lawyers and litigants in finding the correct form. All links should be permanent links that will continue to work even if the underlying document is revised in the future.

Commonly used forms should also include clear instructions for the user including information about their legal rights, any filing or timing requirements, and resources where they can access legal help (e.g. the Summons should inform a defendant that they have the right to file a jury demand, how and when to do so, where they can find more information, and how they can find a lawyer). The substance of the forms should be reviewed periodically to ensure that they align with changes to the underlying rules and statutes.

- Rule 84: Forms

5. *Regularly review required information about mediation, legal aid, and other resources included in the Initial Order.*

Information about available resources for defendants should continue to be included in the Initial Order that is mailed along with the Summons and Complaint. Early connections to mediation, legal aid, and self-help earlier can help defendants be better prepared for court and can facilitate early resolutions when possible. All referral information should be regularly reviewed and updated to ensure it is complete and accurate.

- Rule 4: Summons

6. Leverage technology to better inform litigants about pending litigation and increase appearance rates.

The alternate methods of service listed in the rules should be regularly reviewed to determine if additional communications may be appropriate and effective ways of reaching litigants. For example, some state courts have authorized alternate service for text message or social media, if the plaintiff has reason to believe that the defendant is a regular user of such methods of communication.⁸ The Rules should also consider expanding the use of the Court’s website for posting legal notices, as it may be a more efficient and economical alternative to publication in a legal newspaper.⁹

- Rule 4(e)(3): Alternative Methods of Service
- Rule 4(e)(4): Posting Order of Publication on the Court’s Website
- Rule 4-I: Service by Publication

7. Provide information about the availability of civil fee waivers and the application process when referencing court fees.

Litigants should not be precluded from pursuing or defending a case because of an inability to pay court fees. When referencing filing fees, the rules should also mention the availability of fee waivers and provide a link to the applicable forms and rules. By making this information more readily available, litigant who qualify for a waiver of court fees will be able to take advantage of the rules that are intended to assist them.

- Rule 54-II: Waiver of Costs, Fees, or Security
- Rule 202: Fees

Racial Equity in Landlord-Tenant Cases

As part of this project, NCSC analysts conducted a study of racial disparities in landlord-tenant case data for all cases disposed between October 1, 2018 through September 30, 2019. The NCSC project team compared the findings from this time with the Georgetown study, which analyzed filings from January 2014 to December 2018.

Case type	Frequency
Landlord/Tenant	29,164
Small Claims	6,116
Mortgage Foreclosure	1,326
Debt Collection	534
Other Civil	7
Total	37,147

⁸ For example, Utah’s alternative service options include text messaging, email, and social media instead of publication (https://www.utcourts.gov/howto/service/alternate_service.html).

⁹ The Alaska Court System has created a Legal Notices Website: <https://courts.alaska.gov/notices/index.htm>

In addition to case characteristics, NCSC also gathered information on plaintiff and defendant characteristics with a special focus on representation status, and race, ethnic and English proficiency characteristics.

The number of landlord/tenant case filings in this 12-month period is consistent with the findings in the Georgetown report,¹⁰ which analyzed filings from January 2014 to December 2018. That report found an average of 32,132 eviction filings each year, with slight declines over the 5-year period.

Plaintiff and Defendant Characteristics

Based on the cases within this time, most plaintiffs (93.3%) in landlord/tenant cases were organizational entities, whereas only 6.7% were individuals. Most plaintiffs in landlord/tenant cases were represented by Counsel. The following table lists representation status for plaintiffs in the sample for whom this information can be determined by the case management data:

Plaintiff representation status	Frequency	Percent
Unrepresented	130	0.5%
Represented for some parts of the case	1,034	4.1%
Represented throughout the whole case	24,368	95.4%
Total	25,532	

In contrast, most defendants (98.2%) in landlord/tenant cases were individuals, whereas only 1.8% were organizational entities. Unlike plaintiffs, most defendants in landlord/tenant cases were self-represented litigants (SRLs). The following table lists representation status for defendants in the sample for whom this information can be determined by the case management data:

Defendant representation status	Frequency	Percent
Unrepresented (no hearings held)	17,948	61.5%
Unrepresented (at least one hearing held)	9,602	32.9%
Represented for some parts of the case	783	2.7%
Represented throughout the whole case	831	2.8%
Total	29,164	

Among all landlord/tenant cases in the sample, 22,985 (90.0%) were brought by a plaintiff with full legal representation against a defendant who was unrepresented.

¹⁰ McCabe, B. & Rosen, E. (2020), Eviction in Washington, DC: Racial and Geographic Disparities in Housing Instability. *Georgetown University McCourt School of Public Policy*.
<https://georgetown.app.box.com/s/8cq4p8ap4nq5xm75b5mct0nz5002z3ap>

Race, Ethnicity and English Proficiency Characteristics

Racial, ethnic, and English proficiency data were not measured in the Court’s case management system, so the NCSC project analyst used the U.S. census to estimate these demographics.¹¹ Based on the data, below are the findings:

A disproportionate number of defendants (55.5%) resided in Wards 7 and 8, in which residents are disproportionately Black. This finding is consistent with the Georgetown report, which found that 56.6% of defendants in 2018 resided in Wards 7 and 8. The following table lists defendant ward for all cases in which this information could be determined by the case management data:

Wards where defendants resided	Number of filings	Percent of filings
1	1,474	9.50%
2	691	4.40%
3	699	4.50%
4	1,256	8.10%
5	2,113	13.60%
6	687	4.40%
7	4072	26.10%
8	4,580	29.40%
Total	15,572	

Census tracts in which a greater proportion of residents were Black also had the greatest rate of filings per renter household. Defendants in landlord/tenant cases were also disproportionately Black. The following table shows the distribution of race in the broader Washington, D.C. population, compared to the distribution of race in the landlord/tenant case sample (estimated using probabilities of each racial category in each Census tract):

Race	Percent in D.C. population	Percent in case sample
Black	46.0%	70.4%
White	46.0%	20.9%
Asian	4.5%	2.3%
2 or more Races	2.9%	2.2%
Native American	0.6%	0.4%

¹¹ This project used data from the [American Community Survey](#) (ACS), a five-year rolling average for the years 2015-2019. The American Community Survey is the annual survey by the U.S. Census Bureau that is mailed to approximately 3.5 million households per year. The ACS includes an expanded set of demographic and socioeconomic data elements (employment, income, education, etc.) that are not collected as part of the decennial census. NCSC used the 5-year rolling average tables, rather than a 1-year sample, to minimize the potential sampling error that might otherwise distort the analyses. ACS data is the most reliable data available for imputing demographics.

Hawaiian/Pacific Islander	0.1%	0.1%
Other Race		3.8%

Defendants in landlord/tenant cases were disproportionately non-Hispanic (only 0.7% of defendants identify as Hispanic, whereas 11.3% of the D.C. population identifies as Hispanic).

Finally, defendants in landlord/tenant cases disproportionately had Limited English Proficiency (12.5% of defendants, compared to only 3.3% in the D.C. population).

As described above, many defendants in landlord/tenant cases were unrepresented, however, there were significant effects of defendant race on the likelihood of a defendant having representation.

For the purposes of a binary logistic regression, defendants were divided into those who had full representation and those who were either unrepresented or had limited representation.

As the proportion of Black residents went up in a particular Census tract, the probability of full representation by an attorney went down ($p < .001$). This relationship held true even when the model controlled for the percent of the Census tract that lives below the poverty level, the percent of the tract that is unemployed, and the percent of the tract that is comprised of renter-occupied housing ($p = .001$). The remainder of this report will refer to these three measures collectively as the socioeconomic status of the tract.

The following table shows the relationship between the prevalence of Black residents in a Census tract and the probability that a defendant living in that neighborhood was represented by an attorney:

Percent Black	Probability of Full Representation
0.8% (sample minimum)	12.8%
46.7% (25 th percentile)	8.7%
88.8% (50 th percentile)	6.0%
94.4% (75 th percentile)	5.7%
98.6% (sample maximum)	5.5%

Conversely, as the proportion of White residents went up in a particular Census tract, the probability of full representation by an attorney went up ($p < .001$). This relationship held true even when the model controlled for the socioeconomic status of the tracts ($p < .001$).

The following table shows the relationship between the prevalence of White residents in a Census tract and the probability that a defendant living in that neighborhood was represented by an attorney:

Percent White	Probability of Full Representation
0.0% (sample minimum)	5.6%
1.8% (25 th percentile)	5.7%
5.6% (50 th percentile)	6.0%
34.4% (75 th percentile)	8.1%
90.7% (sample maximum)	14.5%

Case Characteristics

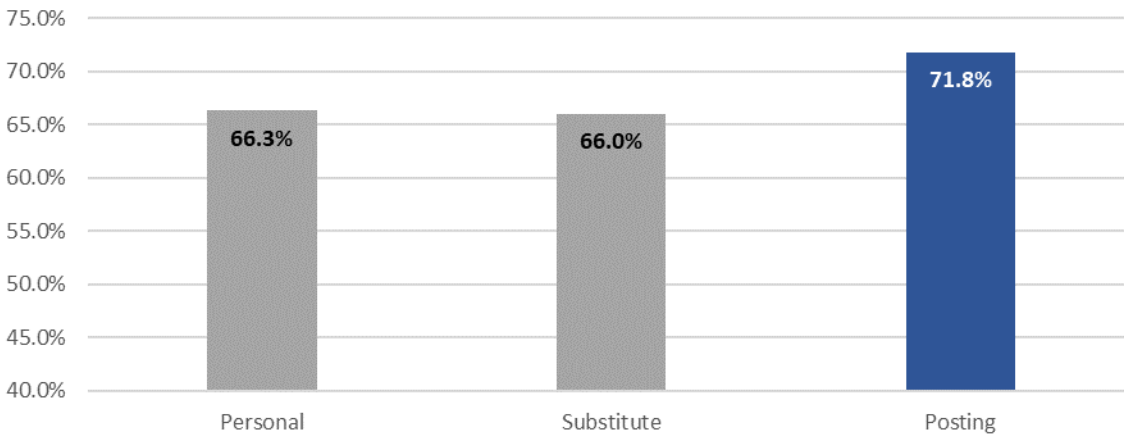
Service of Process

In most landlord-tenant cases, tenants were served by posting. The following table describes the types of service for cases in which that information is available in the data:

Type of Service	Frequency	Percent
Posting	22,390	83.60%
Personal	3,155	11.80%
Substitute	1,253	4.70%

Black defendants were disproportionately served by posting, as opposed to by personal or substitute service.

Proportion of Defendants Receiving Each Type of Service Who Were Black



*p < .001, bars that are different colors are statistically significantly different

Time to Disposition

Landlord/tenant cases had an average time to disposition of 54.1 days (the median time was 34 days). Time to disposition ranged from 0 days to 2,750 days).

Among cases in which at least one hearing was held, average time to disposition was 67.6 days (the median time was 39 days). Time to disposition ranged from 0 days to 2,750 days).

Jury Demands

Only 531 cases (1.8%) involved a jury demand. Among cases in which at least one hearing was held, cases with a jury demand had an average time to disposition of 189.8 days (median = 158.5) and cases without a jury demand had an average time to disposition of 61.8 days (median = 38).

The following table lists representation status for defendants in cases with a jury demand:

Defendant representation status in cases with a jury demand	Frequency	Percent
Unrepresented (no hearings held)	11	2.10%
Unrepresented (at least one hearing held)	101	19.00%
Represented for some parts of the case	181	34.10%
Represented throughout the whole case	238	44.80%
Total	531	

Hearings

The majority of hearings and proceedings that were scheduled in landlord/tenant cases were not held. The following table describes the number of hearings per case:

Type of Hearing	Average number scheduled	Average number held	Average percent held
Administrative	2.68	0.51	17.60%
Bell	0.04	0.01	30.70%
Adversarial	0.18	0.06	38.90%
Mediation	0.07	0.04	65.00%
Dispositive	0.18	0.04	27.30%
Post-judgment	0.26	0.1	39.70%

Manner of Disposition

Most landlord/tenant cases ended in dismissal. The following table lists the manner of disposition in cases for which there is disposition data:

Manner of Disposition	Frequency	Percent
Dismissal	19,294	66.20%
Settlement	5,755	19.70%
Default Judgment	3,761	12.90%
Adjudicated Judgment	340	1.20%
Summary Judgment	11	0.00%
Other Disposition	3	0.00%

Among cases that were dismissed, most were withdrawn by the plaintiff. The following table describes the reasons for dismissal:

Reason for Dismissal	Frequency	Percent
Withdrawn	14,885	92.60%
Failure to prosecute	527	3.30%

Dismissed pursuant to settlement	365	2.30%
Dismissed by court	250	1.60%
Failure to serve	49	0.30%

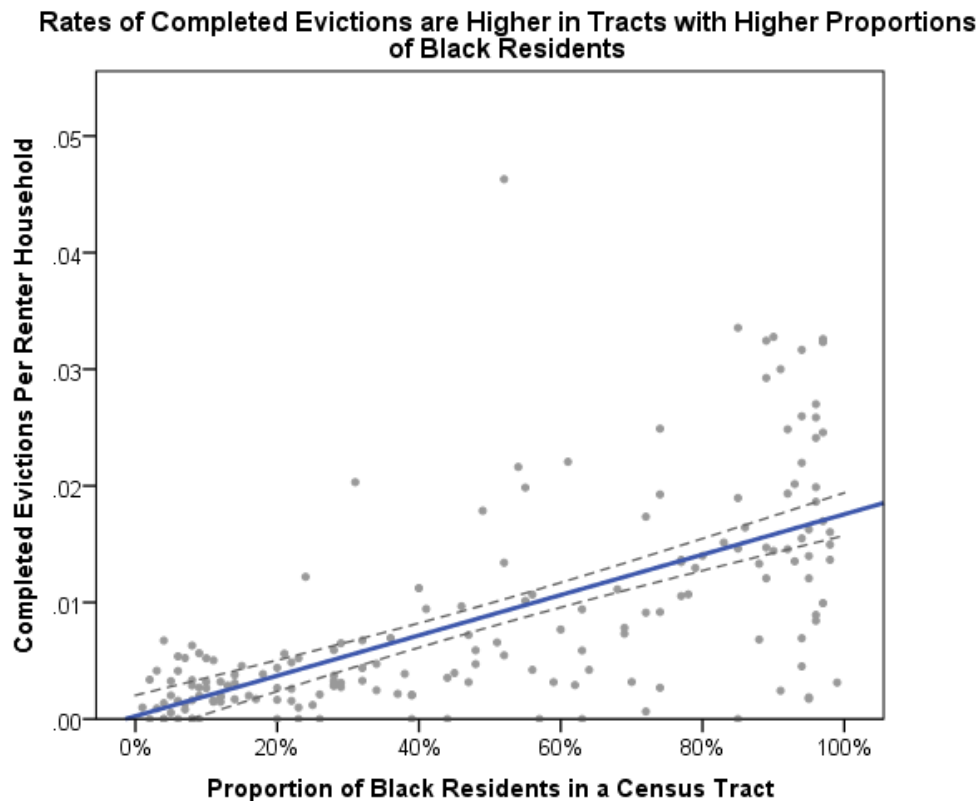
Eviction Outcomes

A minority of landlord/tenant cases (4,665, or 12.6%) ended in a disposition in which an eviction was ordered by the Court. In those cases that ended in an eviction order, a minority of evictions were actually completed. The following table lists eviction outcomes in cases for which outcome information is available in the data:

Eviction Outcome	Frequency	Percent of Evictions Ordered	Percent of all Filings
Eviction completed	1,762	37.80%	6.00%
Eviction cancelled by Plaintiff	2,593	55.60%	8.90%
Eviction cancelled on site by USMS	310	6.60%	1.10%

The rate of completed evictions is consistent with the findings of the Georgetown report, which found that between 2014 and 2018, about 1,600 evictions (5.5% of total filings) were completed annually.

Finally, Census tracts in which a greater proportion of residents were Black also had the greatest rate of evictions that were completed per renter household (as opposed to evictions that were ordered but cancelled before being executed). This finding is consistent with the Georgetown report, which showed a similar pattern in 2018 (see Figure 11 of the report).



The Relationship between Representation, Case Processing, and Case Outcomes

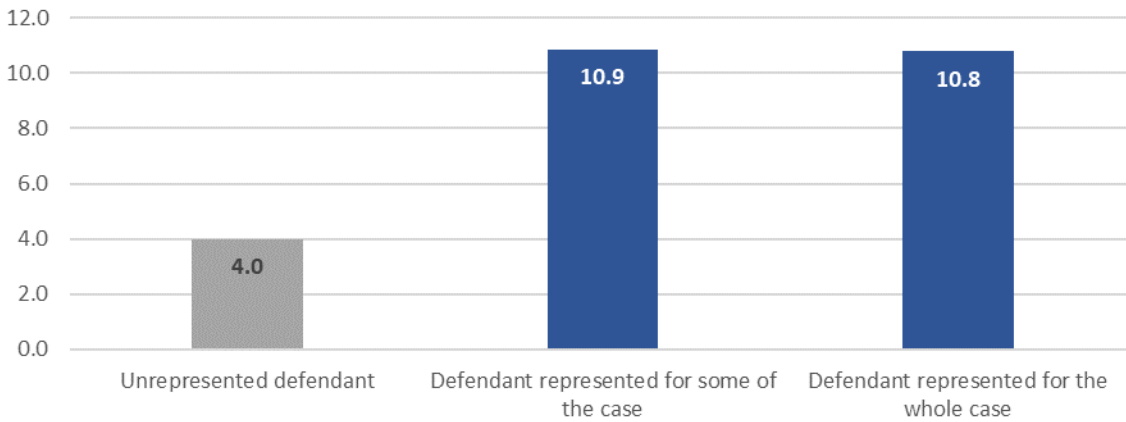
This section of the report describes the relationship between legal representation and case processing and case outcomes for defendants. These analyses only include cases in which at least one hearing was held.

Hearings

Number of hearings scheduled

Defendants' representation status was significantly related to the number of hearings that comprised each case. Defendants who had any amount of representation had significantly more hearings scheduled than defendants who had no representation ($p < .001$).

Total Number of Hearings Scheduled (among cases with at least 1 hearing)

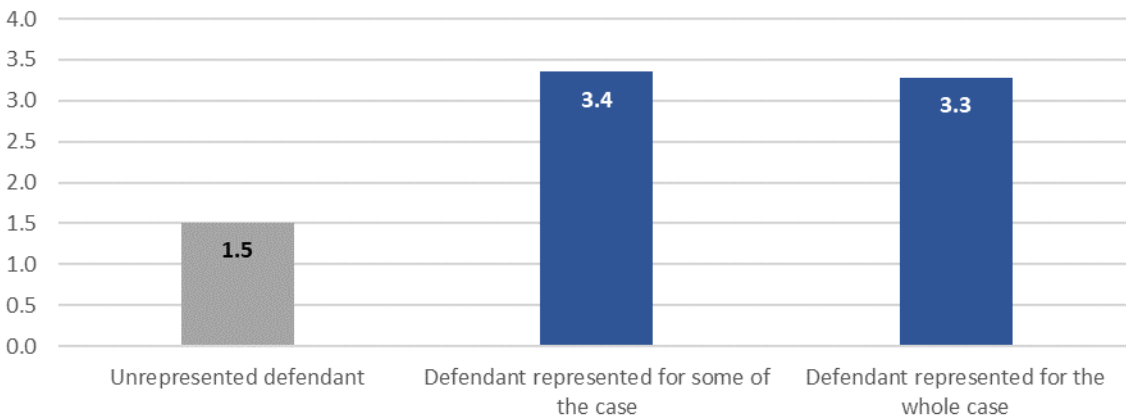


* $p < .001$, bars that are different colors are statistically significantly different

Number of hearings held

For defendants who had any amount of representation, significantly more of the hearings that were scheduled in their cases were actually held, relative to defendants who had no representation ($p < .001$).

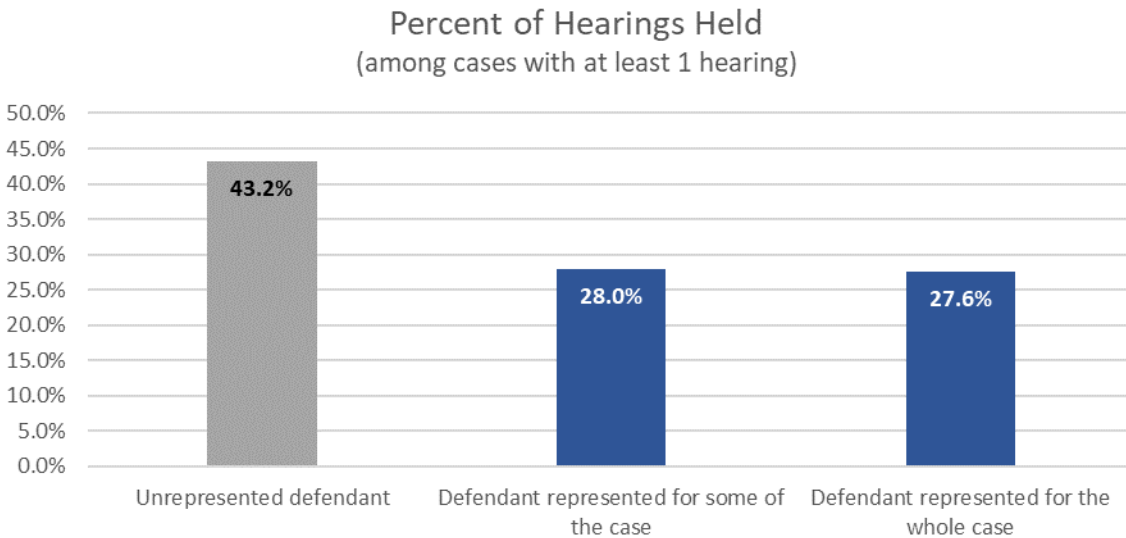
Total Number of Hearings Held (among cases with at least 1 hearing)



* $p < .001$, bars that are different colors are statistically significantly different

Proportion of hearings scheduled

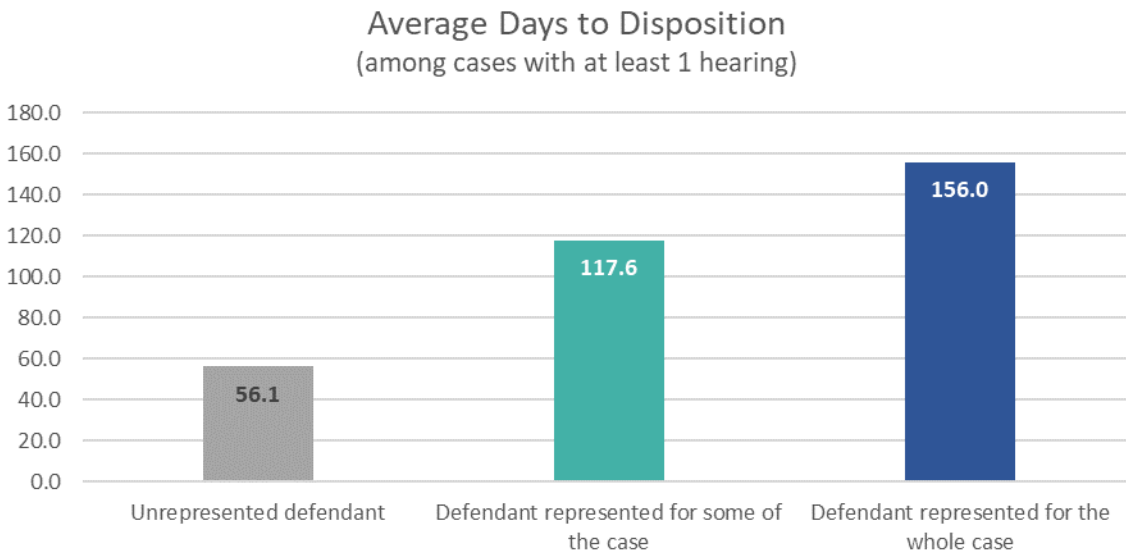
Finally, for unrepresented defendants, a significantly higher percentage of the hearings that were scheduled in their cases were actually held, relative to defendants who had at least some representation ($p < .001$).



* $p < .001$, bars that are different colors are statistically significantly different

Time to Disposition

Defendants' representation status corresponded strongly to the time to disposition in landlord/tenant cases ($p < .001$). Among cases with at least one hearing, the average time to disposition for unrepresented defendants was 56.1 days (median = 35), the average time for defendants who were represented for at least some portions of the case was 117.6 days (median = 87), and the average time for defendants who were fully represented was 156.0 days (median = 115).



* $p < .001$, bars that are different colors are statistically significantly different

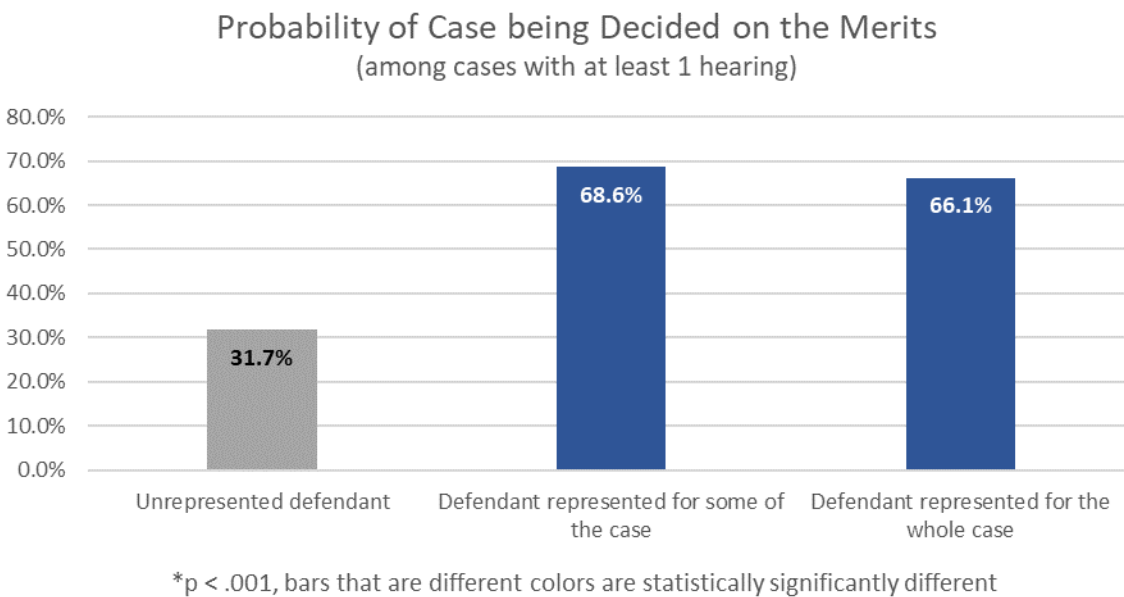
These results point to a notable distinction between defendants who had limited representation for portions of their cases and defendants who were represented throughout their entire cases. Although

defendants with full representation appeared for the same number of hearings, on average, as those with limited representation, their cases last significantly longer before disposition.

Manner of Disposition

Decisions on the merits

Defendants' representation status was significantly related to the probability that their landlord/tenant cases were decided on the merits (either by adjudication or by settlement¹²; $p < .001$). About two-thirds of cases in which the defendant had at least some representation were decided by adjudication or settlement; for unrepresented litigants, only about one-third of cases were decided on the merits.

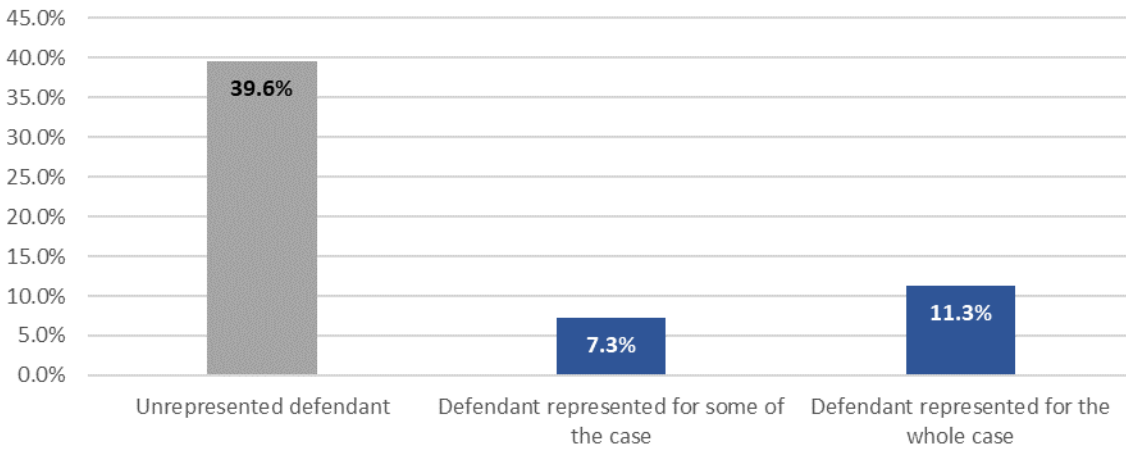


Complaints withdrawn by plaintiffs

In contrast, defendants who were unrepresented were significantly more likely than other defendants to have their cases withdrawn by the plaintiff ($p < .001$).

¹² Throughout this report, settlement means that the parties settled during their process of having their case adjudicated by a judge in the landlord-tenant branch. This report does not contain data from cases that went through the Multi-Door Dispute Resolution Division.

Probability of Case being Withdrawn by the Plaintiff
(among cases with at least 1 hearing)



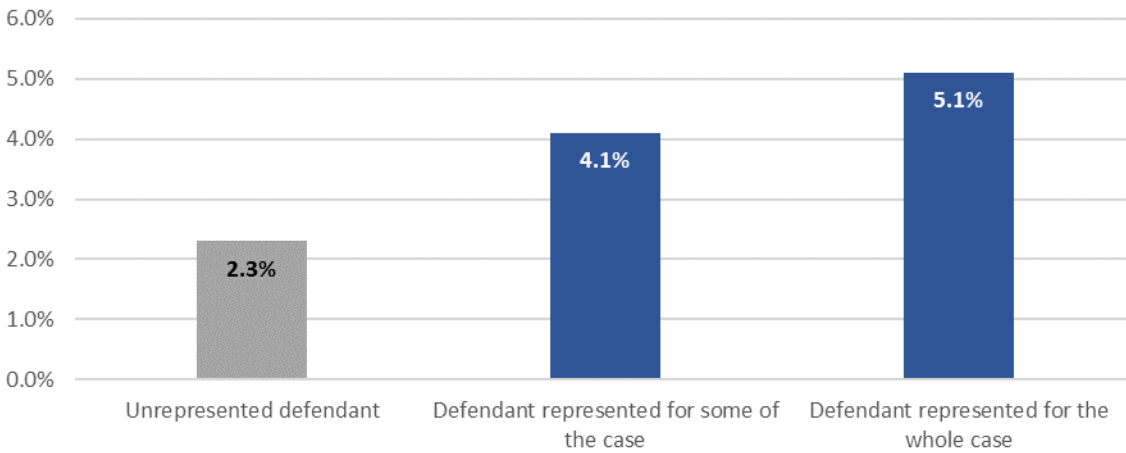
* $p < .001$, bars that are different colors are statistically significantly different

Among cases in which the plaintiff withdrew the complaint, those with unrepresented litigants were significantly more likely to be withdrawn before any hearings were held ($p < .001$). Among self-represented litigants whose complaints were withdrawn, 59% were withdrawn before any hearings were held, and they averaged 0.35 hearings per case. In contrast, among defendants with limited representation, only 23.1% of complaints were withdrawn before any hearings were held, and they averaged 2.02 hearings per case. Among defendants with full representation, only 27.8% of complaints were withdrawn before any hearings were held, and they averaged 2.15 hearings per case.

Dismissals

Defendants' representation status corresponded significantly to the probability that cases were dismissed by the Court against the plaintiffs' wishes (i.e., dismissed because the plaintiff failed to prosecute or failed to serve, as opposed to being dismissed pursuant to a settlement agreement or a withdrawal; $p < .001$).

Probability of Case being Dismissed by the Court (among cases with at least 1 hearing)

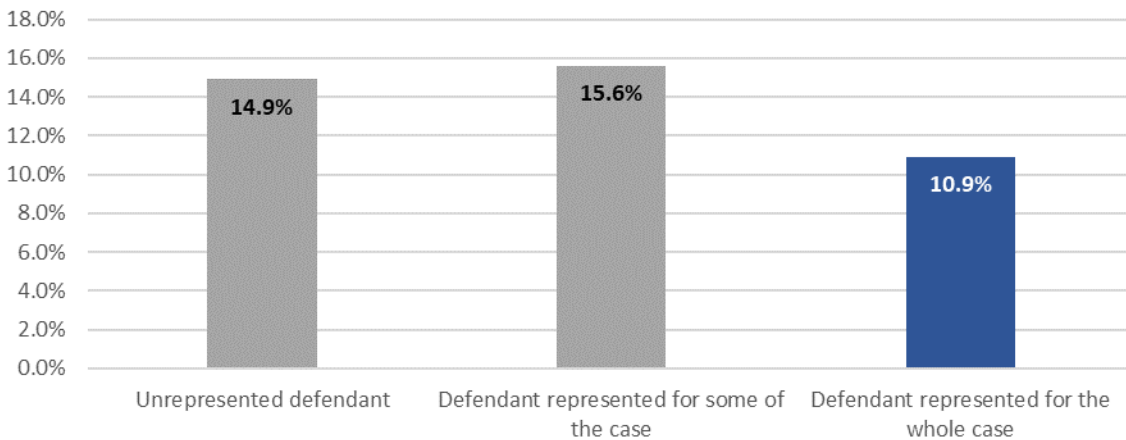


* $p < .001$, bars that are different colors are statistically significantly different

Default Judgments

Finally, defendants who were fully represented were less likely to receive a default judgment than defendants who were unrepresented or had limited representation ($p = .014$).

Probability of Default Judgment (among cases with at least 1 hearing)

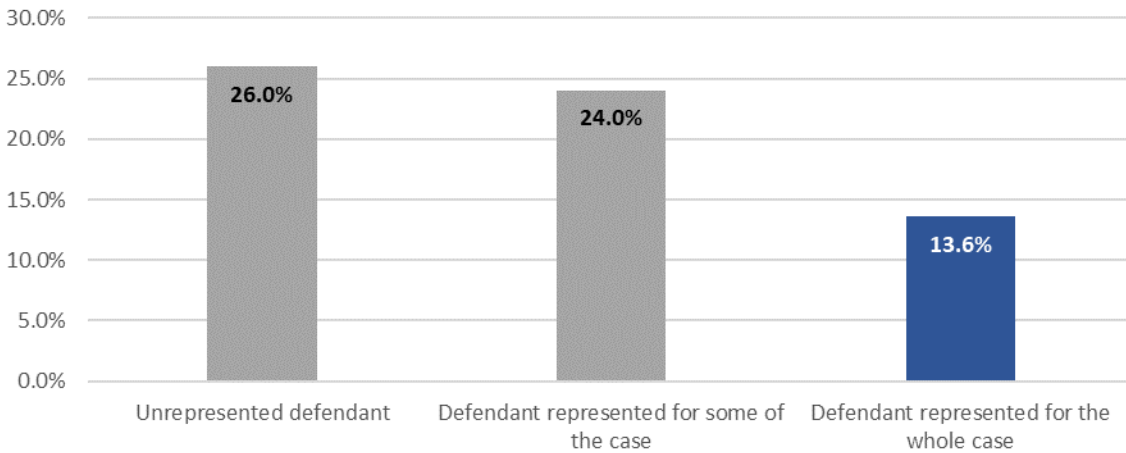


* $p = .014$, bars that are different colors are statistically significantly different

Eviction Outcomes

Representation status corresponded significantly with outcomes in landlord/tenant cases. Defendants who had full representation were least likely to receive an eviction order ($p < .001$).

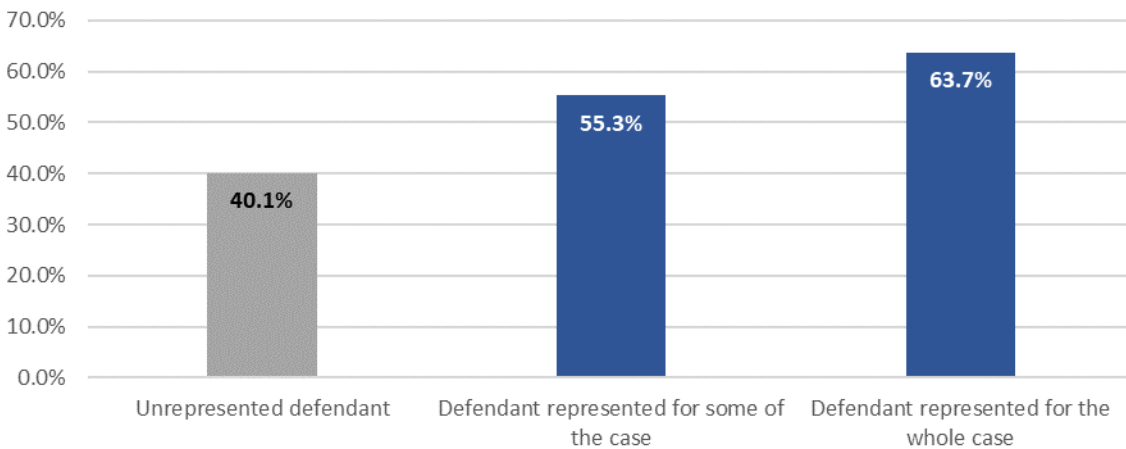
Probability of Eviction Ordered by Court (among cases with at least 1 hearing)



* $p < .001$, bars that are different colors are statistically significantly different

Among cases in which the Court ordered an eviction, representation status also significantly corresponded to the likelihood that the eviction was carried out ($p < .001$). Unrepresented defendants were more likely to have their evictions cancelled by the Plaintiff or the U.S. Marshals Service than defendants with at least some representation.

Probability of Eviction being Completed (among cases with at least 1 hearing)

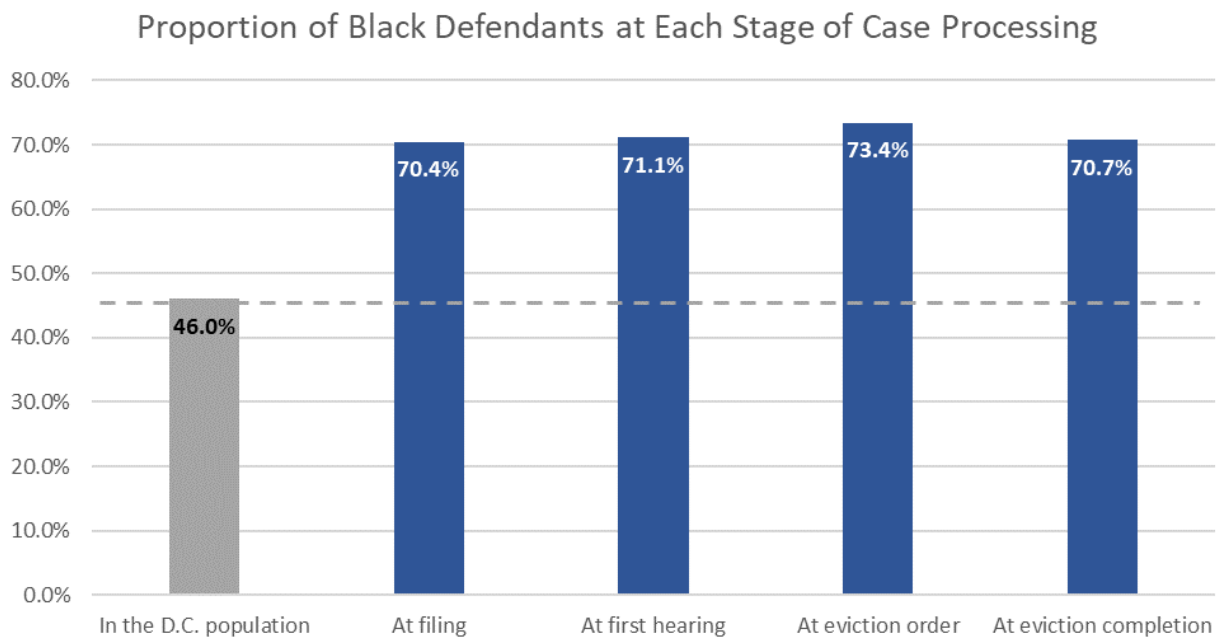


* $p < .001$, bars that are different colors are statistically significantly different

Racial Disparities in Case Processing and Case Outcomes

This section of the report describes racial disparities in landlord/tenant case processing and case outcomes. The case management system did not include data on the racial identities of litigants, so Census data was extracted for each address involved in an eviction case. Using the racial composition of the Census tract for each address, it is possible to determine whether litigants from neighborhoods with higher proportions of Black or White residents¹³ are more likely to have certain experiences in landlord/tenant cases.

The following graph shows the proportion of defendants in landlord-tenant cases that were Black at each stage of case processing. As the following figure shows, Black defendants become more disproportionately overrepresented in the case sample as cases move through the court system, until the case is no longer under the court’s purview. At the point at which the eviction is either carried out or cancelled by the Plaintiff or USMS, the proportion of Black defendants decreases slightly.



All analyses described below include only cases in which at least one hearing was held.

¹³ Analyses were not conducted for other racial groups (Asian, Native American, Hawaiian/Pacific Islander, Two or more races, and Other), because these groups were not large enough to permit robust statistical analysis.

Representation Status

As described above, the vast majority of defendants in landlord/tenant cases were unrepresented. However, there were significant effects of defendant race on the likelihood of a defendant having representation.

For the purposes of a binary logistic regression, defendants were divided into those who had full representation and those who were either unrepresented or had limited representation.

As the proportion of Black residents went up in a particular Census tract, the probability of full representation by an attorney went down ($p < .001$). This relationship held true even when the model controlled for the percent of the Census tract that lives below the poverty level, the percent of the tract that is unemployed, and the percent of the tract that is comprised of renter-occupied housing ($p = .001$). The remainder of this report will refer to these three measures collectively as the socioeconomic status of the tract.

The following table shows the relationship between the prevalence of Black residents in a Census tract and the probability that a defendant living in that neighborhood was represented by an attorney:

Percent Black	Probability of Full Representation
0.80% (sample minimum)	12.80%
46.70% (25 th percentile)	8.70%
88.80% (50 th percentile)	6.00%
94.40% (75 th percentile)	5.70%
98.60% (sample maximum)	5.50%

Conversely, as the proportion of White residents went up in a particular Census tract, the probability of full representation by an attorney went up ($p < .001$). This relationship held true even when the model controlled for the socioeconomic status of the tracts ($p < .001$).

The following table shows the relationship between the prevalence of White residents in a Census tract and the probability that a defendant living in that neighborhood was represented by an attorney:

Percent White	Probability of Full Representation
0.00% (sample minimum)	5.60%
1.80% (25 th percentile)	5.70%
5.60% (50 th percentile)	6.00%
34.40% (75 th percentile)	8.10%
90.70% (sample maximum)	14.50%

Hearings

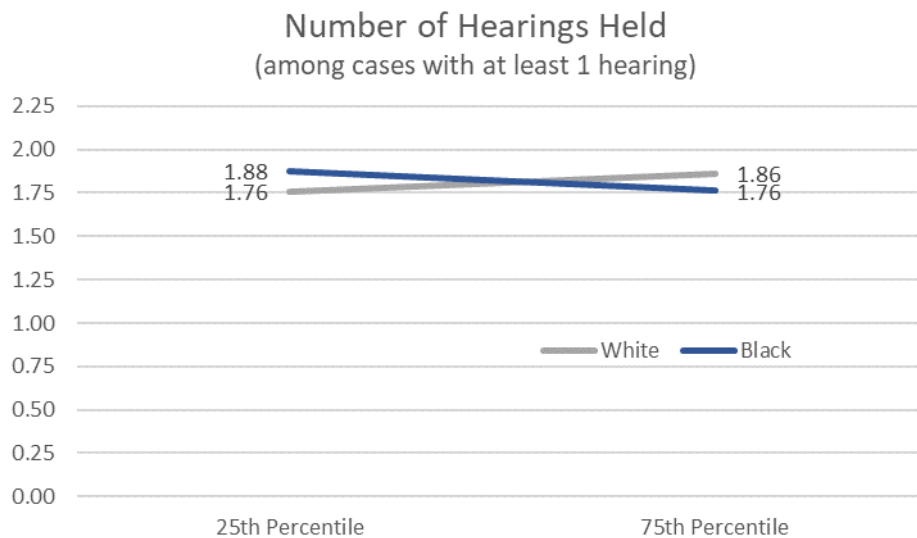
Number of hearings scheduled

There were no significant effects of defendant race on the number of hearings scheduled in landlord/tenant cases.

Number of hearings held

In a linear regression, race significantly predicted the number of hearings held in a landlord/tenant case. Specifically, the higher the proportion of Black residents in a particular Census tract, the lower the number of hearings held per case (when controlling for the socioeconomic status of the tract; $p = .023$). Conversely, the higher the proportion of White residents in a particular Census tract, the higher the number of hearings held per case (when controlling for the socioeconomic status of the tract; $p = .010$).

Although these relationships were statistically significant, the substantive effects were small. For example, moving from a Census tract in the 25th percentile of Black residents to a tract in the 75th percentile of Black residents moved the average number of hearings per case from 1.88 to 1.76.



Time to Disposition

Among cases in which at least one hearing was held, there was no significant relationship between defendant race and time to disposition.

Manner of Disposition

Decisions on the merits

Defendant race corresponded to the manner of disposition in landlord/tenant cases. In a binary logistic regression, the prevalence of Black residents in a Census tract significantly predicted the probability that a case was decided on the merits, either by adjudication or by settlement ($p < .001$). This relationship held

true, even when controlling for the socioeconomic status of the tract ($p < .001$). As the proportion of Black residents rose in a particular Census tract, the probability of the case being decided on the merits also increased.

The following table shows the relationship between the prevalence of Black residents in a Census tract and the probability that a case in that tract was decided on the merits:

Percent Black		Probability of a Decision on the Merits
0.80%	(sample minimum)	27.30%
46.70%	(25 th percentile)	33.10%
88.80%	(50 th percentile)	38.90%
94.40%	(75 th percentile)	39.80%
98.60%	(sample maximum)	40.40%

The prevalence of White residents in a Census tract also significantly predicted, in the opposite direction, the probability that a case was decided on the merits ($p < .001$). This relationship held true, even when controlling for the socioeconomic status of the tract ($p = .007$). As the proportion of White residents rose in a particular Census tract, the probability of the case being decided on the merits decreased.

The following table shows the relationship between the prevalence of White residents in a Census tract and the probability that a case in that tract was decided on the merits:

Percent White		Probability of a Decision on the Merits
0.00%	(sample minimum)	39.40%
1.80%	(25 th percentile)	39.20%
5.60%	(50 th percentile)	38.60%
34.40%	(75 th percentile)	34.50%
90.70%	(sample maximum)	27.10%

Dismissals

Defendant race corresponded to the probability that cases were dismissed by the Court against the plaintiffs' wishes (i.e., dismissed because the plaintiff failed to prosecute or failed to serve, as opposed to being dismissed pursuant to a settlement agreement or a withdrawal). In a binary logistic regression, the prevalence of Black residents in a Census tract significantly predicted a lower probability that a case was dismissed by the Court ($p = .001$). The prevalence of White residents in a Census tract significantly predicted a higher probability that a case was dismissed by the Court ($p < .001$). However, these relationships were no longer significant when the models controlled for socioeconomic status.

Default Judgments

Finally, defendant race corresponded to the prevalence of default judgments. The prevalence of Black residents in a Census tract significantly predicted a lower probability of a default judgment ($p = .003$), even when controlling for socioeconomic status ($p = .003$).

The following table shows the relationship between the prevalence of Black residents in a Census tract and the probability of a default judgment:

Percent Black	Probability of Default Judgment
0.8% (sample minimum)	17.3%
46.7% (25 th percentile)	15.4%
88.8% (50 th percentile)	13.8%
94.4% (75 th percentile)	13.6%
98.6% (sample maximum)	13.5%

Conversely, the prevalence of White residents in a Census tract significantly predicted a higher probability of a default judgment ($p = .001$), even when controlling for socioeconomic status ($p = .001$).

The following table shows the relationship between the prevalence of White residents in a Census tract and the probability of a default judgment:

Percent White	Probability of a Decision on the Merits
0.0% (sample minimum)	13.5%
1.8% (25 th percentile)	13.6%
5.6% (50 th percentile)	13.7%
34.4% (75 th percentile)	15.1%
90.7% (sample maximum)	18.2%

Eviction Outcomes

The proportion of Black residents in a Census tract significantly predicted the likelihood that the case ended in an eviction order, such that as the probability of a defendant being Black rose, the probability of eviction also rose ($p < .001$). The proportion of White residents in a Census tract also significantly predicted eviction outcomes in the opposite direction, such that as the probability of a defendant being White rose,

the probability of eviction decreased ($p = .001$). However, each of these effects became non-significant when controlling for socioeconomic status.

Racial Equity in Small Claims and Debt Collection Cases

Case sample characteristics

We collected data from the case management system for all cases that were disposed between October 1, 2018, and September 30, 2019. The sample includes the following case types:

Case type	Frequency
Landlord/Tenant	29164
Small Claims	6116
Mortgage Foreclosure	1326
Debt Collection	534
Other Civil	7
Total	37147

The analyses and findings in this report are limited to small claims and debt collection cases only.

Plaintiff Characteristics

Litigant Type

Most plaintiffs in each case type were organizational entities. The following table lists litigant type for plaintiffs in the sample for whom this information can be determined by the case management data:

Litigant type	Small Claims		Debt Collection	
	Frequency	Percent	Frequency	Percent
Individual	12	0.2%	58	10.9%
Organization	5791	99.8%	474	89.1%
Total	5803		532	

Representation Status

Almost all plaintiffs in each case type were represented by Counsel. The following table lists representation status for plaintiffs in the sample for whom this information can be determined by the case management data:

Representation status	Small Claims		Debt Collection	
	Frequency	Percent	Frequency	Percent
Unrepresented	2	0.0%	0	0.0%
Represented for some parts of the case	6	0.1%	0	0.0%
Represented throughout the whole case	5795	99.9%	532	100.0%
Total	5803		532	

Defendant Characteristics

Litigant Type

In contrast to plaintiffs, **most defendants in each case type were individuals:**

Litigant type	Small Claims		Debt Collection	
	Frequency	Percent	Frequency	Percent
Individual	5747	98.9%	481	90.4%
Organization	65	1.1%	51	9.6%
Total	5812		532	

Representation Status

Unlike plaintiffs, the majority of defendants in each case type were unrepresented:

Representation status	Small Claims		Debt Collection	
	Frequency	Percent	Frequency	Percent
Unrepresented (no hearings held)	3163	51.7%	348	65.2%
Unrepresented (at least one hearing held)	2111	34.5%	105	19.7%
Represented for some parts of the case	775	12.7%	30	5.6%
Represented throughout the whole case	67	1.1%	51	9.6%
Total	6116		534	

A majority of cases in each case type—4955 small claims cases (85.4%) and 451 debt collection cases (84.7%)—were brought by a plaintiff with full legal representation against a defendant who was unrepresented.

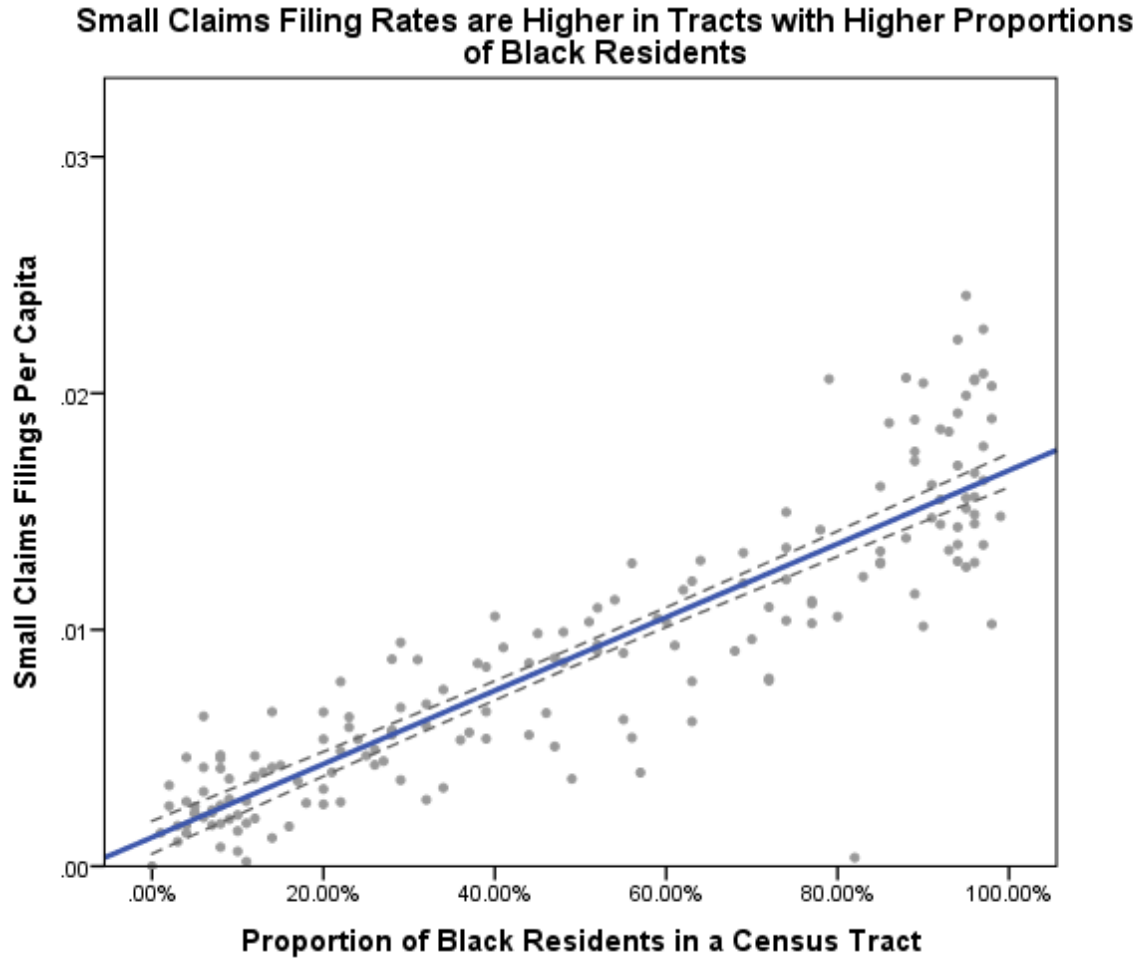
Political Ward

Wards 7 and 8, the wards in which residents are disproportionately Black, represented a disproportionate number of defendants in small claims cases (42.1%). The following table lists defendant ward for all cases in which this information was available in the data:

Wards where defendants resided	Small Claims		Debt Collection	
	Frequency	Percent	Frequency	Percent
1	435	11.8%	44	12.9%
2	179	4.8%	43	12.6%
3	170	4.6%	36	10.6%
4	574	15.5%	37	10.9%
5	559	15.1%	51	15.0%
6	221	6.0%	28	8.2%
7	883	23.9%	65	19.1%
8	674	18.2%	36	10.6%
Total	3695		340	

Race, Ethnicity, and English Proficiency

Census tracts in which a greater proportion of residents were Black also had the greatest rate of small claims filings per capita ($p < .001$).



Defendants in both case types were also disproportionately Black. The following table shows the distribution of race in the broader Washington, D.C. population, compared to the distribution of race in each case type (estimated using probabilities of each racial category in each Census tract):

Race	Percent in D.C. population	Percent in case sample	
		Small Claims	Debt Collection
Black	46.0%	64.9%	51.2%
White	46.0%	25.7%	38.3%
Asian	4.5%	2.6%	4.1%
2 or more Races	2.9%	2.2%	2.5%
Native American	0.6%	0.4%	0.3%
Hawaiian/Pacific Islander	0.1%	0.1%	0.1%
Other Race		4.2%	3.6%

Hispanic defendants were slightly underrepresented in each case type, and defendants with Limited English Proficiency were substantially overrepresented in each case type:

Defendant Characteristic	Percent in D.C. population	Percent in case sample	
		Small Claims	Debt Collection
Hispanic	11.3%	8.4%	8.7%
Limited English Proficiency	3.3%	11.0%	9.3%

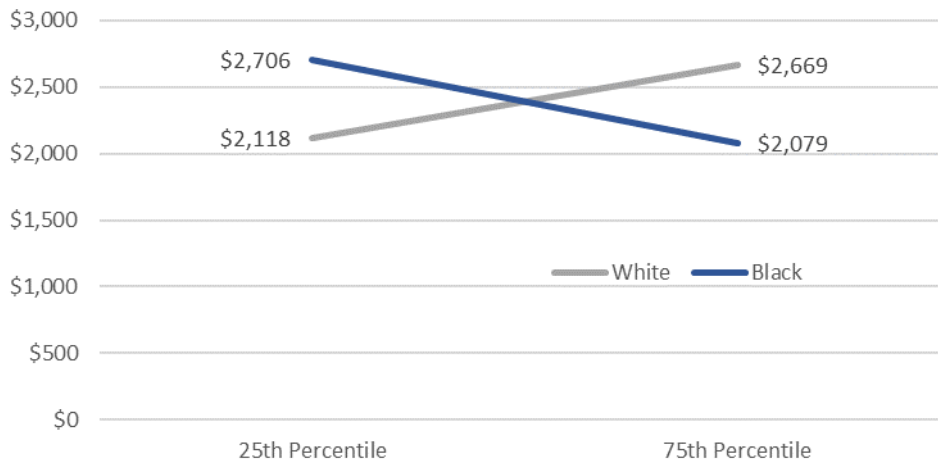
Case Characteristics

Claim Amount

Average claim amount was \$2,445.53 for small claims cases (median = \$1595.50) and \$25,669.98 for debt collection cases (median = \$16,878).

In small claims cases, there was a significant relationship between race and claim amount. Specifically, **the higher the proportion of Black residents in a particular neighborhood, the lower the average claim amount** in cases in that neighborhood ($p < .001$). This relationship held **even when controlling for the percent of the population below the poverty level and the percent of the population that was unemployed** ($p < .001$). Conversely, the higher the proportion of White residents in a particular neighborhood, the higher the average claim amount in cases in that neighborhood ($p < .001$). This relationship held even when controlling for socioeconomic status ($p < .001$).

Average Claim Amount in Small Claims Cases



Time to Disposition

Average time to disposition was 131.3 days for small claims cases (median = 94, range = 0 to 866) **and 276.4 days for debt collection cases** (median = 253.5, range = 0 to 2597). Among cases in which at least one hearing was held, time to disposition was 174.7 days for small claims cases (median = 160, range = 0 to 866) and 373.3 days for debt collection cases (median = 293, range = 19 to 2597).

Hearings

The following tables describe the number of hearings per case:

Small Claims Hearings	Average number scheduled	Average number held	Average percent held
Administrative	2.24	0.56	24.4%
Adversarial	0.04	0.02	47.9%
Mediation	0.09	0.09	98.6%
Dispositive	0.56	0.25	44.8%
Post-judgment	0.02	0.01	41.4%

Debt Collection Hearings	Average number scheduled	Average number held	Average percent held
Administrative	1.81	1.15	59.5%
Adversarial	0.36	0.21	71.5%
Mediation	0.66	0.13	20.2%
Dispositive	1.56	0.72	48.4%

Manner of Disposition

Most cases in each case type ended in dismissal. The following table lists the manner of disposition in cases for which there is disposition data:

Manner of Disposition	Small Claims		Debt Collection	
	Frequency	Percent	Frequency	Percent
Dismissal	3294	53.9%	366	68.5%
Settlement	1014	16.6%	68	12.7%
Default Judgment	1265	20.7%	26	4.9%
Adjudicated Judgment	543	8.9%	72	13.5%
Summary Judgment	0	0.0%	2	0.4%
Other Disposition	0	0.0%	0	0.0%

Among small claims and debt collection cases that were dismissed, the most common reason for dismissal was failure to serve. The following table describes the reasons for dismissal in each case type:

Reason for Dismissal	Small Claims		Debt Collection	
	Frequency	Percent	Frequency	Percent
Failure to prosecute	45	1.4%	21	5.8%
Failure to serve	2494	80.3%	183	50.7%
Dismissed by court	34	1.1%	45	12.5%
Withdrawn	367	11.8%	85	23.5%
Dismissed pursuant to settlement	164	5.3%	27	7.5%

Award Amounts

Average award amounts were \$681.24 in small claims cases (range = \$0 to \$14,043) **and \$5,168.68 in debt collection cases** (range = \$0 to \$213,915).

The Relationship between Representation, Case Processing, and Case Outcomes

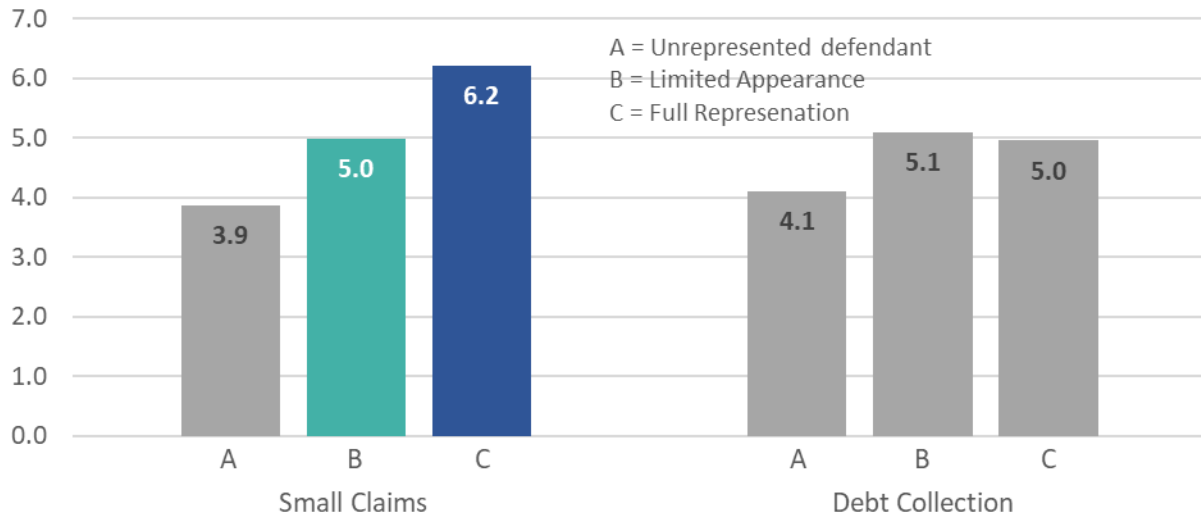
This section of the report describes the relationship between legal representation and case processing and case outcomes for defendants. **These analyses only include cases in which at least one hearing was held.**

Hearings

Number of hearings scheduled

In small claims cases, defendants who had more representation had significantly more hearings scheduled ($p < .001$). There was not a significant relationship between representation status and the number of hearings scheduled in debt collection cases.

Total Number of Hearings Scheduled
 (among cases with at least 1 hearing)

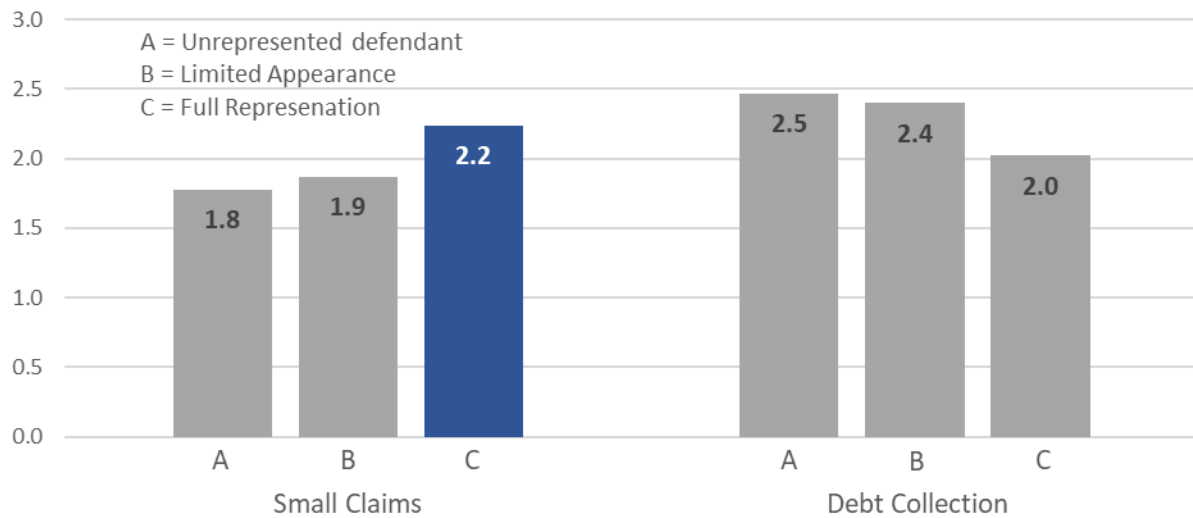


*bars in each group that are different colors are statistically significantly different

Number of hearings held

In small claims cases, defendants' representation status was significantly related to the number of scheduled hearings that were actually held. Specifically, **defendants who had full representation had significantly more hearings held than other defendants** ($p = .012$). There was not a significant relationship between representation status and the number of hearings held in debt collection cases.

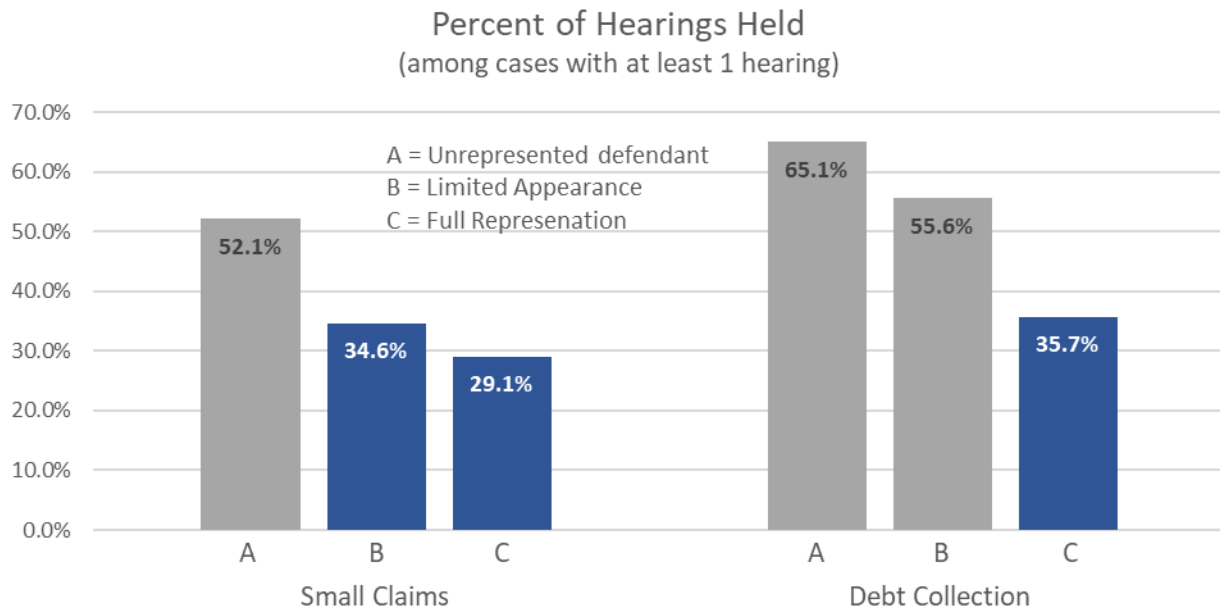
Total Number of Hearings Held
 (among cases with at least 1 hearing)



*bars in each group that are different colors are statistically significantly different

Proportion of hearings held

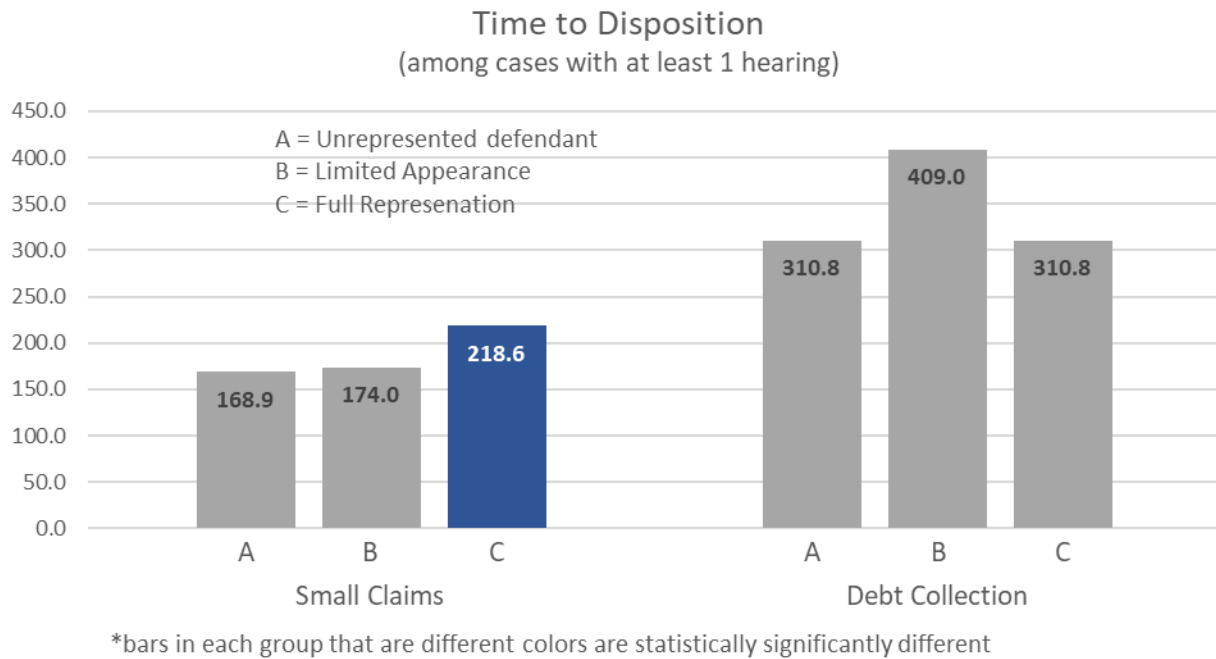
Finally, defendants' representation status was significantly related to the proportion of scheduled hearings that were actually held. **In small claims cases, unrepresented defendants had the highest proportion of their scheduled hearings, relative to defendants with limited appearance or full representation ($p < .001$).** **In debt collection cases, unrepresented defendants and defendants with limited appearance representation had the highest proportion of their scheduled hearings, relative to defendants with full representation ($p < .001$).**



*bars in each group that are different colors are statistically significantly different

Time to Disposition

In small claims cases, defendants' representation status corresponded significantly to the time to disposition ($p = .001$). Among cases with at least one hearing, the average time to disposition was longest for defendants with full representation. There was not a significant relationship between defendants' representation status and time to disposition in debt collection cases.

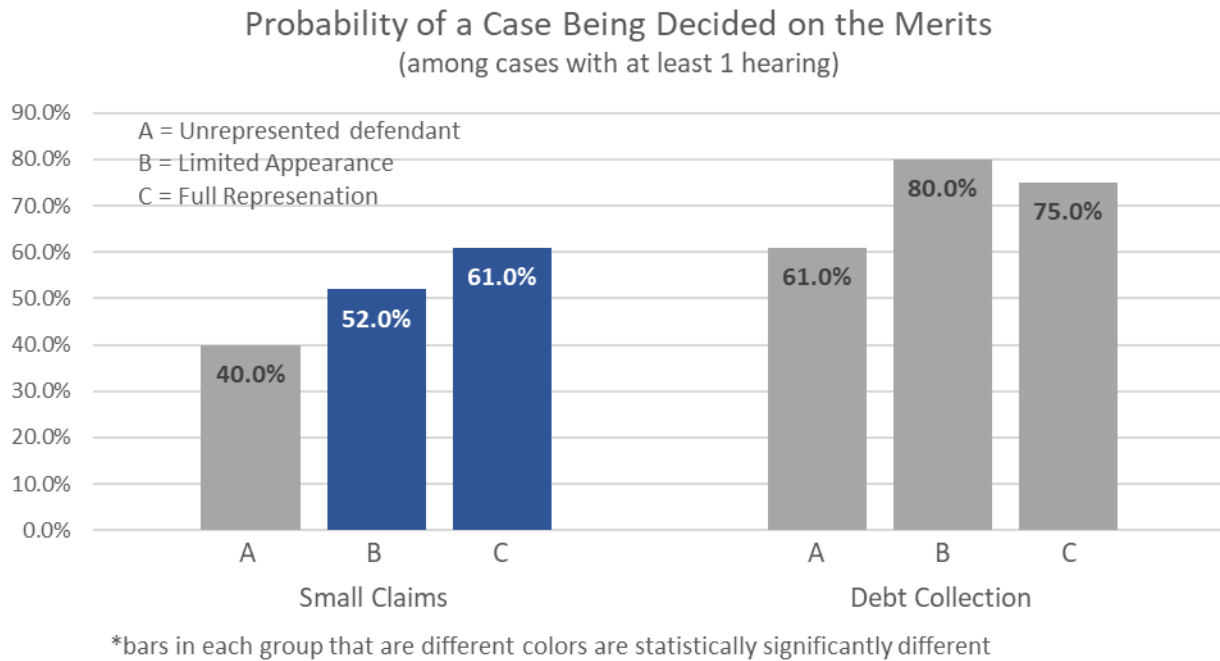


Manner of Disposition

Decisions on the merits

In small claims cases, defendants' representation status was significantly related to the probability that each case was decided on the merits (either by adjudication or by settlement¹⁴; $p < .001$). **Small claims defendants with limited appearance or full representation were more likely to have their cases decided on the merits, relative to unrepresented defendants.**

¹⁴ Throughout this report, settlement means that the parties either settled during the process of having their case adjudicated by a judge or were referred to mediation under the Multi-Door Dispute Resolution Division. The data do not allow us to distinguish between different avenues for settlement.



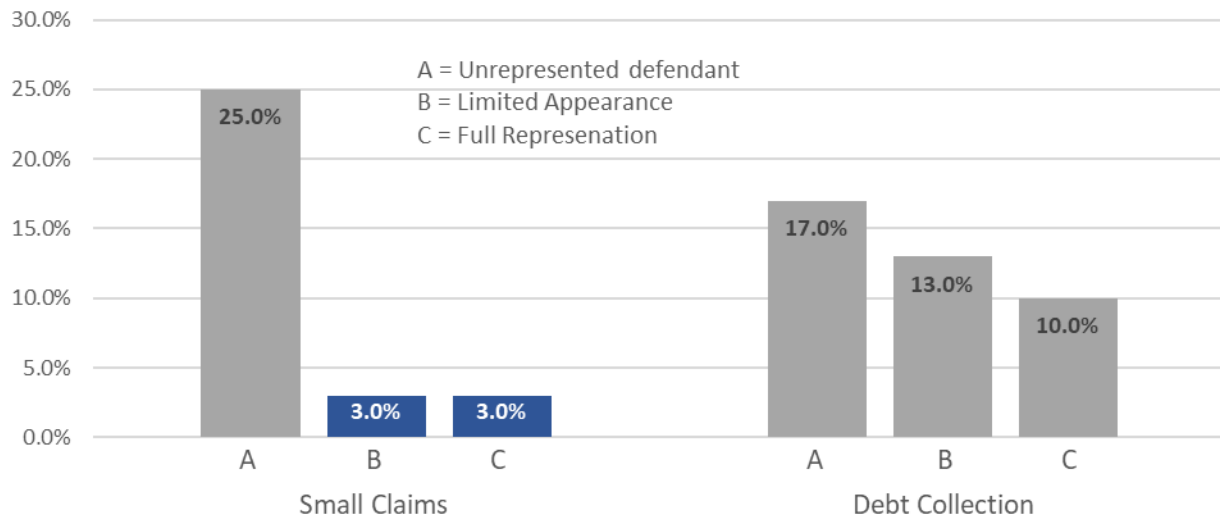
Complaints withdrawn by plaintiffs

There was not a significant relationship between defendants' representation status and the likelihood of plaintiff withdrawal.

Dismissals

In small claims cases, defendants' representation status corresponded significantly to the probability that cases were dismissed by the Court against the plaintiffs' wishes (i.e., dismissed because the plaintiff failed to prosecute or failed to serve, as opposed to being dismissed pursuant to a settlement agreement or a withdrawal; $p < .001$). Defendants with limited appearance or full representation were less likely than unrepresented defendants to have their cases dismissed. There was not a significant relationship between defendants' representation status and dismissals in debt collection cases.

Probability of Case Being Dismissed by the Court (among cases with at least 1 hearing)

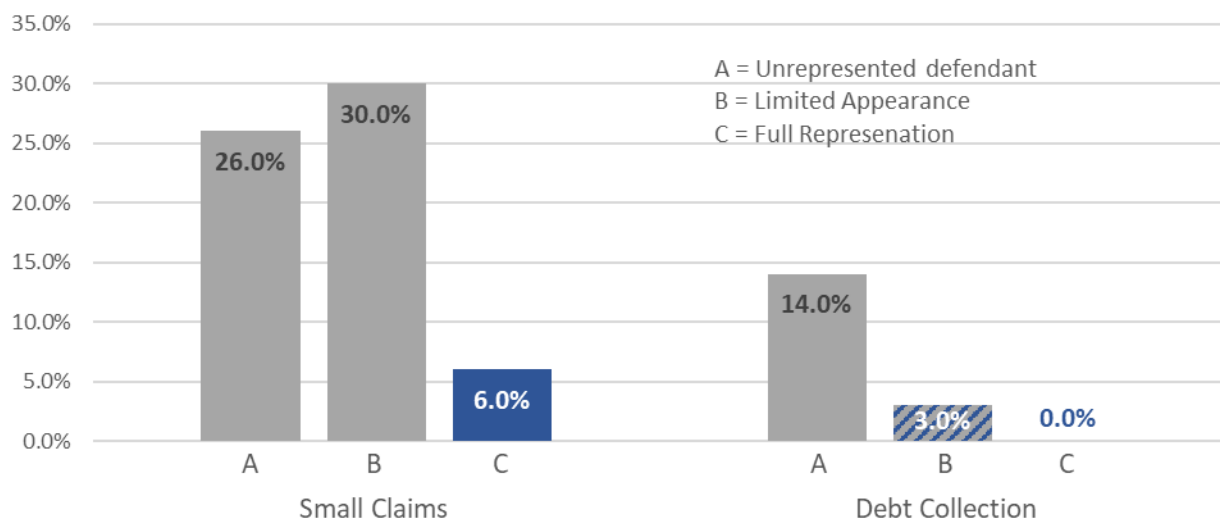


*bars in each group that are different colors are statistically significantly different

Default Judgments

In both case types, defendants' representation status was significantly related to the probability of a default judgment (small claims: $p < .001$, debt collection: $p = .006$). In small claims cases, defendants with full representation were less likely than other defendants to receive a default judgment. In debt collection cases, defendants with full representation were less likely than unrepresented defendants to receive a default judgment.

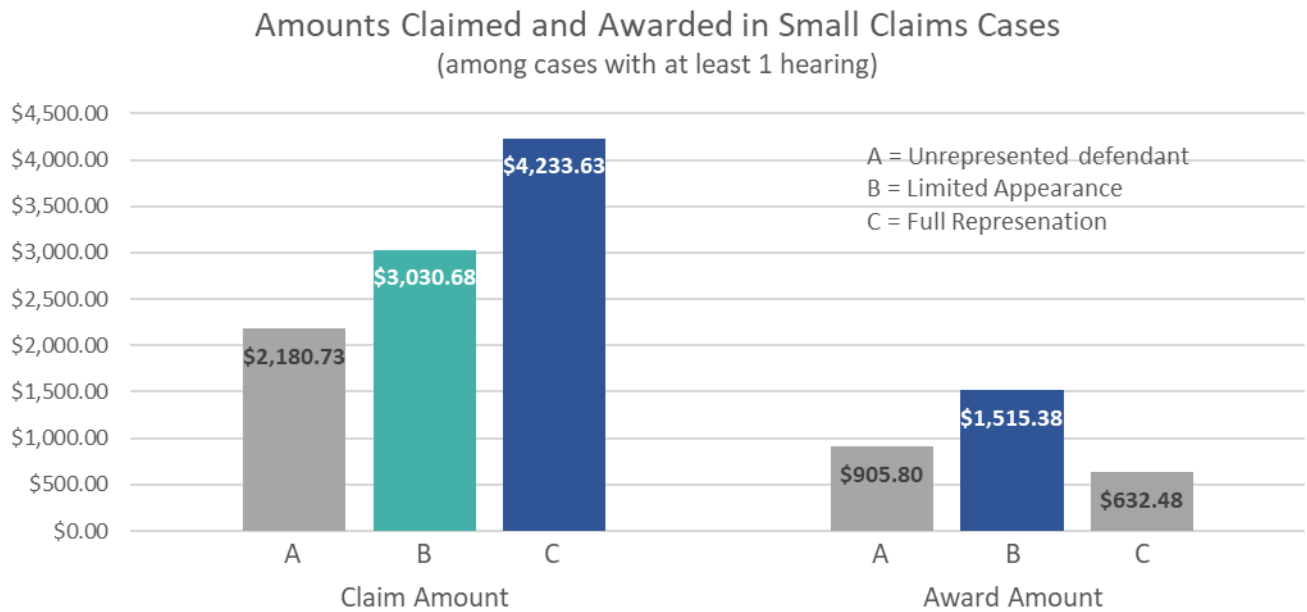
Probability of Default Judgment (among cases with at least 1 hearing)



*bars in each group that are different colors are statistically significantly different

Award Amount

Representation status corresponded significantly with outcomes in small claims cases. **Greater representation for defendants corresponded with higher claim amounts** ($p < .001$). However, defendants with limited representation were ordered to pay the most money in awards to plaintiffs ($p < .001$). Representation status did not correspond significantly to award amount in debt collection cases.



*bars in each groups that are different colors are statistically significantly different

Racial Disparities in Case Processing and Case Outcomes

This section of the report describes racial disparities in landlord/tenant case processing and case outcomes. The case management system did not include data on the racial identities of litigants, so Census data was extracted for each address involved in an eviction case. Using the racial composition of the Census tract for each address, it is possible to determine whether litigants from neighborhoods with higher proportions of Black or White residents¹⁵ are more likely to have certain experiences in landlord/tenant cases.

All analyses described below include only cases in which at least one hearing was held.

Representation Status

As described above, the majority of defendants in small claims and debt collection cases were unrepresented. There was not a significant relationship between defendant race and representation status.

Hearings

Number of hearings scheduled

There were no significant effects of defendant race on the number of hearings scheduled in small claims or debt collection cases.

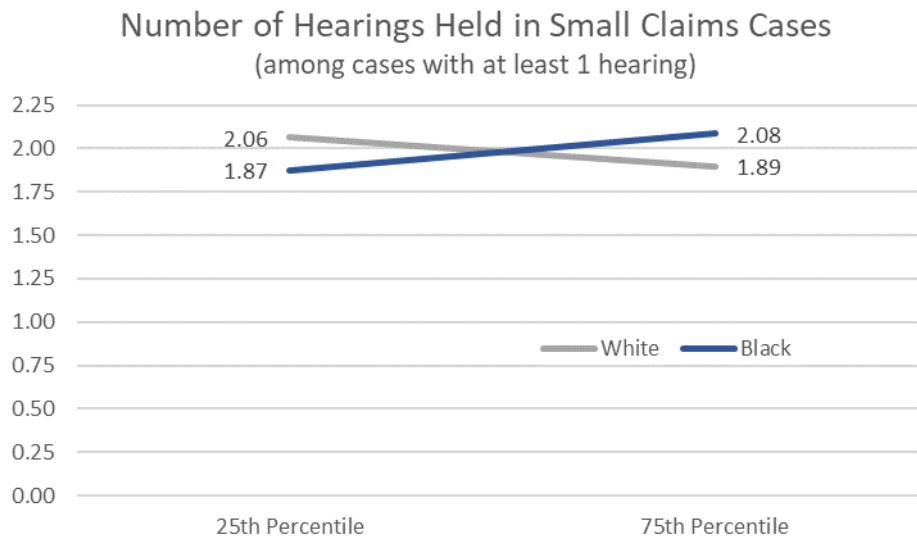
Number of hearings held

In a linear regression, **race significantly predicted the number of hearings held in small claims cases.** Specifically, the higher the proportion of Black residents in a particular Census tract, the higher the number of hearings held per case (when controlling for socioeconomic status; $p = .009$). Conversely, the higher the proportion of White residents in a particular Census tract, the lower the number of hearings held per case (when controlling for socioeconomic status; $p = .016$).

Although these relationships were statistically significant, the substantive effects were small. For example, moving from a Census tract in the 25th percentile of Black residents to a tract in the 75th percentile of Black residents moved the average number of hearings per case from 1.87 to 2.08.

There was not a significant relationship between defendant race and the number of hearings held in debt collection cases.

¹⁵ Analyses were not conducted for other racial groups (Asian, Native American, Hawaiian/Pacific Islander, Two or more races, and Other), because these groups were not large enough to permit robust statistical analysis.



Time to Disposition

Among cases in which at least one hearing was held, there was no significant relationship between defendant race and time to disposition.

Manner of Disposition

Decisions on the merits

Among cases in which at least one hearing was held, there was no significant relationship between defendant race and the likelihood of the case being decided on the merits (either by adjudication or by settlement).

Dismissals

Defendant race corresponded to the probability that cases were dismissed by the Court against the plaintiffs' wishes (i.e., dismissed because the plaintiff failed to prosecute or failed to serve, as opposed to being dismissed pursuant to a settlement agreement or a withdrawal) **in small claims cases.**

In small claims cases, **the prevalence of Black residents in a Census tract significantly predicted a lower probability of dismissal** ($p = .003$), **even when controlling for socioeconomic status** ($p = .035$). **The prevalence of White residents in a Census tract significantly predicted a higher probability of dismissal** ($p = .001$), **even when controlling for socioeconomic status** ($p = .007$).

The following table shows the relationship between defendant race and the probability of a small claims case being dismissed by the court:

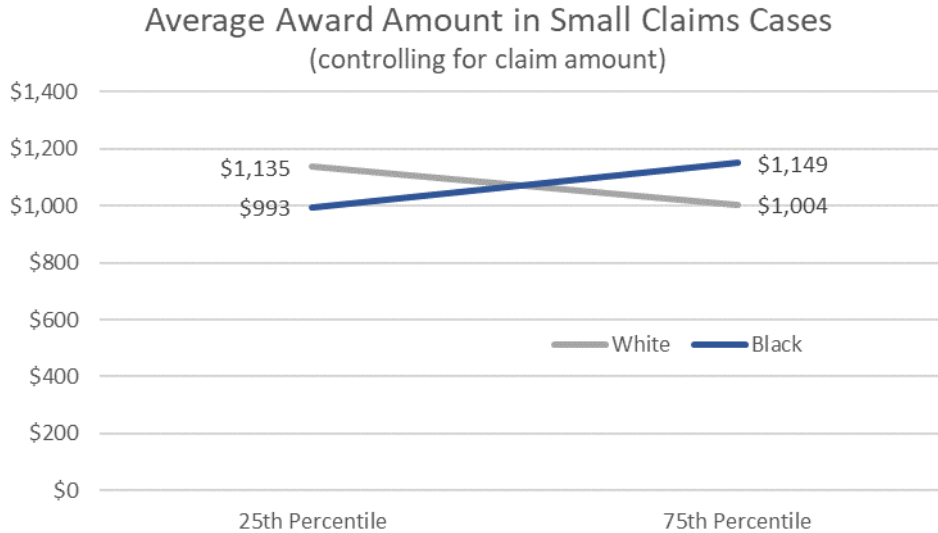
Percent Black	Probability of Dismissal by Court	Percent White	Probability of Dismissal by Court
0.8% (sample minimum)	23.5%	0.0% (sample minimum)	15.4%
39.0% (25 th percentile)	20.0%	3.2% (25 th percentile)	15.7%
74.2% (50 th percentile)	17.2%	14.6% (50 th percentile)	16.8%
93.3% (75 th percentile)	15.8%	46.2% (75 th percentile)	20.1%
98.6% (sample maximum)	15.4%	90.7% (sample maximum)	25.4%

Default Judgments

Among cases in which at least one hearing was held, there was no significant relationship between defendant race and the likelihood of a default judgment.

Award Amount

Defendant race significantly predicted award amounts in small claims cases. Specifically, **the more likely that a defendant was to be Black, the higher the dollar amount the defendant was ordered to pay the plaintiff, even when controlling for the original claim amount ($p = .010$).** **The more likely the defendant was to be White, the lower the dollar amount the defendant was ordered to pay the plaintiff, even when controlling for the original claim amount ($p = .018$).**



Racial Equity in Mortgage Foreclosure Cases

Case Sample Characteristics

We collected data from the case management system for all cases that were disposed between October 1, 2018, and September 30, 2019. The sample includes 1326 Mortgage Foreclosure cases.

Defendant Characteristics

Litigant Type

Most plaintiffs in mortgage foreclosure cases were organizational entities. The following table lists litigant type for plaintiffs in the sample for whom this information can be determined by the case management data:

Litigant type	Frequency	Percent
Individual	6	0.5%
Organization	1310	99.5%
Total	1316	

Representation Status

Almost all plaintiffs in mortgage foreclosure cases were represented by Counsel. The following table lists representation status for plaintiffs in the sample for whom this information can be determined by the case management data:

Representation status	Frequency	Percent
Unrepresented	1	0.1%
Represented for some parts of the case	3	0.2%
Represented throughout the whole case	1312	99.7%
Total	1316	

A majority of mortgage foreclosure cases—727, or 55.2%—were brought by a plaintiff with full legal representation against a defendant who was unrepresented.

Political Ward

Wards 7 and 8, the wards in which residents are most disproportionately Black, represented a disproportionate number of defendants in mortgage foreclosure cases (40.4%). The following table lists defendant ward for all cases in which this information was available in the data:

Wards where defendants resided	Number of Defendants in Case Sample	Percent of Defendants in Case Sample	Share of Citywide Population (2018) ¹⁶	Proportion of Residents who are Black (2018) ¹⁷
1	61	7.9%	12.1%	28.5%
2	66	8.6%	11.1%	9.2%
3	26	3.4%	12.1%	7.1%
4	137	17.8%	12.5%	51.4%
5	125	16.3%	12.5%	65.0%
6	44	5.7%	13.5%	31.1%
7	195	25.4%	11.6%	93.1%
8	115	15.0%	12.1%	90.0%
Total	769			

¹⁶ McCabe, B. & Rosen, E. (2020), Eviction in Washington, DC: Racial and Geographic Disparities in Housing Instability. *Georgetown University McCourt School of Public Policy*.

<https://georgetown.app.box.com/s/8cq4p8ap4nq5xm75b5mct0nz5002z3ap>

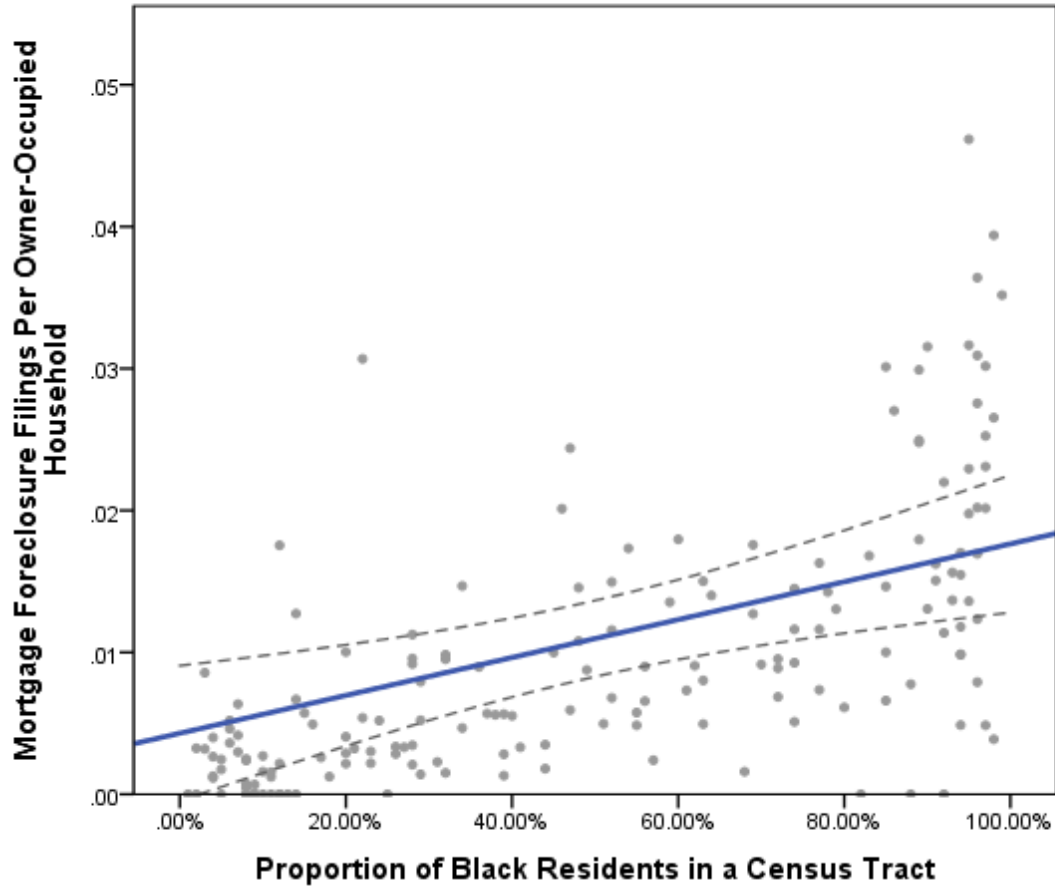
¹⁷ McCabe, B. & Rosen, E. (2020), Eviction in Washington, DC: Racial and Geographic Disparities in Housing Instability. *Georgetown University McCourt School of Public Policy*.

<https://georgetown.app.box.com/s/8cq4p8ap4nq5xm75b5mct0nz5002z3ap>

Race, Ethnicity, and English Proficiency

Census tracts in which a greater proportion of residents were Black also had the greatest rate of mortgage foreclosure filings per owner-occupied housing unit ($p = .001$).

Mortgage Foreclosure Filing Rates are Higher in Tracts with Higher Proportions of Black Residents



Defendants in mortgage foreclosure cases were also disproportionately Black. The following table shows the distribution of race in the broader Washington, D.C. population, compared to the distribution of race in mortgage foreclosure cases (estimated using probabilities of each racial category in each Census tract):

Race	Percent in D.C. population	Percent in Mortgage Foreclosure cases
Black	46.0%	61.2%
White	46.0%	29.3%
Asian	4.5%	3.0%
2 or more Races	2.9%	2.2%
Native American	0.6%	0.3%
Hawaiian/Pacific Islander	0.1%	0.2%
Other Race		3.9%

Hispanic defendants were slightly underrepresented in mortgage foreclosure cases, and defendants with Limited English Proficiency were substantially overrepresented:

Defendant Characteristic	Percent in D.C. population	Percent in Mortgage Foreclosure cases
Hispanic	11.3%	8.4%
Limited English Proficiency	3.3%	9.1%

Case Characteristics

Claim Amount

Average claim amount was \$588,538.97 for mortgage foreclosure cases (median = \$238,584). There was not a significant relationship between claim amount and defendant race in mortgage foreclosure cases.

Time to Disposition

Average time to disposition was 663.0 days for mortgage foreclosure cases (median = 600, range = 2 to 2103). Among mortgage foreclosure cases in which at least one hearing was held, time to disposition was 780.9 days (median = 742.5, range = 2 to 2103).

Hearings

The following tables describe the number of hearings per case:

Mortgage Foreclosure Hearings	Average number scheduled	Average number held	Average percent held
Administrative	9.00	5.20	48.8%
Adversarial	0.07	0.04	63.6%
Mediation	0.57	0.19	33.4%
Dispositive	0.01	0.00	10.7%

Manner of Disposition

Most mortgage foreclosure cases ended in dismissal. The following table lists the manner of disposition in cases for which there is disposition data:

Manner of Disposition	Frequency	Percent
Dismissal	885	66.7%
Settlement	47	3.5%
Default Judgment	152	11.5%
Adjudicated Judgment	79	6.0%
Summary Judgment	157	11.8%
Other Disposition	6	0.5%

Among mortgage foreclosure cases that were dismissed, the most common reason for dismissal was withdrawal by the plaintiff. The following table describes the reasons for dismissal:

Reason for Dismissal	Frequency	Percent
Failure to prosecute	41	6.9%
Failure to serve	2	0.3%
Dismissed by court	183	31.0%
Withdrawn	301	51.0%
Dismissed pursuant to settlement	63	10.7%

Cases that were withdrawn by plaintiffs were disposed at a variety of stages. A sizeable minority (39.3%) of cases that were withdrawn by the plaintiff were withdrawn before any hearings were held.

The following table describes the number of hearings that were held before each case was withdrawn:

Hearings held before Plaintiff withdrew the case	Frequency	Percent
0	117	39.3%
1	51	17.1%
2-5	54	17.9%
6-10	59	19.6%
11-19	17	5.6%

These results suggest that there are a variety of reasons why plaintiffs choose to withdraw cases. Among the 184 cases in which hearings were held before the plaintiff withdrew, all had at least one administrative hearing. Only 28 had at least one mediation hearing and 2 had at least one adversarial hearing.

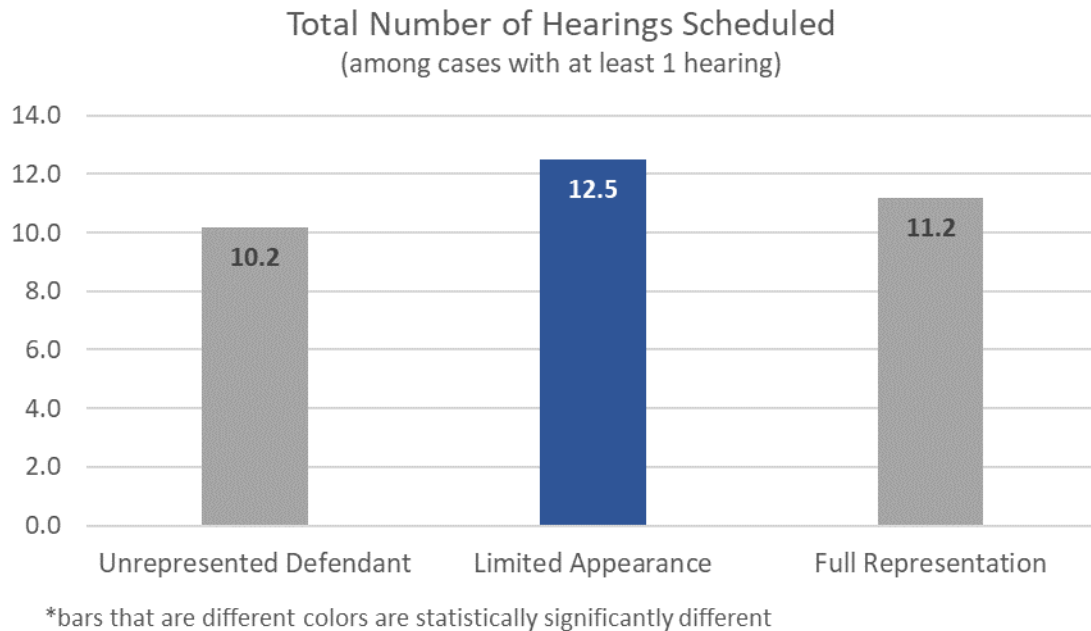
The Relationship between Representation, Case Processing, and Case Outcomes

This section of the report describes the relationship between legal representation and case processing and case outcomes for defendants. **These analyses only include cases in which at least one hearing was held.**

Hearings

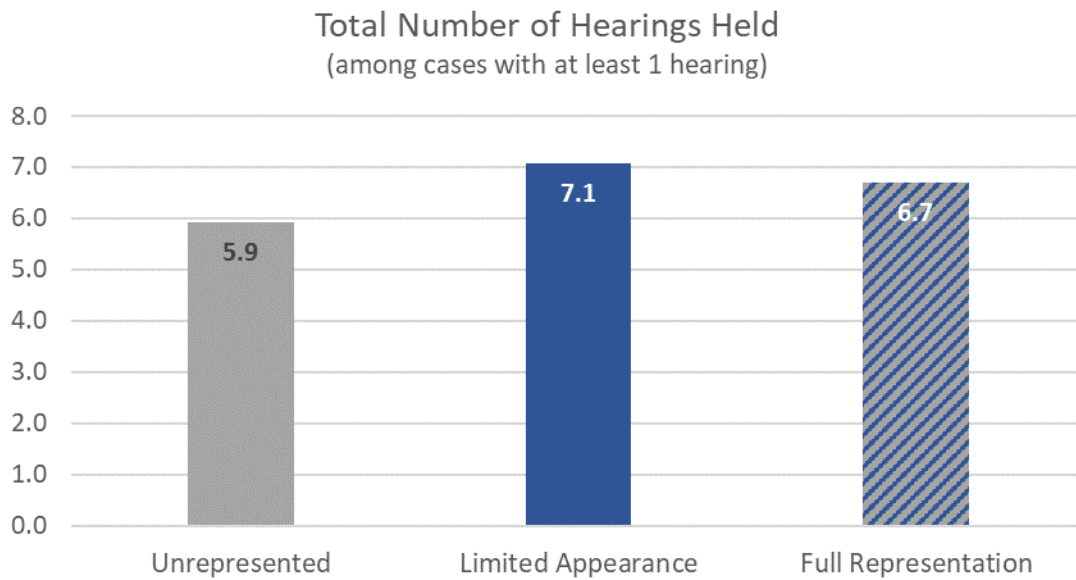
Number of hearings scheduled

In mortgage foreclosure cases, defendants with limited representation had more hearings scheduled than other defendants ($p < .001$).



Number of hearings held

In mortgage foreclosure cases, defendants' representation status was significantly related to the number of scheduled hearings that were actually held. Specifically, **defendants with limited representation had more hearings than defendants with no representation ($p < .001$).**



*bars that are different colors are statistically significantly different

Proportion of hearings held

There was not a significant relationship between defendants' representation status and the percent of scheduled hearings that were actually held in mortgage foreclosure cases.

Time to Disposition

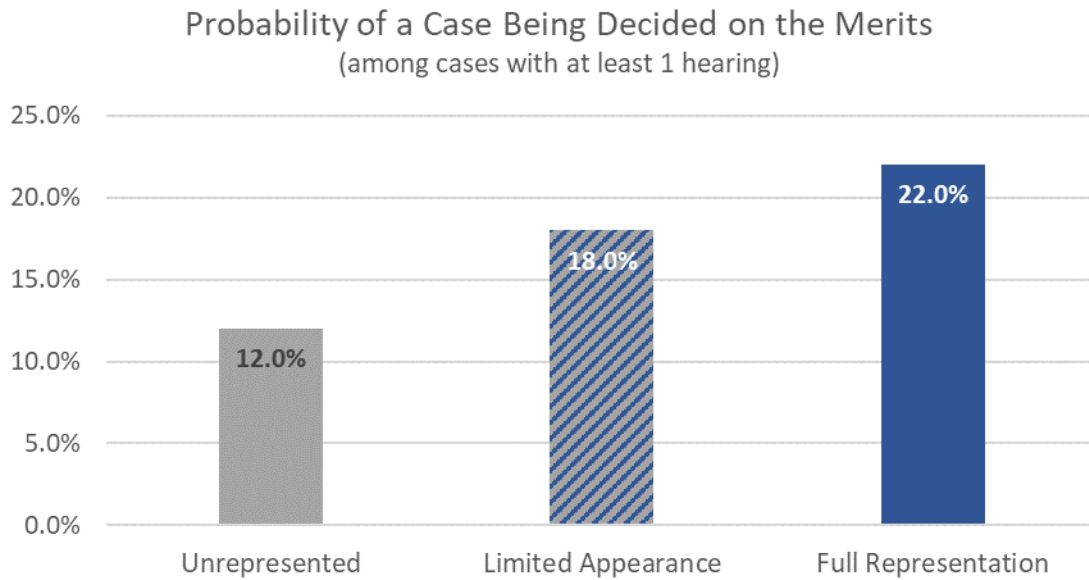
There was not a significant relationship between defendants' representation status and time to disposition in mortgage foreclosure cases.

Manner of Disposition

Decisions on the merits

In mortgage foreclosure cases, defendants' representation status was significantly related to the probability that each case was decided on the merits (either by adjudication or by settlement¹⁸; $p < .001$). **Defendants with full representation were more likely than unrepresented defendants to have their cases decided on the merits.**

¹⁸ Throughout this report, settlement means that the parties either settled during the process of having their case adjudicated by a judge or were referred to mediation under the Multi-Door Dispute Resolution Division. The data do not allow us to distinguish between different avenues for settlement.



*bars that are different colors are statistically significantly different

Complaints withdrawn by plaintiffs

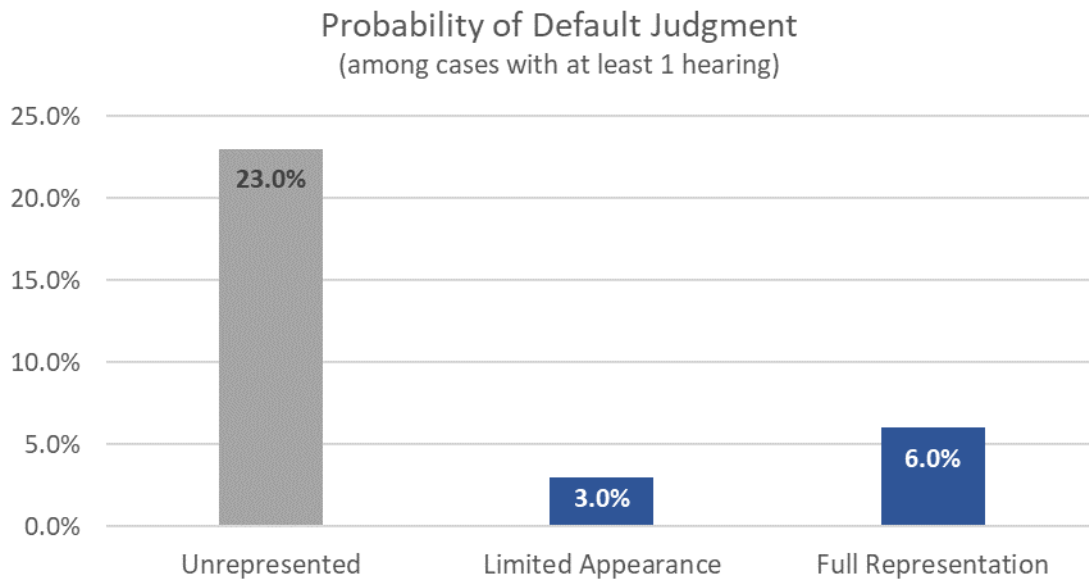
There was not a significant relationship between defendants' representation status and the likelihood of plaintiff withdrawal.

Dismissals

There was not a significant relationship between defendants' representation status and dismissals in mortgage foreclosure cases.

Default Judgments

In mortgage foreclosure cases, defendants' representation status was significantly related to the probability of a default judgment ($p < .001$). Defendants with limited appearance or full representation were less likely than unrepresented defendants to receive a default judgment.



*bars that are different colors are statistically significantly different

Racial Disparities in Case Processing and Case Outcomes

This section of the report describes racial disparities in landlord/tenant case processing and case outcomes. The case management system did not include data on the racial identities of litigants, so Census data was extracted for each address involved in an eviction case. Using the racial composition of the Census tract for each address, it is possible to determine whether litigants from neighborhoods with higher proportions of Black or White residents¹⁹ are more likely to have certain experiences in landlord/tenant cases.

All analyses described below include only cases in which at least one hearing was held.

Representation Status

As described above, the majority of defendants in mortgage foreclosure cases were unrepresented. However, there were significant effects of defendant race on the likelihood of a defendant having representation.

For the purposes of a binary logistic regression, defendants were divided into those who had full representation and those who were either unrepresented or had limited representation.

As the proportion of Black residents went up in a particular Census tract, the probability of full representation by an attorney went down ($p < .001$). This relationship held true even when the model controlled for the socioeconomic status of the tracts ($p < .001$).²⁰ Conversely, as the proportion of

¹⁹ Analyses were not conducted for other racial groups (Asian, Native American, Hawaiian/Pacific Islander, Two or more races, and Other), because these groups were not large enough to permit robust statistical analysis.

²⁰ Throughout this section, the control variables that represent socioeconomic status in analyses of small claims and debt collection cases are the percent of the Census tract that lives below the poverty level and the percent of the tract that is unemployed. For mortgage foreclosure cases, control variables are the percent of the Census tract

White residents went up in a particular Census tract, the probability of full representation by an attorney went up ($p < .001$). This relationship held true even when the model controlled for the socioeconomic status of the tracts ($p < .001$).

The following table shows the relationship between defendant race and the probability that a defendant was represented by an attorney:

Percent Black		Probability of Full Representation	Percent White		Probability of Full Representation
0.0%	63.3%	12.1%	0.0%	(sample minimum)	31.4%
32.4%	58.2%	14.6%	3.5%	(25 th percentile)	32.6%
68.8%	46.5%	17.8%	18.1%	(50 th percentile)	38.0%
91.7%	33.0%	20.1%	53.7%	(75 th percentile)	52.0%
98.6%	30.1%	20.9%	100.0%	(sample maximum)	69.4%

Hearings

Number of hearings scheduled

There was not a significant relationship between defendant race and the number of hearings scheduled in mortgage foreclosure cases.

Number of hearings held

There was not a significant relationship between defendant race and the number of hearings held in mortgage foreclosure cases.

Time to Disposition

Among cases in which at least one hearing was held, there was no significant relationship between defendant race and time to disposition.

Manner of Disposition

Decisions on the merits

Among cases in which at least one hearing was held, there was no significant relationship between defendant race and the likelihood of the case being decided on the merits (either by adjudication or by settlement).

Dismissals

Defendant race corresponded to the probability that cases were dismissed by the Court against the plaintiffs' wishes (i.e., dismissed because the plaintiff failed to prosecute or failed to serve, as opposed to being dismissed pursuant to a settlement agreement or a withdrawal) **in mortgage foreclosure cases.**

The prevalence of Black residents in a Census tract significantly predicted a higher probability of dismissal ($p = .032$), even when controlling for socioeconomic status ($p = .036$). The prevalence of

that lives below the poverty level, the percent of the tract that is unemployed, and the percent of the tract that is comprised of owner-occupied housing.

White residents in a Census tract significantly predicted a lower probability of dismissal ($p = .012$), even when controlling for socioeconomic status ($p = .012$).

The following table shows the relationship between defendant race and the probability of a mortgage foreclosure case being dismissed by the court:

Percent Black	Probability of Dismissal by Court	Percent White	Probability of Dismissal by Court
0.0% (sample minimum)	12.1%	0.0% (sample minimum)	21.1%
32.4% (25 th percentile)	14.6%	3.5% (25 th percentile)	20.6%
68.8% (50 th percentile)	17.8%	18.1% (50 th percentile)	18.5%
91.7% (75 th percentile)	20.1%	53.7% (75 th percentile)	14.1%
98.6% (sample maximum)	20.9%	100.0% (sample maximum)	9.7%

Default Judgments

Among cases in which at least one hearing was held, there was no significant relationship between defendant race and the likelihood of a default judgment.

Appendix A

Landlord/Tenant Stakeholders

Member	Organization
DC Courts	
Anthony Epstein, Judge	DCSC
Todd Edelman, Judge	DCSC
Kelly Higashi	DCSC
Lynn Magee	DCSC
Taylor Sargent	DCSC
Joy Jefferson	DCSC
Ebony Scott	DCSC
Tanya Jones Bosier	DCSC
Tracie Masimini	DCSC
Brenda Page-Murphy	DCSC
Sherry Trafford	DCSC
Rahkel Bouchet	DCSC
Arnettia Wyre	DCSC
Zuka Chuka-Obah	DCSC
LaShaye White	DCSC
Kaprice Gettemy Chambers	DCSC
Jeremie Johnson	DCSC
Sandra Emblar	DCC
Andre Sims	DCC
LANDLORD AND TENANT WORKING GROUP	
Antionice Goodson	KCG Law
Rebecca Lindhurst	Bread for the City
Gwen Washington	AARP
Brian Rohal	DC Bar
Edward Cordone	Blumenthal, Cordone & Erklauer, PLLC
Aaron Sokolow	Sokolowlaw
Beth Harrison	Legal Aid DC
Gwendolyn Roy-Harrison	Offit Kurman
LANDLORD AND TENANT PRACTITIONERS	
William Cannon	Offit Kurman
Lisa Dessel	Mussolino and Dessel
Michele Meiners	The Meiners Law Firm
Mark Raddatz	Raddatz & Associates, LLC
Joanne Sgro	
Jennifer Berger	
Dan Clark	Kator, Parks, Weiser & Harris, PLLC
Stephen Dudek	
Gabrielle Lewis-White	

Debt Collection and Small Claims Stakeholders

Member	Organization
Judges	
Anthony Epstein	DCSC
Todd Edelman	DCSC
Ebony Scott	DCSC
Tanya Jones Bosier	DCSC
Sherry Trafford	DCSC
Rahkel Bouchet	DCSC
Joseph Beshouri	DCSC
Civil Actions Staff	
Joy Jefferson	DCSC – Branch Chief CAB
Jearl Ward	Branch Supervisor
Tanesha Anderson	DCSC -Case Processing Supervisor
Adrienne Marsh	DCSC – Deputy Clerk, III
Tonya Stevenson	DCSC – Deputy Clerk, III
Kaylyn Darby	DCSC – Deputy Clerk, III
Kenya McNealy	DCSC – Deputy Clerk, III
Myra Watson	DCSC- Deputy Clerk, III
Katharine Cournoyer	DCSC – Deputy Clerk, III
SC Working group	
Erik Goodman	DC Bar
Anders Sleight	Glasser Law
Timothy Cole	KCG Law
Jennifer Lavallee	Legal Aid DC
Ariel Levinson Waldman	Tzedek DC
Neal Markowitz	Markowitz Law
Deanna Hackworth	portfolio recovery associates
Deborah Cuevas-Hill	AARP
Shirien badawi	Seledee Law
Maya Sheppard	Small Claims Legal Resource Center
Vicki King-Taitano	NSLP
Small Claims Staff	
Willa Obel	Attorney Advisor
Jeremie Johnson	DCSC – Branch Chief SCB
Tachera Jones	DCSC -Case Processing Supervisor, SCB
Carolyn Charles	DCSC - Deputy Clerk
David Denyer	DCSC - Deputy Clerk
Sequoria Brown	DCSC - Deputy Clerk
Cynthia Gean	DCSC - Deputy Clerk
Betty Perry	DCSC - Deputy Clerk
Lawrence Valentine	DCSC - Deputy Clerk

Latosha Jones	DCSC - Deputy Clerk
Autumn Carter	DCSC - Deputy Clerk
Anthony Jackson	DCSC - Deputy Clerk
Melissa Smith	DCSC - Deputy Clerk
Monita Laurent	DCSC – Quality Assurance Supervisor
Aletre Barnett	Branch Supervisor

Mortgage Foreclosures Stakeholders

Member	Organization
DC Court System	
Anthony Epstein	DCSC
Todd Edelman	DCSC
Kelly Higashi	DCSC
Lynn Magee	DCSC
Taylor Sargent	DCSC
Joy Jefferson	DCSC
Ebony Scott	DCSC
Tanya Jones Bosier	DCSC
Sherry Trafford	DCSC
Rahkel Bouchet	DCSC
SALES AND FORECLOSURES WORKING GROUP	
Joanne Savage	AARP
Matt Cohen	BWW
Jennifer Lavallee	Legal Aid DC
Abby Moynihan	McCabe, Weisberg & Conway, LLC
Veronica Harsley-Dean	Orlans PC
Marian Siegel	HCS
SALES AND FORECLOSURES PRACTITIONERS	
Tara Kellermeyer	McCabe, Weisberg & Conway, LLC
Michael Cantrell	McCabe, Weisberg & Conway, LLC
Alyssa Szymczyk	Orlans PC
Sogil Plagany	Orlans PC
Jeff Nadel	Law Office of Jeffrey Nadel
Scott Nadel	Law Office of Jeffrey Nadel
Daniel Menchel	Law Office of Jeffrey Nadel
Shiyu Wang	BWW Law Group, LLC
David Solan	BWW Law Group, LLC
G.K. Sanchez	Rosenberg and Associates, LLC