Title
Litigating the Housing Crisis: Legal Assistance and the Institutional Life of Eviction in Los Angeles

Author
Nelson, Kyle

Publication Date
2022

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA

Los Angeles

Litigating the Housing Crisis:

Legal Assistance and the Institutional Life of Eviction in Los Angeles

A dissertation submitted in partial satisfaction of the requirements

for the degree Doctor of Philosophy in Sociology

by

Kyle Robert Nelson

2022

ABSTRACT OF THE DISSERTATION

Litigating the Housing Crisis:

Legal Assistance and the Institutional Life of Eviction in Los Angeles

by

Kyle Robert Nelson

Doctor of Philosophy in Sociology

University of California, Los Angeles, 2022

Professor Rebecca J. Emigh, Co-Chair

Professor Stefan Timmermans, Co-Chair

This dissertation examines the institutional and interactional determinants of eviction case outcomes in the Los Angeles Superior Court (LASC) system. Tenants defending themselves against eviction encounter a classic sociological paradox: how the state tasks bureaucracies with managing eviction (allocating justice equitably) rarely resembles how they do so in practice (efficiently processing large volumes of cases). This contradiction expresses itself in a legal process that efficiently enforces landlords' property claims at the expense of tenants' due process rights. When tenants go to court alone, they often lose or settle on disadvantageous terms, but tenants represented by lawyers can hold the LASC system accountable to its commitments to equitably allocating substantive and procedural forms of justice. By counseling tenants in clinics, negotiating settlements, and trying cases, lawyers use their expertise to strategically link tenants' interests in protecting their housing with courts' pragmatic commitment to efficiently processing

cases. In doing so, lawyers' interventions help tenants find justice in a biased legal system and defend their homes in an uncompromising housing market.

The dissertation of Kyle Robert Nelson is approved.

Marcus Hunter

Michael C. Lens

Rebecca J. Emigh, Committee Co-Chair

Stefan Timmermans, Committee Co-Chair

University of California, Los Angeles

2022

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

LIST OF MAPS

Acknowledgments

I have been fortunate in so many ways on my journey from Winston-Salem, North Carolina to becoming a Ph.D. in Sociology at UCLA. I would like to briefly acknowledge the people who helped me get here, the activists, faculty, friends, family, colleagues, mentors, and support networks without whom none of this could have been possible.

Thank you.

To the many people who inspired me as a child and adolescent to read, learn, and question the world that we take-for-granted, particularly my parents Janie and Mark Nelson, my grandfather Mortimer Nelson, Tim Blackburn, and Rabbi Marla Joy Subeck Spanjer.

To the Vassar College faculty who taught me how to think critically, taught me with patience and genuine care, and mentored me through transformative periods in my life, particularly Hua Hsu, Kiese Laymon, Eve Dunbar, Diane Harriford, and Beth Darlington. And to the many, many friends that I made during those four years in Poughkeepsie, NY.

To the activists and lawyers in New York who inspired me to commit my life to advocating for housing justice—Karen Gargamelli, Jay Kim, Kerry Toner, Carol Wang, Mike Wang from Common Law, Inc., and to my fellow Jews for Racial and Economic Justice who modeled the inclusive, ethical, *and* caring praxis that I carry with me to this day.

To the faculty and my friends from the New School for Social Research who taught me what it means to be a sociologist (and how to have fun doing it) – Valentina Abufhele, Guillermina Altamonte, Manuela Badilla Rajevic, Rooz Calore, Zoe Carey, Sharon Cornelissen, Ordoitz Galilea, Emmanuel Guerisoli, Sebastián Guzmán, Joe Lombardo, Olimpia Mosteneau, Corey Pech, Carlos Pinyero, Tim Rosenkranz, Rachel Sherman, Agnes Szanyi, Iddo Tavory, Robin Wagner-Pacifici, and Terry Williams. NSSR is many things, but it is a special institution, and I am grateful to have started my career in this scholarly community.

To faculty, staff, and friends at UCLA and other institutions who have encouraged and supported me through this oftentimes grueling, occasionally beautiful journey of becoming a professional sociologist. Special thanks are due to Wisam Alshaibi, Alessandra Bazo Vienrich, Zsuzsa Berend, Michelle Berman, Abraham Calderon, Winston Chou, James Desveaux, Leydy Diossa-Jimenez, Juan Delgado, Nick DiRago, Eduardo Duran, Nina Eliasoph, Philip Garboden, Zach Griffen, Neil Gong, Liz Gonzalez, Ashley Gromis, Joel Herrera, MJ Hill, Wendy Fujinami, Jeffrey Guhin, Peter Ibarra, Bernard Koch, Xavier Kuai, Rahim Kurwa, Margarethe Kusenbach, Andrew Le, Yewon Lee, Paul Lichterman, Simbi Mahlanza, Paul Martinez, Oscar Mayorga, Brian McCabe, Ryan Miller, Joel Montano, Pei Palmgren, Ian Peacock, Hahan Rahardjo, Pat Reilly, Dreama Rhodes, Eva Rosen, Carla Salazar Gonzalez, Eleni Skaperdas, Michael Siciliano, Lina Stepick, Phi Su, Esther Sullivan, Irina Tauber, Will Tyson, Terrell Winder, and Dan Zipp.

To my fellow Emights (past and present): Becca DiBennardo, Kait Keane, Andrew Herman, Johanna Hernández-Pérez, Michelle Marinello, Carrie Miller, Molly Jacobs, Rennie Lee, Corey O'Malley, Yotala Oszkay Febres-Cordero, Allison Ramirez, Caroline Reilly, Kevin Shih, Isaac

Speer, Gabriel Suchodoski, Grace Vu, and Sandy Xu. It's hard to represent the brilliance that is Rebecca's working group, but we taught each other how to write, how to think, how to comment and critique rigorously and compassionately, and how to stay friends at the end of the day. I will be forever grateful to have been a part of this space.

To the many people who welcomed me into their coalitions and movement spaces, first as an academic and then as a colleague. In particular, I would like to thank Chancela Al-Mansour, Pamela Agustin-Anguiano, Carlos Aguilar, Diana Alvarado, Javier Beltran, Diego Cartagena, Josh Cantong, Joe Delgado, Steve Diaz, Joe Donlin, Francisco Dueñas, America Gill, Sasha Harden, Skip Koenig, Faizah Malik, Silvia Marroquin, Stephano Medina, Joanne Melgar, Jessa Mae McCormack, Lucas Oppenheim, Elena Popp, Dianne Prado, Benjamin Ramm, Alisa Randell, Rob Reed, Tracy Rosenthal, Kaitlyn Quackenbush, Barbara Schultz, Georgina Serrano, Greg Spiegel, Nisha Vyas, Greg Wesley, Yuval Yossefy, and my fellow members of the Anti-Eviction Mapping Project-LA and LA Tenants Union, among many, many others. I never could have done this work (and written this dissertation) without your unflinching support, and I am forever grateful for the opportunity to join y'all in the toil and triumph.

And finally, to the John Randolph Haynes Foundation, the UCLA Center for American Politics and Public Policy, the UC Consortium on Social Science and Law, and the UCLA Graduate Division for funding this research.

I am also fortunate to have a dissertation committee that has been supportive beyond measure.

Rebecca Jean Emigh, I remember when you invited me to your office and asked me if I was interested in joining your working group. I still have no idea why, but this single interaction is *the* reason why I am a Ph.D. in Sociology. You helped me find an intellectual home at UCLA, convinced me that I have something meaningful to say about eviction and state bureaucracy, taught me how to bring my version of sociological inquiry to life, and modeled what it means to be a good scholar, colleague, and person in this field. More than that, you have been my champion, supporting me as a sociologist and human in good and bad times.

Stefan Timmermans, you convinced me to come across the country to continue my graduate studies at UCLA and taught me everything that I know about being an ethnographer. Working with you taught me how to collect data, analyze data, think, and write ethnographically. You always encouraged me to think creatively and pragmatically about my ethnographic practice, writing, and career in ways that have been transformative to thinking about who I am in this field. I am truly honored to be a Timmermaniac.

Marcus Anthony Hunter, I was already an admirer of your work as a sociologist, but then I had the privilege of working with you at UCLA. You taught me how to be an urban sociologist and how much fun it can be to teach students about our subfield. Whether as your student, teaching assistant, or research assistant, I can trace so much of how I think about this field back to our conversations, and I thank you for your intellectual generosity.

Mike Lens, thank you for taking a chance on a precocious graduate student (who wasn't even in your field!), teaching me what it means to collaboratively produce knowledge, and being a pillar

of support throughout my time at UCLA. So much of this dissertation reflects how you have challenged me as a scholar to think about the empirical and normative implications of my work, and I am both a better sociologist and policy advocate for it. I am so grateful for how you have helped me to grow personally and professionally in this field.

Finally, the last year has been the most challenging in my life and I would like to thank the folks who never stopped believing in me (even when I didn't believe in myself): Stacey Mizokawa, Kevin Shih, Pei Palmgren, MJ Hill, Yotala Oszkay Febres-Cordero and David Coles, The Chat (particularly John Atkinson, Sam Bloch, Merlin Chowkwanyun, Bret Nicely, Jordan Segall, Justin Sowa, and Pat Taylor), Jason Duffett, David Eisenach, Dan Feinberg, Max Friedman, Sarah Anderson, Liz Galvao, Neil Gong, Liz Gonzalez, Andrew Herman, Ross Mackenzie, Christian Pappas, Mike Parayannilam, Kaitlyn Quackenbush, Hugo Salazar Gonzalez, Eleni Skaperdas, my siblings Akiva, Danielle, and Ian, my parents Janie and Mark, and Goose.

I could not have done any of this without y'all, and, for that, I will remain forever grateful.

I dedicate this dissertation to Marcia Nelson, whom I miss every day.

Vita

EDUCATION

2015 M.A., Sociology, University of California, Los Angeles

2013 M.A., Sociology, The New School for Social Research, New York, NY

2009 B.A., Africana Studies and English, Vassar College, Poughkeepsie, NY

PEER-REVIEWED PUBLICATIONS

Nelson, Kyle and Michael C. Lens. Forthcoming. "The Sociology of Eviction," in The Sociology of Housing. eds. Eva Rosen and Brian J. McCabe. Chicago, IL: The University of Chicago Press.

Nelson, Kyle. 2021. "The Microfoundations of Bureaucratic Outcomes: Causes and Consequences of Interpretive Disjuncture in Eviction Cases." *Social Problems.* 68(1):152-167.

Nelson, Kyle, Philip Garboden, Brian J. McCabe, and Eva Rosen. 2021. "Evictions: The Comparative Analysis Problem." *Housing Policy Debate*. 31(3-5):696-716.

Nelson, Kyle, Ashley Gromis, Yiwen Kuai, and Michael C. Lens. 2021. "Spatial Concentration and Spillover: Eviction Dynamics in Neighborhoods of Los Angeles, 2005-2015." *Housing Policy Debate.* 31(3-5):670-695.

Lens, Michael C., Kyle Nelson, Ashley Gromis, and Yiwen Kuai. 2020. "The Neighborhood Context of Eviction in Southern California." *City & Community*. 19(4):912-932.

OTHER PUBLICATIONS

Anderson, Tyler, Terra Graziani, and Kyle Nelson. 2018. "We Shall Not Be Moved: Practitioners' Perspectives on Law and Organizing in Response to California's Housing Crisis." *UCLA Law Review. Discussion: Law Meets World*. (https://www.uclalawreview.org/we-shall-not-be-moved/)

Research Reports

Nelson, Kyle, Anna Kobara, and Terra Graziani. 2021. "There is no eviction moratorium." Anti-Eviction Mapping Project. (https://antievictionmap.com/there-is-no-eviction-moratorium)

Bonett, Gregory, Katie McKeon, Tate Harshbarger, Brenda Martin Moya, Cara McGraw, and Kyle Nelson. 2019. *Priced Out, Pushed Out, Locked Out: How Permanent Tenant Protections Can Help Communities Prevent Homelessness and Resist Displacement in Los Angeles County*. (https://www.libertyhill.org/news/reports/priced-out-locked-out-pushed-out)

WORKS-IN-PROGRESS

Nelson, Kyle. "The Methodological Foundations of Policy Prescription in Ethnographic Research." Working paper.

Nelson, Kyle. "Legal Exogeneity: How Policy and Social Movements Shaped Access to Justice in Los Angeles County Eviction Courts." Working paper.

Nelson, Kyle. "Negotiating the Housing Crisis: Legal Expertise and Case Outcomes in Eviction Settlements." Working paper.

Ibarra, Peter R., Margarethe Kusenbach, Kyle Nelson, and Jack Katz. "Theaters of Neighborhood Life." Working paper.

FELLOWSHIPS AND AWARDS

2022	UCLA, Silton Undergraduate Research Mentorship Award
2021-2022	UCLA, Dissertation Year Fellowship
2021	UCLA, Silton Undergraduate Research Mentorship Award
2020-2021	The John Randolph Haynes Foundation, Doctoral Dissertation Fellowship
2017-2018	UCLA, Sociology Department Fellowship
2017	UC Consortium on Social Science and Law, Summer Fellowship
2017	UCLA Sociology Department Excellence in Teaching Award
2016-2017	UCLA Center for American Politics and Public Policy, Marvin Hoffenberg Research Fellowship,
2015-2016	UCLA, Graduate Research Mentorship Fellowship
2015	UCLA, Graduate Summer Research Mentorship Fellowship
2015	UCLA, Sociology Department Excellence in Teaching Award
2014	UCLA, Graduate Summer Research Mentorship Fellowship
2013-2014	UCLA, Sociology Department Fellowship
2011-2013	New School for Social Research Merit Scholarship

TEACHING EXPERIENCE

Instructor

2021	"Urban Sociology" (SOC 158), University of California, Los Angeles [Online]
2020	"Urban Sociology" (SOC 158), University of California, Los Angeles [Online]
2019	"Law and Society" (SOC 169), University of California, Los Angeles [In-Person]
2019	"The History and Politics of Housing in Urban America" (SOC 97), University of California, Los Angeles [In-person]
2018	"Self and Society" (SOC 130), University of California, Los Angeles [In-Person]
2018	"Introductory Sociology" (SOC 1), University of California, Los Angeles [In-Person]
2017	"Self and Society" (SOC 130), University of California, Los Angeles [In-Person]

PROFESSIONAL EXPERIENCE

2018-present	Renters' Right to Counsel-LA Coalition: Steering Committee Member, Los Angeles, CA
2018-present	Anti-Eviction Mapping Project-LA: Member, Los Angeles, CA
2018-present	LA Tenants Union, Westside Local: Member, Los Angeles, CA
2021-2022	Scholars Strategy Network: Graduate Fellow, LA Unified Chapter, Los Angeles, CA
2019-2020	UCLA Luskin Center for History and Policy: Graduate Student Researcher, Los Angeles, CA
2018	Housing Now! California: Freelance Researcher, Los Angeles, CA
2016-2018	UCLA Graduate Student Researcher (with Professor Michael C. Lens), Los Angeles CA
2014-2015	UCLA Graduate Student Researcher (with Professor Marcus Anthony Hunter) Los Angeles, CA
2009-2013	Jews for Racial and Economic Justice: Organizer, New York, NY

Chapter 1: The Institutional Life of Eviction

On a typical sunny Los Angeles weekday, I exited the Metro station on Hill Street and walked down to the Stanley Mosk Courthouse, a large imposing building abutting Grand Park and adjacent to amenities like the Walt Disney Concert Hall on Grand Ave. I walked up the stairs and passed through the metal detectors located in the lobby. I had written down directions, but soon realized that the building itself was a bit of a labyrinth. I walked by administrative offices, filing windows, and the self-help center, already with a line forming along the wall. I followed the parade of lawyers and litigants, and soon found my way to the escalators. After arriving on the 7th floor, I walked down a long corridor, to the end of the hall, to a door marked Department 94. Department 94, in Mosk Courthouse, is one of seven [now 12] unlawful detainer "hub" courtrooms in the Los Angeles County Superior Court system.

As I approach the door, I notice that there are tenants and landlords already lined up outside, along the walls adjacent to the door, on benches lining the halls, and milling about in the open spaces between the escalators, elevators, and defunct telephone booths. Next to the door is a glass-covered bulletin board. On the board, there are some flyers with general information listed on them and the day's docket. The docket features only the plaintiff's name and, when applicable, their counsel. Almost all 39 plaintiffs listed on the docket came to court with counsel. A Latina lawyer named Monica later explains to me that tenant-defendants are not on the list to protect their confidentiality, so that names cannot be matched with case numbers when records are sealed. She explains that "eviction scammers" used to find their marks based on their ability to match names with case numbers.

Just after 8:30 a.m., the bailiff, a uniformed Los Angeles Sheriff's Deputy, opens the door and people begin to file into Department 94. Lawyers walk toward the front of the room, down an aisle, and through a thigh-high swinging door that divides litigants from lawyers, judges, clerks, and other court personnel. The lawyers sit in chairs that line the far right-hand side of the courtroom, as well as chairs that line the partition between the professionals and the lay audience. In the middle of the back wall sits the judge's bench and in front of it are tables where plaintiffs, defendants, and their counsel make their cases. Plaintiffs stand on the right, defendants on the left. Courtroom clerks work at desks on the left-hand side of the room and there is a space in front of their section for attorneys and *pro per* (self-represented) tenants to submit paperwork. Two bailiffs sit closest to the litigants on the left-hand side of the room,

As I sit in the audience, I note the windowless room's wood paneling, the bolted-down, raw, and ragged, brown leather seats, and the bright florescent lights. I am seated in the back right corner of the room. Some litigants chat amongst themselves; others sit in silence. I notice that the room is diverse, and litigants represent a variety of races, ages, and genders. Landlords and tenants both sit in the audience, but do not appear to interact with one another. A fashionably dressed Black lawyer walks down the aisle asking for Marta Rodriguez; nobody answers him, and he leaves the courtroom.

At around 8:45, the bailiff announces that the judge, Commissioner Harrison, is about to enter the room. The din subsides and the commissioner enters. Harrison is an older white man, skinny, with thinning white hair and wearing a black robe over his shirt and tie. He sits and quickly begins to address the audience. While he speaks, an interpreter translates his words into Spanish. The commissioner's pitch provides information for litigants—seemingly for *pro per* litigants—and addresses litigants' anxieties. He introduces the courtroom personnel, which

includes volunteer mediators from the Department of Business and Consumer Affairs who work on cases where both parties are *pro per* and lays down basic ground rules.

Harrison describes a typical court date sequence, as well. He explains that he will begin with a roll call. Then, the judge will dismiss all litigants to engage in pre-trial meetings to discuss settlement options. These settlement negotiations, he explains, will take place in the cafeteria on the 9th floor, and they are mandatory. Litigants who can settle will negotiate, draft, and sign a document called a stipulation agreement, which sets out terms that both sides must follow (or risk a court judgment against them).

The commissioner says that litigants who cannot settle must go before the judge to determine their "trial readiness." Then, they will go downstairs to Department 1 to be "sent out," assigned to a courtroom, either in this courthouse or in another courthouse, where the actual trial will occur. Short trials, he explains, are processed at Mosk. Longer trials will be sent out to courtrooms around the county. Litigants either have a jury trial or a bench trial, which is determined by whether a defendant files a jury demand within 10 days of their court date. While tenants are constitutionally entitled to a jury trial, few tenants know about these rights and courthouse-based self-help centers assist *pro per* tenants with Answers and Fee Waivers, but not Jury Demands. As a result, few tenants in this space will have the opportunity to defend themselves in front of a jury of their peers.

As an aside, the commissioner addresses the issue of evidence. Litigants must show any evidence that they expect to utilize at trial in their settlement negotiation. In other words, litigants must show their cards to the other side. Most cases, he explains, are done by noon, but some are longer. He explains that there are three parts to the stipulation agreement that results from a successful settlement negotiation. First, he says that the property usually goes back to the

landlord, except in the case where the tenant can "pay and stay." The typical questions to be addressed here, he explains, are "how soon does the tenant return the property to the landlord?" and "is the landlord willing to give the tenant some time in which to do so?" I note that he does not mention that a tenant also has the option of advocating to stay in their apartment. Second is the issue of rental arrears. How much back rent will the tenant owe and, by extension, will the landlord forgive? Again, Harrison makes no mention of the fact that, in some cases, rental arrears may not be an issue at all, like cases filed over nuisance behavior or other breach of lease. Finally, tenant-defendants should ask for a sealed record so that their "file stays confidential." Harrison explains that having an eviction on their record will damage tenants' credit and make it more difficult for them to rent apartments. He gives an example of landlords requesting applications as a means of weeding out tenants with evictions on their record.

Generally speaking, he frames settlement negotiations as safe alternatives to the gamble that is going to trial and losing. "It makes sense to make your best deal today," he explains. "You have certainty. You know what you must do. Everybody gains and gives something." He adds that two weeks or more to move is a beneficial outcome and that you might be able to buy more time depending on the case. If you're a good tenant, he explains, you might even get 30 days. He also clarifies what he characterizes as misinformation. Generally, he explains, your landlord won't buy you out, even if your property has defects. Also, you still might have to pay some rent later, even if you win at trial.

After this point, he returns to his description of the process. Litigants need to pick up special forms from the front for writing stipulation agreements and then lawyers (or *pro per* litigants with mediators) must turn in two copies of this form to the clerks after reviewing the documents with their clients and the judge. It is now 9 a.m. and the commissioner begins roll

call. He starts by calling the cases involving tenants representing themselves in *pro per*. He refers to the mediators as "professional people"—not aligned with landlords or tenants. He tells this first group to go outside and speak to the mediators.

Welcome to eviction's institutional life.

I. What is Eviction?

Nelson and Lens (2022) define eviction broadly as "a process whereby a landlord or landowner dispossesses occupants of their homes" (p. 2). This process itself is variable, but sociologists nevertheless estimate that landlords file approximately 3.6 million evictions annually, which accounts for approximately 7% of renter households in the United States (Gromis et al. 2022). Eviction may be formal, processed by a state bureaucracy like an unlimited or limited jurisdiction civil court, public housing authority, or regulatory housing bureaucracy (Desmond and Shollenberger 2015). As I will explain in depth later, however, eviction case processing, while occurring in the civil justice system, does not resemble typical forms of civil litigation. This is because, as Epstein (1979) explains

> Like other states, California has enacted a comprehensive series of law governing unlawful detainer. These statutes reflect an ancient [Epstein claims that its origins may be as old as the 12th Century] civil compromise. The landlord is forbidden any form of self-help to evict a tenant, but is assured the swiftest judicial remedy possible (p. 163).

Prior to this rationalized, legal-bureaucratic mode of case processing, landlords used to resort to violence, evicting tenants by themselves via a process (somewhat strangely) referred to as "self-help eviction." Landlords violently dispossessed tenants and tenants violently resisted. Over

time, however, eviction transformed from an act of interpersonal violence between landlords and tenants into a form of institutional violence, as evictions are processed by the civil justice system that enables law enforcement agencies to perform "lock outs." While an eviction's particular local jurisdiction and case processing style vary in meaningful ways across time and place (Nelson et al 2021a), the legal processes themselves appear to be remarkably consistent.

Eviction may also be informal, an eviction that is initiated by a landlord outside of a state bureaucracy and, oftentimes, in opposition to local laws and regulations. Examples include "voluntary" tenant move outs,[i] cash-for-keys agreements or tenant buyouts, and forcible detainer (where a landlord evicts a tenant by force, typically changing the locks while tenants are out), among others. Gromis and Desmond (2021:281) estimate that there are 5.5 informal evictions for every formal eviction based on discrepancies they found between incidences of informal eviction in their data compared to data from the American Community Survey. Eviction may also accompany other, oftentimes carceral or political processes. Tenants may be evicted as a result of third-party policing or nuisance ordinances (Kurwa 2015; Desmond and Valdez 2012), state-sponsored "slum clearance" efforts (Gans 1962; Levenson 2022), changing land use regulations (Sullivan 2018), or disciplinary policy linked to housing subsidies (King 2010; Kurwa 2020).

In this dissertation, however, I study eviction as an unlawful detainer lawsuit, which in California is typically filed in a limited jurisdiction civil court. Notably, however, eviction is more than just a lawsuit, a bureaucratic transformation of "everyday trouble" (Emerson 2015), which has its roots long before a landlord initiates a lawsuit. Thus, the claims in an unlawful detainer lawsuit may reflect longstanding conflict between tenants and landlords, as well as relevant features of tenants' and landlords' biographies. These elements may or may not ultimately find their way into formal court filings, but nevertheless become consequential over

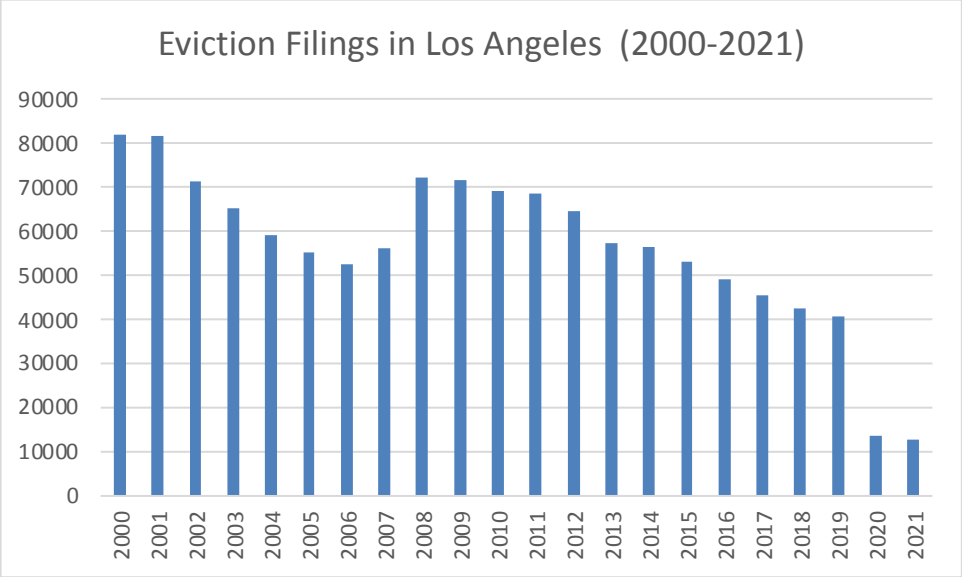
the course of an eviction case. Eviction and other lawsuits exist along the nexus of everyday and institutional realms (Merry 1990; Ewick and Silbey 1998), but formally recognized institutional realities ultimately displace the diverse experiences and interpretations of housing trouble characterizing how tenant-defendants' troubleshoot. The comparatively narrow definition of eviction that I use in this dissertation, however, allows me to focus on how landlords, tenants, and lawyers troubleshoot legal cases while acknowledging that tenants experience eviction in both everyday and institutional keys.

A Note on Eviction's Prevalence

Contradicting contemporary claims that evictions were once rare (Desmond 2016:3), the pages of scholarly journals, historical monographs, and accounts of early social reformer and housing justice movements make it clear that eviction has been a historical constant for indigent urban renters (e.g., Riis 1890/1997:176; Breckenridge and Abbott 1910:301; Abbott and Kiesling 1935; see also the literature review in McCarthy 1985; Hartman and Robinson 2003). Rather than an absence of evictions, eviction's relative "silence" in the archive is likely a byproduct of a longstanding data problem; like other forms of administrative data, data on eviction was, until very recently, incredibly rare, inconsistent, and difficult to access. The historical record clearly shows that eviction was and remains prevalent, and that the procedures whereby state bureaucratic agencies process evictions remain consistent even as particular venues for case processing and regulatory legislative frameworks change (see, e.g., Abbott and Kiesling 1935 on Chicago's "rent court"; Epstein 1979 on Los Angeles's landlord-tenant court; Bezdek 1992 on Baltimore's rent court)

Evictions tend to peak in moments of economic crisis from the Great Depression to the Great Recession (Lens et al. 2020). While data on eviction filings in Los Angeles County is maddeningly incomplete, over two decades of aggregate case filing data supports this trend.

Figure 1. Eviction Filings in Los Angeles County (2000-2021)



II. The Individual and Institutional Lives of Eviction

Eviction's Individual Life

Ethnographies like those by Matthew Desmond (2016) and Eva Rosen (2020) show how eviction wreaks havoc of tenants' lives. Desmond (2016) deftly describes eviction as an event (see e.g., Wagner-Pacifici 2010), as an occurrence nested within tenants' experiences of longstanding biographies of poverty and housing insecurity that is both immediate and consequential long after litigation has concluded (see also Rosen 2020; DeLuca and Rosen 2022). While not explicitly in dialogue with the phenomenology of place (Bachelard 1958/2014;

Casey 1993, 1997), this research powerfully shows that when tenants are evicted, they lose a core pillar of self—place—a meaningful locus of identity construction (Gieryn 2000; Milligan 1998, 2003; Low 2009). In this way, eviction represents a process of self-destruction occurring when people are *dis*placed from a vital spatial context (e.g., home, neighborhood, and community, among others) in and on which people make sense of their lives and themselves.

Whether by bulldozer or bureaucracy, eviction is a devastating experience not only for named defendants on lawsuits, but also for their children and extended families (Desmond 2012a; Kurwa 2015; Desmond 2016; Rosen 2020). Thus, eviction's social psychological costs are enormous and reverberate throughout households *and* social networks (Desmond and An 2015). Furthermore, eviction's physical and mental health costs accumulate long after lawsuits have been adjudicated and property vacated. Desmond and Kimbro (2015), for example, note that evicted mothers are more likely than mothers who have not been evicted to suffer from depression and "reported worse health for themselves and their children." Subsequent research has noted similar findings among adults (Tsai et al. 2021; Leifheit et al. 2021), adolescents (Hatch and Yun 2021; Hoke and Boen 2021), and children (Leifheit et al. 2020; Schwartz et al. 2021), noting that the experience of being evicted remains consequential to physical and mental health outcomes throughout the life course.

Eviction is also *materially* costly. Fundamentally, eviction causes *and* is caused by poverty (Desmond 2012b). On one hand, landlords file most evictions because tenants cannot pay their rent (Nelson et al. 2021b), so a tenant's likelihood of being evicted increases significantly with their level of economic insecurity, operationalized by statistics like cost burden and rent burden. High burdens do not necessarily cause eviction, but an inability to pay the rent for any number of reasons does. On the other hand, eviction imposes additional material costs on

tenants. Some of these are direct results of the eviction process, which necessitates tenants pay for storage and subsequent housing searches, among other costs (Reosti 2021). Furthermore, evicted tenants struggle with employment insecurity compared to other groups of workers, making it increasingly likely that tenants will experience both future job loss *and* future eviction (Purser 2016; Desmond and Gershenson 2016). In the most obvious sense, tenants must take time off work to troubleshoot eviction lawsuits (or their underlying causes, e.g., taking care of a sick family member or relative). Evicted tenants may also move farther away from employment opportunities, making it increasingly difficult for them to keep jobs located in proximity to former neighborhoods (e.g., Desmond 2016; Rosen 2020).

These material costs are also reflected in tenants' *downward* residential mobility following an eviction. After an eviction, tenants' housing prospects "trickle down" into increasingly lower rent, higher crime, and spatially isolated housing markets either indefinitely (e.g., Kurwa 2015) or until they ultimately become homeless (e.g., Collinson and Reed 2018; Humphries et al. 2019; García and Kim 2021). This, of course, depends on a given housing market. Desmond (2016) and Rosen (2020), for example, describe cycles where evicted tenants move around within and between low-rent neighborhoods. On the other hand, in expensive coastal metropolitan areas like Los Angeles County, tenants who are evicted experience stark downward residential mobility. A first move after an eviction may be to a lower rent neighborhood in proximity to an old apartment, or increasingly to peripheral areas of the County. In some cases, evictions result in moves out of the County, into the Inland Empire (Imperial, Riverside, and San Bernardino Counties), though housing crises in these areas have increasingly made this option more expensive. Increasingly, evicted tenants leave California altogether, opting for less costly housing markets throughout the Sun Belt region. In addition to material

costs, tenants are burdened by eviction's "mark" (Kleysteuber 2006; Desmond 2016), as evictions appear on tenants' credit reports and may be visible to landlords conducting background checks long after the eviction.

Eviction's consequences are not experienced equally in the population either. Most notably, tenants facing eviction tend to be lower income than other tenants (DeLuca and Rosen 2022). Eviction outcomes, however, are not merely a function of income; eviction is a racialized phenomenon. In a recent study, Hepburn, Louis, and Desmond (2020) analyzed millions of case records and found that Black renters were evicted at higher rates than other demographic groups. Intersectional analyses add to this finding by showing that women, particularly Black women, are overrepresented in eviction lawsuits (Bezdek 1992; Desmond 2012b). Depending on local demographics, Hispanic and Latinx women may also be evicted at rates disproportionate relative to the population of renters (e.g., Medina et al. 2020; Greenberg, Gershenson, and Desmond 2016; Crowell and Nkosi 2020; Hepburn, Louis, and Desmond 2020; Rugh 2021). Furthermore, evictions are spatially concentrated and unequally distributed in metropolitan areas. In Southern California, for example, one's likelihood of being evicted is correlated with a neighborhood's number of Black residents, as evictions tend to be concentrated in neighborhoods with high shares of Black residents within and across housing market contexts (Lens et al. 2020; Nelson et al. 2021a).

Eviction's Institutional Life

Structural and institutional factors also shape eviction case processing, outcomes, and tenants' experiences of its devastating effects (Burawoy 2017; Nelson et al. 2021b). According to Nelson, Garboden, McCabe, and Rosen (2021), eviction's institutional life

> encompass[es] legal guidelines that structure the landlord–tenant relationship; substantive and procedural laws that inform the eviction process on a local level; the institutional actors who collectively enact these laws and produce outcomes; the institutional histories that inform the contemporary sociospatial organization of eviction; and the local procedural idiosyncrasies that shape eviction processes in ways that defy simple analyses of eviction outcomes (p. 699).

Eviction's institutional life, therefore, consists of the institutional contexts that shape the social worlds in which tenants navigate eviction and lawyers litigate eviction. Studying eviction's institutional life may involve historical analysis—explaining the origins of specific institutional configurations—or looking at how these configurations shape interpretive practices, professional expertise, case trajectories, and administrative data collection. In this way, studies of eviction's institutional life may forms a conceptual bridge, linking large "n" quantitative research on eviction outcomes and small "n" research on tenants' lived experiences, all while embracing the epistemological and theoretical toolkits developed in classic constructivist and ethnomethodological research on social problems (Becker 1963/1997; Garfinkel 1967; Spector and Kitsuse 1977/2017; Ibarra and Kitsuse 1993).

This exercise is more than conceptual. In a comparative analysis of eviction case processing in four cities, Nelson and colleagues (2021b) found that local institutional configurations generated different eviction case processing practices across court systems that changed eviction's underlying social meanings. For example, in jurisdictions with low filing fees, an eviction filing is likely to represent landlords' attempts to collect back rent more than it does an incidence of "disruptive displacement" (Ibid.:703-705). This may be a function of what researchers refer to as "serial filing," either the serial threat of eviction by landlords (Garboden

and Rosen 2019) or serial filing of eviction actions against tenants (Leung, Hepburn, and Desmond 2021). Depending on institutional context, therefore, eviction case processing may represent tenant harassment by landlords, a mode of debt collection where landlords rely on the state to collect rental arrears, or a mechanism in disruptively displacing tenants. Thus, institutional configurations may not only shape case outcomes, but also the social meanings of eviction proceedings, which too often are obscured in research that conflates eviction filings with evictions and/or are not comparative in nature (see Lens et al. 2020; Nelson et al. 2021a; Nelson et al. 2021b).

Thus, legal outcomes are both a function of legal action and social forces, many of them institutional in nature that form the background on which people—lay and expert alike—collectively *and* interactively produce case outcomes. This formula, I argue, results in distinct case processing regimes that shape the social meanings of litigation and the sociological meanings of administrative data. For example, criminal case processing research builds on Feeley's (1979) influential finding that "the [legal] process is the punishment" in lower criminal courts. The legal process, therefore, becomes an institutional incentive for criminal litigants to avoid trial by taking pleas. Whether because of administrative burden (Herd and Moynihan 2018), procedural hassle (Kohler-Haussman 2013), or collusive interactions between prosecutors and defense lawyers (Van Cleve 2016; Clair 2020), most criminal cases settle in some form or fashion. This finding reflects a core insight in the sociology of bureaucracy: that the ability to make ordinary people jump through standardized institutional hoops and wait is a manifestation of state power and domination (Weber 1922/1978; Auyero 2012; Paik 2021; Puygrenier 2022).

Yet, eviction proceedings unfold according to a different logic, inverting the classic paradigm of bureaucratic power and domination. Rather than a punishment-by-waiting, eviction

proceedings present tenants with a possibility to defend themselves against their landlord's state-sanctioned power. Eviction proceedings, however, to quote one advocacy report are "fast and furious" (Inglis and Preston 2018). Oftentimes, the largest hurdle to participating in the eviction process for landlords are material such as retaining a lawyer and filing costs at court. For tenants, however, they must get their foot in the door, which is easier said than done in Los Angeles County's eviction courts. Here, the legal process is characterized by acceleration rather than lag, meaning that tenants must interpretively grasp the fact that they are in eviction proceedings, find support, and respond to their landlords' lawsuits within five days, or they lose their cases before they even have a chance to be punished by bureaucratic process.

At the next step of the legal process, however, eviction case processing's temporal dynamics grind to a stop, affording eviction defense lawyers opportunities to turn the tables on a biased justice system by buying their clients time and, in the process, building cases that they can win at trial or leverage into favorable settlements for their clients. Therefore, eviction's institutional life in places like Los Angeles County initially presents barriers that make default outcomes likely for tenants while incentivizing settlement due to the emotional, material, and temporal costs that the legal process imposes on plaintiffs, rather than the defendants.. As I will show in the next section, the key to unlocking this possibility lies in legal expertise.

III. Why the Landlords (Almost) Always Come Out Ahead

While criminal justice research dominates the sociology of law, it belies another justice system: the civil justice system. Criminal justice involvement, however, is statistically less likely than civil justice system involvement and, as a growing chorus of researchers note, "affect

[people's] livelihood, shelter, neighborhood safety, the care and custody of minor children, and environmental conditions," among many others (Sandefur 2016; see also Sandefur 2010). Sandefur (2014) estimates there are tens of millions of "civil justice situations" affecting hundreds of million people in the United States.

People take relatively few of these cases to court (Sandefur 2010:60), however, consulting lawyers in an estimated 24% of problems and bringing an estimated 14% of grievances into the legal domain. In the lower civil courts, these cases tend to be between individual parties, rather than between individual parties and representatives of "the state" as in criminal proceedings. Furthermore, while criminal litigants have the constitutional right to a lawyer, civil litigants do not. Depending on whether lawyers and legal support are *physically* accessible, most indigent civil litigants will navigate consequential legal processes alone (Sandefur 2011). In Los Angeles, one of the most resourced metropolitan areas in the United States when it comes to eviction defense, advocates estimate that only 9-11% of tenants go to court with a lawyer.[ii]

This discrepancy is *particularly* consequential in eviction court, where having a lawyer influences tenants' trial outcomes. For example, Seron and colleagues (2001:4271) conducted a randomized control trial in New York City's Housing Court and found that having a lawyer improved tenants' outcomes at court, whether in terms of avoiding default or at trial. Decades of research published in public-facing reports, law reviews, and the social sciences echo this finding, confirming that lawyers help tenants achieve favorable outcomes at court (Mosier and Soble 1973 in Detroit, MI; Fusco, Collins, and Birnbaum 1979 in Chicago, IL; Engler and Bloomgarden 1983 in Boston, MA; Hall 1991 in Berkeley, CA; Blue Ribbon Citizens' Committee on Slum Housing 1997-1998 in Los Angeles, CA; Eldridge 2001 in Hartford, CT;

Hannaford-Agor and Mott 2003 in Lake County, IL; William E. Morris Institute for Justice 2005 in Maricopa County, AZ; Desmond 2016 in Milwaukee, WI; Ellen et al. 2021 in New York, NY; see reviews in Engler 2009; Sandefur 2010).

Greiner, Pattanayak, and Hennessy (2013) conducted a similar analysis in Norfolk County, Massachusetts, differentiating between an experimental group that received lawyers and a control group that received only advice in an "instructional clinic." Not only did they find tenants with lawyers experience what the researchers understood to be better outcomes at court, but they also found that limited assistance (operationalized by a tenant attending the clinic) was not a viable substitute for legal representation (Ibid. 952-953). Ellen and colleagues (2021) go further in an evaluation of New York's "right to counsel" program. They suggest that lawyers not only help tenants achieve favorable individual outcomes, but may also have a broader effect as the presence of lawyers in "treatment" zip codes was correlated with fewer defaults and "executed warrants" in both treatment *and* control zip codes (Ibid.:550-551). While researchers neither ethnographically observe nor quantitatively analyze the social mechanisms linking individuals and outcomes, they plausibly speculate that lawyers help tenants achieve beneficial case outcomes in court, as opposed to tenants without lawyers, as a result of legal expertise.

The Interactional and Institutional Elements of Legal Expertise

An extensive sociological literature understands expertise broadly as consisting of both substantive expert knowledge and a social mastery of the contexts in which expertise is sought and deployed (e.g., Weber 1922/1978; Barley 1996). Both content and context vary substantially by professional field, but nevertheless similar dilemmas persist across occupations (e.g., Abbott 1988): expertise may be a relatively autonomous construction (Collins and Evans 2007), a

collaborative accomplishment, emerging along the seams of "inter-jurisdictional conflict" (Abbott 1986), or a result of interactions between laypeople and experts (Epstein 1996; Eyal 2013). This research effectively shows that variation in local "social configurations" (e.g., the competing medical and law enforcement audiences shaping medical examiners' expertise as they attempt to classify suspicious deaths in Timmermans 2006) shape expertise's content, context of deployment, and meaning to experts and laypeople (see also Anteby and Holm 2021).

Lawyers are a more interesting case of professional expertise than meets the eye. On one hand, law is a remarkably stable field and there have been few contemporary challenges to legal jurisdiction. Legal knowledge is also relatively stable: law schools are institutions tasked with teaching both substantive facts and conventional styles of argumentation.[iii] Legal institutions are remarkably durable, too, even when they are found in non-legal organizations. When these organizations appropriate "legal functions," they tend to do so in conjunction with specialized law-adjacent departments such as human resources (Edelman 1992) or Title IX offices (Hirsch and Khan 2020). In addition to a relative consensus over law school curricula (Mertz 2007), lawyers also have a remarkable amount of autonomy as a profession when it comes to both accreditation and regulation, most of which is handled internally beyond the purview of external meddling (Abbott 1988).

On the other, perhaps the most insightful sociological descriptions of legal expertise take seriously the idea that substantive legal knowledge is only part of what lawyers do. Flood (1991), for example, shows how corporate lawyers use interactional strategies throughout the life of a case to manage uncertainty inherent in ongoing relationships with clients and partners (see also Fox 1957 on "uncertainty management" in medical professions). In corporate law practice, Flood finds that interactional competencies are oftentimes more consequential than grasp of formal

substantive knowledge in the mundane "doing" of legal expertise.[iv] Sandefur (2015) calls these types of interactional strategies "relational expertise," which involve

> "knowing…a given judge's patience with rambling explanations, a particular nurse's responsiveness to physicians' orders as opposed to direction through consultation, or which of five computer programmers on a given project is the one to consult about resolving a certain problem" (Ibid.:911)

Here, relational expertise corresponds to an embodied interactional competence (Carr 2010), a knowledge of the "regulars" and who will most effectively enable experts to deliver favorable outcomes for their clients (see also Sudnow 1964; Maynard 1984; Van Cleve 2016; cf. Clair 2020). Lawyers help the "haves come out ahead" because of how relational expertise amplifies power asymmetries in different legal fields (Galanter 1974).

While interactional competency is a core element of professional expertise, these "relational" and "interactional" factors are themselves embedded in distinctly institutional contexts (Powell and DiMaggio 1991; Suchman and Edelman 1996). Like most professions, law is practiced in organizational settings – firms, courts, clinics, etc. - shaped by distinctly institutional forces that oftentimes contrast with the broader, moral commitments that they putatively embody (Garfinkel 1967; Lipsky 1980/2010). Even if they cater to specific professional domains, these organizational spaces contain their own institutional cultures, norms, and taken-for-granted practices, which become essential features of the substantive and relational knowledge comprising legal expertise and the context in which lawyers practice law.

Plea bargaining, for example, shows how informal processes become institutionalized into formal procedures and core elements of criminal lawyers' expertise. For example, participating in the formal legal process is part of the punishment delivered by criminal courts

(Feeley 1979; Kohler-Haussman 2013, 2018). Rather than formally codified in procedural or substantive law, plea bargaining is an institutionalized informal process that has become diffused throughout the criminal justice system that helps courts process backlog and clients avoid the punishment of the legal process (Ibid; Maynard 1984; Padgett 1985). For this reason, plea bargaining becomes a core competency of criminal legal expertise, informing both an interactional style and normal typification schema (Sudnow 1964). It is also enormously consequential in producing criminal law outcomes: courts dispose a vast majority of criminal legal cases via plea bargaining, outcomes that reproduce racial inequalities in defendants' lives (Van Cleve 2016; Clair 2020). Beyond law, other professions have their own institutionalized informalities, which shape the contours and context of expertise practiced therein.

Other consequential institutional configurations manifest in the socio-spatial organization of places where professionals practice. Kellogg (2011), for example, describes the role of "relational spaces" in hospitals, which facilitate communication about formal regulations between surgical residents, their supervisors, and hospital administrators. These interactions enable parties to effectively implement compliance protocols. The spatial organization of the hospital and the communication practices it enables, facilitates compliance with formal regulations that change how various medical workers understand their work and enact expertise (Kellogg 2009; cf. Hallett 2010). A second example understands expertise as embodied "street wisdom" (Anderson 1990), where knowledge of how space is socially organized become institutionalized into residents' and street level bureaucrats' cognitive maps (Stuart 2016; Ibarra et al. n.d.). Becoming "streetwise" or "copwise" not only involves cultivating "professional vision" (Goodwin 1994), but also the ability to flexibly adapt schema to navigate spaces with internal social orders, which are institutionalized differently via sociospatial organization.

As is the case in most professions, lawyering necessitates expertise insofar as lawyers deftly combine substantive knowledge of the law with an interactional competence that allows them to wield their experience-in-action (Sandefur 2015). Since expertise is deployed in or in relation to particular institutional configurations (e.g., Sudnow 1965; Kellogg 2009), however, understanding how institutional idiosyncrasy shapes both substantive expertise and the relational context of its deployment represents a key element of professional and case processing in state bureaucracy, more generally.

IV. Discussion

This dissertation elaborates the institutional and interactional determinants of civil justice in Los Angeles eviction lawsuits. To do so, I draw on findings from an ethnographic and historical study of eviction's institutional life as an unlawful detainer lawsuit in the Los Angeles Superior Court system. More than merely complementing existing research on eviction's individual life, my dissertation shows how changes to the institutional configurations that characterize eviction case processing in Los Angeles shape tenants' access to justice, lawyers' legal expertise, and case outcomes throughout the legal process.

In Los Angeles, eviction's institutional life takes place in courtrooms, courthouse hallways and cafeterias, law firms offices, and tenants' rights clinics. As I show in chapter 3, neither the contemporary institutional configuration, nor its antecedents were endogenous constructions. At three historical moments, external problems like economic recession, state budgetary shortfalls, and social movement pressure compelled courts to profoundly re-shape the institutional configurations characterizing eviction defense in Los Angeles County. The resulting social organization of civil justice at both the state and county-level resulted in variable access to

justice—understood as consisting of both physical and legal dimensions. Rather than access to and experience of justice deriving merely from formalized legal procedure, organizational funding pressures, and legislative reform, I show how tenants' abilities to access justice and lawyers' ability to deliver it are oftentimes functions of the aforementioned external forces and their unanticipated consequences.

Not only do these external forces shape tenants' *access to justice* in Los Angeles County, but they also shape the *practice of justice*. In chapters 4 and 5, interactions that occur in institutional settings like clinics and courts are consequential insofar as they shape eviction case outcomes, both immediately and "down the line" of eviction case processing. In clinics and firm offices, for example, tenants learn to become litigants as they troubleshoot housing issues. Lawyers advise tenants on how to defend themselves against existing and potential eviction lawsuits, as well as other versions of trouble circumscribed in an eviction. These interactions are enormously consequential, and how tenants proceed oftentimes determines whether they will default. As I will discuss in chapter 4, default is eviction's most prevalent outcome and one that occurs at the very beginning of the eviction process; tenants typically default by not filing an Answer to their landlords' lawsuits in time. Rather than case or client characteristics determining a tenant's likelihood of default, I find that tenants in Los Angeles may default because they do not have enough time to align their interpretations of eviction with the courts in time given accelerated case processing and limited access to legal assistance. An "institutional life" framework thus reveals that the associations captured by quantitative researchers may obscure the extent to which institutional barriers and interpretive mechanisms cause default outcomes.

These dynamics change as cases travel from clinics to courthouses. In courtrooms, judges explain the process, rubber stamp default "prove up" hearings, confirm terms of settlement,

preside over hearings, and occasionally, adjudicate trials. Lawyers, landlords, and tenants, on the other hand, spend a lot of time negotiating, towards dismissing, settling, or trying lawsuits in front of judges or juries. Cases may conclude on initial court dates, or they might continue throughout a lawsuit, up until a judge or jury enters a trial judgment. As I will explain in chapter 5, institutional factors shape both the context and contours of legal expertise in ways that explain why trials are rare. The key lies in interactions between lawyers and clients in settlement negotiations, where defense lawyers exploit the LASC system's institutional scaffolding and the backlog it generates to create leverage in difficult-to-win cases. Eviction defense lawyers know that the longer a case stays in court, the more expensive cases become for landlords, who are incentivized to settle over the course of negotiations to avoid high costs and uncertainty at trial.

Research on the criminal justice system characterizes the legal process itself as a punishment that compels criminal defendants to accept plea deals rather than contest their cases (e.g., Feeley 1979; Van Cleve 2016). My dissertation, however, reveals a different dynamic in the civil justice system. Rather than a punishment, the legal eviction process affords tenants with lawyers an opportunity to protect their housing interests in a biased justice system. As I show, however, the institutional configurations characterizing eviction processing far too often become barriers for tenants, making it difficult for them to participate in the legal process in the first place. When tenants are able to access justice, lawyers become key intermediaries, helping tenants settle and try cases by drawing on expertise that is substantive, relational, *and* institutional in nature. As I will show, understanding the institutional and interactional determinants of eviction outcomes not only explains why civil justice is so unattainable, but also offers policymakers clear sites for policy intervention and prescription for implementation.

Chapter 2: Dissertation Methodology

This study combines ethnographic, interviewing, and historical methodologies. In sum, I conducted 24 months of ethnographic fieldwork—12 months studying two tenants' rights clinics in LA County and 12 months studying two eviction courts in the LA Superior Court (LASC) system—and 41 interviews with tenants, defense lawyers, and plaintiffs' lawyers. I also collected administrative data from various state bureaucracies in California, including twenty years of eviction filing data in Los Angeles County, and a decade's worth of case outcome data from California's Judicial Council. Historical data include court statistics reports compiled by the Judicial Council, LASC Annual Reports, and articles published in the *Los Angeles Times* and other outlets documenting court consolidation. In this section, I will describe my methods of data collection and analysis for each.

Ethnographic data collection and analysis

While I conducted 24 months of fieldwork in total, I dedicated the first 12-month period to studying interactions in tenants' rights clinics and the second to studying interactions at court. In clinics, I observed *and* conducted intake interviews—typically 3-8 intake interviews per day taking between 3-8 hours per day—as a volunteer intake interviewer in weekly tenants' rights clinics. From January 2014 to August 2014, I attended two clinics every week; from September 2014 to January 2015, I attended one clinic per week. I only collected data when I received informed consent to take notes prior to the start of an interview from attorneys *and* tenants. Tenants sometimes did not provide consent, and, in these cases, I fulfilled my obligation as a volunteer intake interviewer, but did not take notes as an ethnographer. I did not systematically

quantify case types that I observed in clinics, but most eviction-related cases in my fieldnotes were based on allegations that tenants did not pay rent.[v]

While I was conducting fieldwork, volunteer lawyers and intake-interviewers from advocacy organizations ran tenants' rights clinics six days per week. The two clinics that I observed were in Lincoln Heights and West Hollywood. Lincoln Heights is a gentrifying working class, predominately Latinx community northeast of Downtown Los Angeles.[vi] West Hollywood, on the other hand, is a predominately white, middle-class city located within the city of Los Angeles. 75% of the residents in both neighborhoods rented their homes. Tenants from throughout Los Angeles County attended these clinics, typically via referrals from friends and local agencies, though I observed that the Lincoln Heights clinic had a greater proportion of local residents in attendance than the West Hollywood clinic.

Intake interviews proceeded as follows. First, tenants recorded a written account of their housing issues on a questionnaire. Then, intake interviewers interviewed tenants concerning housing trouble and the legal documents that they had received. After interviewing tenants, interviewers consulted with supervising lawyers about the case facts and transcribed their advice. Finally, interviewers presented the advice to tenants and, if tenants had questions, facilitated a brief discussion with supervising lawyers. This process was similar in both clinics.

In these interactions, I observed tenants' narrative understandings of their situations and social roles within them, presented to receive advice and referrals. This methodological approach is not without its risks, particularly the matter of "taking sides" without having observed events discussed firsthand (e.g., Emerson 2015:26-27) and confusing talk with action (Jerolmack and Khan 2014; cf. Lamont and Swidler 2014). While I did not directly witness tenants' troubleshooting practices, I did observe situated *talk-in-interaction* (Schegloff 2006), particularly

how tenants narrativized and presented cases to lawyers. This approach afforded me insights that observing *in situ* action might not by revealing narrative turning points that "transform prior understandings and responses in significant ways" (Emerson 2015: xxix; Vaughan 1990).

At court, I conducted twelve months of ethnographic fieldwork across three periods of time: June 2015-November 2015, January 2016-March 2016, and March 2018-August 2018. My primary field site was the Stanley Mosk Courthouse in downtown Los Angeles, but I also observed proceedings in the Santa Monica, Pasadena, and Van Nuys East Courthouses. I observed lawyers from two local firms, one specializing in eviction defense and the other a public interest firm with an eviction defense unit. Typically, observations involved meeting eviction defense lawyers during the courtroom's morning roll call and shadowing them as they consulted with their clients, negotiated with clients' landlords' lawyers, and appeared in hearings and other court proceedings. Periods of observation varied between four hours and eight hours depending on whether I observed a morning/afternoon session or an entire day.

My approach as an ethnographer is best captured by the concept of "hybrid ethnography" (Seim 2021), where ethnographers assume a stance characterized by both *participant observation* and *observant participation* throughout fieldwork. In the clinic ethnography, for example, I initially collected data as a *participant observer*, but spent most of my time as an *observant participant* because the clinic was always in need of volunteer intake interviewers. As Seim notes, observant participation affords ethnographers "internal" insights such as how intake interviewers see clients and cases, representing an "insider" perspective that inculcates a similar set of dispositions into the fieldworker as those held by participants (Ibid.10-12).

In the court ethnography, however, I collected data as a *participant observer*, but occasionally supported lawyers in what can only be described as a participant—akin to a legal

assistant's role. Participant observation is a more traditional mode of ethnographic observation affording ethnographers insights into how "outsiders" do and make sense of their work and social worlds (Seim 2021:6-7, 12). As I will explain later, my positionality as an ethnographer at court necessitated also conducting semi-structured interviews to adequately contextualize my findings within lawyers' experiences litigating evictions and perceptions of the legal process. Throughout fieldwork, I jotted notes by hand *in situ* and wrote detailed narrative fieldnotes later (Emerson, Fretz, and Shaw 1995/2011).

I analyzed my ethnographic data using abductive analysis (Tavory and Timmermans 2014). Abductive analysis directs ethnographers to actively search for surprising or anomalous moments in their data, moving iteratively between data and existing explanations to develop theory that explains these empirical surprises. This analytic method is particularly good for explaining seeming anomalies, where existing literature and theory falls short of explaining surprising findings and unexpected outcomes. Guided by this analytic framework, I was able to address two central paradoxes of this dissertation. In chapter 4, for example, I explain why tenants actively troubleshooting their eviction cases nevertheless lose cases by default and, in chapter 5, why landlords intent on taking cases to trial in a justice system that caters to their interests nevertheless end up settling on terms favorable to tenants. Abductive analysis equips ethnographers to solve these types of empirical puzzles, drawing on the resulting explanations to generate theory from qualitative data (Ibid.).

Interviewing data collection and analysis

I supplemented ethnographic observations with 41 interviews: 10 with tenants, 17 with defense lawyers, and 14 with plaintiffs' lawyers. I recruited tenants by asking their attorneys if

they had clients who might be interested in speaking with me while in court. Interviews were conducted across brief periods of downtime during courthouse settlement negotiation interactions and lasted between 30 and 60 minutes. Table 1 represents information on my sample of interviewees that I determined based on tenants' self-reported characteristics, my *in situ* observations, and data from interview transcripts.

Table 1: Tenant Interviewee Information

Interviewee	Age (est.)	Race/Ethnicity	Gender	Occupation	Lawyer	Location	Other Facts
1	Late 30s	White	Man	Unemployed	Yes	Courthouse	On disability; Veteran
2	Late 50s	Latino	Man	Truck Driver	Yes	Courthouse	On disability
3	Late 20s	Hawaiian	Man	Self-Employed	Yes	Courthouse	Food truck industry
4	Late 30s	Latino	Man	Self-Employed	Yes	Courthouse	Food truck industry
5	Mid 30s	Filipino	Woman	Unknown	No	Courthouse	None
6	Mid 50s	Black	Woman	Realtor	Yes	Courthouse	None
7	Early 40s	White	Woman	Unemployed	Unknown	Clinic	None
8	Early 20s	Latina	Woman	Unemployed	Yes	Courthouse	Fmr. building manager
9	Late 40s	Black	Woman	Unemployed	Yes	Courthouse	On disability
10	Mid 40s	Latina	Woman	Unknown	Yes	Courthouse	None

The 10 interviews that I conducted with tenants were primarily supplemental, meant as a validity check. These interviews confirmed, for example, that interpretive disjuncture is a common feature of tenants' experiences troubleshooting eviction and, as I will explain in greater depth in chapter 4, the primary difference was that these tenants were able to access troubleshooting support in time. Comparing data collected from semi-structured interviews and ethnographic fieldwork ultimately revealed similar interpretive processes and narrative trajectories.

I also conducted 31 interviews with lawyers, 14 of whom represented landlords and 17 of whom represented tenants. In these interviews, I got a sense of how lawyers representing landlords and tenants understood interactions that I observed ethnographically. Brief demographic information about my interviewees is included in Table 2.

Table 2: Lawyer Interviewee Information

Interviewee	Bar Side	Firm Type	Firm Role	Race/Ethnicity	Gender	Tenure
1	Landlord	Small	Management	White	Man	Veteran
2	Landlord	Large	Staff Lawyer	White	Man	Veteran
3	Landlord	Large	Staff Lawyer	White	Man	Veteran
4	Landlord	Large	Staff Lawyer	Asian-American	Man	Veteran
5	Landlord	Small	Management	White	Man	Veteran
6	Landlord	Large	Staff Lawyer	White	Man	Veteran
7	Landlord	Large	Staff Lawyer	White	Woman	Veteran
8	Landlord	Medium	Management	White	Man	Veteran
9	Landlord	Small	Management	White	Woman	Veteran
10	Landlord	Small	Management	White	Man	Veteran
11	Landlord	Large	Management	White	Man	Veteran
12	Landlord	Large	Retired	White	Man	Veteran
13	Landlord	Small	Lawyer	White	Man	Veteran
14	Landlord	Small	Management	White	Man	Veteran
15	Tenant	Medium	Staff Lawyer	Latina	Woman	Veteran
16	Tenant	Medium	Staff Lawyer	White	Man	Veteran
17	Tenant	Medium	Management	White	Man	Veteran
18	Tenant	Small	Management	Latina	Woman	Veteran
19	Tenant	Medium	Management	Latina	Woman	Veteran
20	Tenant	Medium	Supervising	White	Man	Veteran
21	Tenant	Medium	Supervising	White	Woman	Veteran
22	Tenant	Medium	Management	White	Woman	Veteran
23	Tenant	Medium	Staff Lawyer	White	Woman	Novice
24	Tenant	Medium	Supervising	South Asian	Woman	Veteran
25	Tenant	Medium	White	White	Man	Veteran
26	Tenant	Medium	Retired	White	Man	Veteran
27	Tenant	Medium	Staff Lawyer	Latina	Woman	Veteran
28	Tenant	Small	Staff Lawyer	Asian-American	Woman	Veteran
29	Tenant	Medium	Management	White	Woman	Veteran
30	Tenant	Medium	Staff Lawyer	White	Man	Novice
31	Tenant	Medium	Staff Lawyer	White	Woman	Novice

I selected this sample using snowball sampling methods (Weiss 1994). I typically met lawyers while doing court fieldwork, spoke with them briefly about my research, contacted them later if they were interested, and then asked them to interview with me. Following interviews, I asked lawyers if they could introduce me to other attorneys in their networks that they either admired or who they felt represented the contemporary state of the field (in good or bad ways).

These interviews allowed me to learn more lawyers' work from the lawyers themselves. I include interview schedules for defense and plaintiffs' lawyers in Appendices 1 and 2, but I generally began interviews with questions about lawyers' biographies and experiences litigating eviction, their normal typifications of cases and clients, their strategies for client retention, their preparation routines, their negotiation and litigation strategies, and their perception of the legal process, its outcomes, and the extent to which it helped their clients access substantive justice. Interviews with lawyers offered insights into what lawyers understood to be meaningful, a particularly important perspective given the fact that I am not a lawyer and have never litigated an eviction lawsuit in the LASC system. I analyzed all interview data abductively.

Historical data collection and analysis

Finally, I supplemented my ethnographic and interviewing methods with historical analysis. I collected twenty years of eviction filing data from the LASC system and ten years of eviction outcome data from counties throughout California from the state's Judicial Council. Alongside these administrative data, I also collected and analyzed court statistics reports compiled by the Judicial Council and LASC Annual Reports. These data allowed me to construct statistics about eviction filings and case outcomes that I refer to throughout, as well as contributed to insights from co-authored work that I cite in the dissertation (e.g., Lens et al. 2020; Nelson et al. 2021a; Nelson et al. 2021b).

In chapter 3, I draw on a wealth of historical materials. First, I constructed a database of 125 media stories published about court consolidation at the state and local level between 1985-2013. These include 54 articles published in the *Los Angeles Times*, 63 articles published in the *Sacramento Bee*, and eight articles published in hyper-local outlets. I supplemented this data set with external reports commissioned by local and statewide governments, internal reports provided to the California legislature by the Judicial Council, articles in the *California Courts Review* quarterly magazine, and a historical monograph titled *Committed to Justice: The Rise of Judicial Administration in California,* documenting the origins and evolution of California's justice system that was commissioned by the Judicial Council (Sipes 2002). To analyze these documents, I use process tracing methodology (Mahoney 2012; George and Bennett 2005) to reconstruct the historical trajectory of judiciary budgeting and to show how this process, over time, shaped the socio-spatial organization of justice in both California and LA County by analyzing what I understood to be critical junctures.

On the Challenge and Promise of Legal Ethnography

Sociologists and lawyers have incommensurable standards for informed consent and confidentiality. Notably, ethnographic observation in legal settings theoretically compromises attorney-client privilege. For this reason, participant-observation studies of attorney-client interaction are extremely rare and the process to conduct this type of research is typically contingent on pre-existing relationships (see Van Cleve 2016; cf. Danet, Hoffman, and Kermish 1980). My own access was no different, as I was introduced to lawyers through colleagues and friends who vouched for me rather than through cold calls and introductory emails.

To assuage lawyers' concerns regarding confidently, I employed rigorous and consistent informed consent protocols. I developed consent documents with the assistance of lawyers who I had shadowed for a previous project and UCLA IRB. In practice, I received expressed permission from lawyers to accompany them to court, explained my research to clients, and received clients' informed consent. As more parties entered the sphere of negotiation interaction, I clearly represented my role and let all participants know that they could withdraw consent at any time. They oftentimes did. In these cases, I did not include observations in my field notes. I anonymized all names, case details, and dates to further guarantee confidentiality for lawyers and clients. While ethnographers have become critical of ethnographic conventions regarding anonymization (e.g., Murphy, Jerolmack, and Smith 2019), it is impossible to imagine studying attorney-client interaction without them, especially when lawyer's clients would be at a high risk of housing discrimination were their identities to be revealed (e.g., Kleysteuber 2006).

Chapter 3: The Institutional Determinants of Access to Justice

Los Angeles is in the middle of a tripartite housing crisis. A lack of housing supply, particularly affordable housing, has driven up rents as tenants' demand for a shrinking stock of affordable housing surges countywide. As rents increase, tenants in Los Angeles are increasingly rent burdened and at increased risk of eviction. While eviction's toll is devastating in any city, eviction's consequences are especially pronounced in a region where affordable housing (subsidized or not) is extremely scarce and evicted tenants frequently join the ranks of the County's growing homeless population.

Eviction is both cause and effect of housing precarity in Los Angeles, but to understand how tenants come to experience eviction's devastating effects, how everyday housing troubles culminate in sheriff lockouts, it is essential to understand a key element of eviction's institutional life: eviction case processing in the Los Angele Superior Court (LASC) system. In this chapter, I will elaborate eviction case processing's origins by tracing processes such as court consolidation, unification, and contraction as they unfold historically at three critical junctures. As I will show, both the administration of justice in California courts and tenants' access to justice in the LASC system are shaped by external economic, political, and social movement pressure resulting in variable institutional configurations over time.

I. Institutional Change and Access to Justice

The extent to which the Los Angeles civil justice system shapes tenants' life chances, however, is not merely a matter of various "laws on the books" (Pound 1910). As is the case with

institutions more generally, California's civil justice system exists as a function of both internal dynamics and responses to external forces (Powell and DiMaggio 1991; Edelman, Uggen, and Erlanger 1999; Gilad 2014). In Los Angeles County, the outcome of these forces created novel institutional configurations characterizing eviction case processing that ultimately shape how tenants (and landlords) access justice. As legal scholars and advocates note, access to justice is a fluid concept, as words like "access" and "justice," not to mention the phrase "access to justice," mean different things across jurisdictions and justice systems (Sandefur 2019, 2021). Conceptually, access to justice refers to litigants' physical access to legal institutions like courthouses, the accessibility of formal and informal legal procedure to litigants with and without lawyers, and the extent to which litigants can access experts like lawyers and case workers if they are unable to troubleshoot legal problems by themselves (Ibid.). Regardless of the definition, expanding access to justice in the civil justice system is a problem that has vexed legal policymakers and scholars for generations.

In the field of housing justice advocacy, access to justice typically revolves around tenants' access to lawyers to represent them in eviction proceedings and affirmative litigation against slumlords (e.g., Pastore 2008; Engler 2009). Legal scholars refer to this "right to counsel" as a supply-side intervention, helping equip court users (litigants) with lawyers, mirroring indigent defendants' right to counsel in criminal litigation codified in the wake of *Gideon v. Wainwright* (1963). Increasingly, however, advocates have identified additional "demand-side" interventions, essentially procedural legal reform, to supplement calls for "Civil Gideon." Demand-side interventions involve making courts as organizations and the legal processes themselves more accessible, reforming procedural laws and protocols while empowering litigants to participate in their defense with *and* without lawyers (Steinberg 2005).

When combined, these dual perspectives define access to justice as consisting of both a *physical* access to legal bureaucracies like courts and a *legal* access to the institutional levers of legal justice, including formal and informal legal procedure (see also Sandefur 2021). Crucially, legal access may be conferred by lawyers and/or more inclusive legal institutions and processes. The precise nature of access is highly variable, changing alongside shifts in legal and procedural law, technological innovation, and the fluctuating capacity of advocacy organizations in a given locale. Whereas law scholars have deftly identified how the changing legal landscape shapes tenants' access to justice in eviction proceedings, there is little literature that explores how changes to the social organization of justice systems create institutional configurations that variably enable and constrain litigants' access to justice over time. This historical analysis is not merely descriptive, but also explains how the contemporary landscape of eviction case processing emerged and contextualizes the strategies that have come to characterize eviction defense as clearly responsive to both legal and institutional change.

In this chapter, I will show how the social organization of eviction case processing in Los Angeles County is rooted in over a half century of policy development and social movement advocacy that accelerated during the Great Recession. At three critical junctures, the corresponding changes to the civil justice system's social organization resulted in distinct enactments of access to justice, enabling and constraining the extent to which tenants can defend themselves in the Los Angeles Superior Court (LASC) system. In the first historical moment (1946-2000), California's statewide Judicial Council and its Administrative Office of the Courts gradually consolidated California's "lower courts" with eventual support from the public, court advocacy groups, and state politicians, rationalizing legal processes that had previously subjected tenants to inconsistent procedural environments and judges with variable level of competence

adjudicating eviction. The resulting superior court system was not without its flaws (many of which continue to be problems today), but succeeded in rationalizing the systems and processes that tenants needed to access to defend themselves.

In the second historical moment (2000-2014), however, the optimism that accompanied consolidation gave way to the practical reality of statewide and county-level austerity. In particular, the newly consolidated civil justice system was decimated by budgetary cuts during California's decades-long fiscal crisis. Cuts occurred in every county superior court system but were especially pronounced in California's largest: Los Angeles County. In Los Angeles County, cuts initially resulted in shuttered courthouses in a then-neighborhood-based LASC system, indelibly changing both the spatial distribution of eviction courtrooms and capacity of law firms to represent tenants. LASC did so by enacting a policy referred to as "hubbing," where eviction lawsuits were concentrated in courtrooms in five, regionally dispersed courthouses. On one hand, LASC administration's dismantling of its then-neighborhood-based court system made it more difficult for tenants to *physically* access the now-regionally-dispersed courthouses. On the other hand, however, hubbing expanded tenants' access to *legal* justice in an unanticipated way by increasing providers' capacity to provide legal assistance to tenants facing eviction.

In the third historical moment (2014-2018), policymakers expanded tenants' rights on the state-level, advocates sued the LASC system over perceived declines in physical access to justice, and LASC personnel responded by expanding the hub system from its original five courthouse model to (ultimately) eleven courthouses, one in each of the county's judicial district. Perhaps motivated by social movement pressure and litigation, the hub expansion had significant, unanticipated effects for tenants and for the lawyers and advocates who worked alongside them. For example, while these changes expanded tenants' legal rights and made

courts more physically accessible, they constrained tenants' access to legal justice. As LASC expanded the hub, lawyers no longer had capacity to provide legal services in the county's expanded legal ecology, particularly in courthouses along the county's outskirts.

In this chapter, I show how exogenous factors such as economic crisis and endogenous responses like "hubbing" impacted the social and spatial organization of the Los Angeles Superior Court (LASC) system. Ultimately, these changes reshaped both the institutional environment where tenants and lawyers do eviction defense *and* tenants' access to justice. As I will show, the resulting institutional configurations within which landlords and tenants litigate evictions emerge from historical processes shaped by exogenous forces, remaking the socio-spatial landscape of housing justice in Los Angeles before tenants ever set foot in court.

II. The Rise and Fall of Los Angeles's Neighborhood Court System

To understand how and why the social organization of civil justice differentially shapes tenants' access to justice, it is important to elaborate three critical junctures in the Los Angeles Superior Court's (LASC) life course: consolidation (1946-2000), state and local budget crises (2000-2014), and hubbing (2014-2018). In the first moment, consolidation afforded justice systems opportunities to rationalize inconsistent case processing across the state. Yet, the 50-year long process of court consolidation never paid the financial dividends that state officials portended and ultimately had a paradoxical effect of constraining the same access it had initially enabled. Perpetual budgetary crisis put the LASC in a difficult fiscal position resulting in closing courtrooms, entire courthouses, and staff layoffs that left LASC, particularly its civil justice system, in shambles and without the capacity to administer equitable justice.

At each historical stage, state fiscal mismanagement and the local re-organization of the courts that accompanied it enabled and constrained tenants' access to justice, albeit in strikingly different ways. In particular, LASC administration's dismantling of the neighborhood system of 26 "local" courts made it more difficult for tenants to physically access courthouses but made it easier for lawyers and advocates to support tenants facing eviction. Then, expanding the regional hub after 2014 made it easier for tenants to access LASC courts but more difficult for attorneys to provide legal services for tenants outside of the court's central hub.

Consolidating the Lower Courts, 1950-2000

The Judicial Council described the state of California's lower courts in a 1948 report to the California Legislature as follows:

> There are six separate and distinct types of inferior courts, totaling 767 in number, created and governed under varied constitutional statutory and charter provisions. The jurisdiction of those courts overlaps, since in almost every instance each court serves a locality which is also served by at least one other court. Conflict and uncertainty in jurisdiction is one result of such multiplicity and duplication. Another result is that many courts are operated on a part-time basis and are presided over by laymen engaged in outside businesses or by lawyers engaged in private practice (Judicial Council 1948:15, quoted in Sipes 2002:101).

The contemporary organization at the time resulted in a confusing, oftentimes redundant set of trial courts that made it difficult for experts, let alone laypeople to navigate (Ibid. 101-102). An initial 1950 reorganization helped to address some of the redundancies by limiting lower courts

to municipal and justice courts, but this ultimately did little to address the complex (and confusing) ecology of civil justice in California's largest metropolitan area.

While advocates and the statewide Judicial Council continued to call for further consolidation and unification of trial courts, progress stalled until the introduction of the Trial Court Funding Program (TCFP) in 1985. Prior to the TCFP, California courts were largely funded locally. California's lower courts had a two-tiered structure. The Superior Court (LASC) system was responsible for felony trials and civil cases with "major damages" and the Municipal Court (LAMC) system handled misdemeanor crimes and lesser civil cases. While LASC and LAMC had separate administrative and clerical operations, these courts sometimes shared the same buildings and regularly competed for clients and funding (Willman 1993). The division of labor during this time was murky; a case might originate in municipal court before eventually being transferred to and adjudicated in superior court.

What each shared, however, was that they were funded in large part from city and county coffers and were largely accessible to Angeleno litigants because courthouses were in and adjacent to most of the region's most populace neighborhoods. In fact, the LAMC and LASC systems constituted the largest local court system in the world (Lahey, Christenson, and Rossi 2000). While few eviction defense attorneys were practicing at the time and justice for tenants was notoriously hard to come by against landlords with lawyers, courts were physically accessible, and tenants could at least theoretically defend themselves against their landlords if they could get to court in the first place.

In this way, justice was physically, but rarely legally accessible. In Los Angeles (e.g., Epstein 1979), eviction's institutional life was characterized by an unequal playing field for tenants, like observations from Baltimore (Bezdek 1992), Chicago (Fusco, Collins, and

Birnbaum 1979), Detroit (Mosier and Soble 1973), and New York (Lazerson 1982). As advocates noted around this time,

> The entire statutory scheme [pertaining to unlawful detainer], on first glance, seems to dispense rights and liabilities equally…. However, the theoretical equity of the statues melts away upon close examination…. [Because] the landlord's ability to initiate legal action is much greater than that of the tenant, the tenant is denied equal access to the courts. The result of this denial is that the landlord has an advantage over the tenant which is greater than just an in-court procedural superiority… [The tenant] is chilled from asserting what rights the law provides [them] and the landlord is able to assert rights [they] may not have. (Harney 1970:784-787)

In eviction proceedings, the distinctions between physical access and legal access are meaningful insofar as tenants may be able to be physically present to defend themselves but are symbolically "locked out" of accessing justice because the substantive and procedural law is biased against them and inaccessible without particular forms legal expertise (e.g., eviction defense lawyering and other forms of legal assistance).

A new set of laws set the stage for legislation that moved California's fractured, albeit functional court system from funding consolidation towards institutional consolidation. In theory, the TCFP set the stage for future statewide court consolidation by shifting local courts systems' funding burdens from the local to state levels, using block grants to support court operating costs like judicial salaries (Hill 1992:138). In exchange for state funds, local courts sent revenue from litigants' fines, fees, and forfeitures to reimburse the state for its assistance. The program briefly stalled, and the court funding status quo re-emerged after the TCFP's

"recapture provisions" were temporarily removed by the Brown-Presley Trial Court Funding Act (AB 1197 1988) (Hill 1992:138). The Trial Court Re-alignment and Efficiency Act (TCREA) (AB 1297,1991) and seven other bills passed by the state's assembly and senate, however, revived TCFP with a goal of funding 50% of trial courts operations by the fiscal year 1991-1992 and 70% by fiscal year 1995-1996 (Hill 1992:139).

While the TCREA's primary goal was funding lower court consolidation by moving local court funding processes to the state level, California State Assembly Bill 1344 (1992) helped the California legislature move towards its secondary goal of minimizing trial delays by allowing superior and municipal court jurisdictions that were already coordinating their operations to appoint presiding judges, executive committees, and court executive officers, the basic infrastructure required for institutional consolidation (Lahey, Christenson, and Rossi 2000). By 1995, the statewide Judicial Council of California (JCC) further developed a foundation for consolidation by passing Rule 991, which standardized court coordination protocols and set "milestones" for interested courts, offering a framework for how to go about consolidating its many, oftentimes redundant court operations (Ibid.). Some counties embraced consolidated via this process, but progress was slow.

Consolidation would theoretically rationalize California's fractured civil justice system, including its patchwork network of specialized housing and limited jurisdiction courts, but the state still lacked means of compelling consolidation at the statewide level. In 1998, however, California voters passed Proposition 220, which allowed judges to formally vote for court unification. Judges remained divided initially with superior court judges voting against unification and municipal court judges largely voting for consolidation (Fears 1999). By 1999, 54 of 58 counties had consolidated their two-tiered court system into county superior court

systems (Anon. 1999). Los Angeles was not among the early adopters of a unified court system, but after 9 years of debate, the superior and municipal courts finally merged on January 22, 2000. In doing so, the new LASC system became the largest trial court of general jurisdiction in the world (Anon. 2000). At this time, the LASC system consisted of 563 judges, 5000 employees, and heard over 2.7 million cases. Consolidation meant a drastic expansion of court bureaucracy and caseload, all while the LASC system received 98% of its budget from a state with growing budget issues (Gorman 2002). The merger also caused administrative problems, particularly reconciling disparities in wages between employees occupying similar job positions.

Resolving these concerns triggered two sets of conflicts: between the state and the county and between the county and labor unions. The statewide JCC and Administrative Office of the Courts (AOC) set the California judiciary's budget, but did so without much local input; local judges had discretion to decide how to allocate budgets and raise wages but did so largely without local input or AOC oversight (Guccione and O'Neill 2000). Unsurprisingly, this created rifts between the nascent LASC, its employees and its judges, not to mention organized labor headed by the American Federation of State, County, and Municipal Employees (AFSCME) and Service Employees International Union (SEIU). Pushed by unions, the legislature quickly moved to pass bills aimed at increasing transparency in decisions regarding budget allocation and pay raises (Ibid.). These conflicts would only deepen, however, as global and domestic economies entered a period of recession.

A Decade of "Unprecedented" Budget Crises, 2001-2011

Shortly after consolidation, however, optimism waned as LASC's network of neighborhood courts began to disappear. By 2001, California's Superior Court unification project had already begun to show signs of strain. In Los Angeles, retired judges volunteered to

help adjudicate growing backlogs of civil cases, as vacancies in judgeships grew due to the economic downturn (Gorman 2001). While the volunteer judges helped to mitigate the civil case overload, lawyers criticized volunteer judges as lacking accountability (Ibid.). By 2002, global recession had set in, and Governor Gray Davis's budgeting resulted in LASC receiving $20 million less from the state than expected to fund its $600 million budget (Gorman 2002). As 2002 ended, LASC closed 29 courtrooms and jail lockups in three courthouses, reduced its contract with the Sheriff's Office by $10 million, laid off 168 employees, eliminated 200 additional positions, and compromised its specialized courtrooms for mentally ill teenagers, people experiencing homelessness, and those accused of drug and domestic violence-related offenses (Anon. 2002; Berry 2002; Gorman 2002). As a result, litigants' physical access to justice, once a hallmark of LA County's neighborhood-based court systems, declined.

So, too, did litigants' access to legal justice, at least according to judges' and advocates' rhetoric at the time. When the cuts were announced, judges, lawyers and advocates bemoaned concerns over security and delays in "justice served" (Gorman 2002). In 2003, Chief Justice Ronald George warned of the "devastating impact" of Davis's proposed $134 million in cuts that "could close the courthouse doors to poor families and children, as well as civil litigants" (Halper and Ingram 2003). LA County's civil justice system was hit particularly hard during this period. According to San Fernando Valley Bar Association President James Felton, "civil cases are particularly vulnerable because criminal matters, by law, take priority over all other types of cases" (quoted in Guccione 2003). Making matters worse, union contracts for most of LA County's 5200 employees expired in September 2003 (Fox 2003), judicial employment benefits grew, further straining county and state budgets (Martin 2003), and LASC began furloughing employees from judges to clerks to help close the $8.2 million budget deficit (Guccione 2003).

When JCC asked all its county courts to reduce their budgets by 1.3%, these cuts were especially costly for the LASC's 583 courtrooms and 2.6 million criminal, civil, and traffic cases.

The LASC system closed entire courthouses in Culver City, Monrovia, and South Gate in 2004, folding their operations into nearby courthouses in Santa Monica, Alhambra, and Huntington Park (Watson 2004). LASC courthouse closures would continue for the next decade. Whereas LASC's budget had been controlled by the LA County Board of Supervisors prior to consolidation, control moved from the County to the Administrative Office of the Courts in San Francisco (who increased county budgets when the state budgets allowed for increases, but whose own budget had increased 74% since its inception) (Dolan 2006). While the fiscal crisis deepened at both county and state level, judges in LA added to the conflict, by speaking out about their loss of autonomy and discretion in managing budgets (Ibid.).

As described above, the California courts faced funding cuts as early as fiscal year 2002-2003 before experiencing a brief period of budgetary relief that allowed it to address longstanding issues regarding employment pay and benefits (Dolan 2006). Between 2008-2013, however, California endured both the Great Recession and declining tax revenue. During this time, the LASC system cut its budget by an additional $166 million and the state judiciary cut its overall budget by $1.1 billion.

At the beginning of the budget crisis, cuts took the form of furloughs, layoffs, service reductions, and increased fines and fees. By the time that the Great Recession hit, however, temporary furloughs and service reductions became permanent. LASC Presiding Judge Charles "Tim" McCoy warned that 1800 jobs could be eliminated, and 180 courtrooms countywide could close, including nearly 30% of its "juvenile courtrooms" (Kim 2009). Civil court operations were particularly hard hit, as 111 courtrooms were set for closure between 2009-2012, caseloads for

judges grew 300%, and advocates noted increasingly long waits for trial (Ibid.). Likewise, a new set of crises emerged: the foreclosure and subsequent eviction crises worsened, unemployment grew exponentially, and the Legal Service Corporation faced its "worst funding crisis [ever]," all while the LASC system faced its own fiscal crisis, facilities that badly needed physical upgrading, growing caseloads, and fewer courtrooms (Williams 2009; Hennessy-Fiske 2009).

The AOC announced that it would slash the court budget by an additional $200 million in 2009. One 2010 study commissioned by LASC Chief Justice McCoy estimated that the flurry of budget cuts could end up costing LA County's economy $30 billion and 150,000 jobs, as well as the closure of up to 30% of LASC's remaining courtrooms (Weinstein and Porter 2009). Administrative Director of the California state court system William C. Vickery responded at the time to this suggestion by stating that "[The study] sets the goal that we can't let this happen. The courts were already stretched thin even before the recession battered the state. The impact, both financial and the human toll would be tremendous, and it would be tragic" (Kim 2010a). State Chief Justice Ronald M. George, however, countered that the report was "a political document" and continued that "if you want to prove that the moon is made out of blue cheese, you'll find somebody that will write you a report" (Kim 2010b) a statement that hints at friction between state and county Chief Justices' visions of court governance.

As tensions between state and LA County judicial leadership intensified, the LASC system and the state judiciary collaboratively and individually looked for budgetary solutions. One proposal suggested using funding from a statewide bond measure (Kim 2010b; SB 1407 2008) to help sustain court operations during the cuts (Ibid.). As an editorial from *The Los Angeles Times* (Anon. 2010) pointed out, however, this proposal was controversial due to the convergence of a series of long simmering issues: primarily, the LASC system contributed

approximately 30% of the state's fine and fee-related revenue while it shouldered the same cuts as small county systems, friction between advocates of statewide centralization of power and local autonomy, and dueling obligations of agencies to state and local interests, not to mention its constituents. 53/58 county presiding judges voted against using SB 1407 funds, noting that while closing budgetary shortfalls was important, that repairs to courts' decaying physical infrastructure had already been tabled during court unification (Kim 2010b).[vii]

The next year, however, California State Congress decided to use the SB 1407 funds anyway, assuring voters and the state judiciary that "the funds would be repaid in more solvent times" (Dolan and Kim 2011). New Chief Justice Tani Cantil-Sakauye declared an "unprecedented crisis" and approved a new round of budget cuts, slashing $350 million from the court's $3.5 billion operating budget (Dolan 2011b). Tensions between local county court systems and statewide judicial council reached a fever pitch, however, after an audit of the Judicial Council's attempt to create a coordinated, electronic "Court Case Management System" across the state's 58 county court systems revealed a stunning boondoggle: cost estimates rose from $260 million in 2004 to $1.9 billion in 2011 (Dolan 2011a). Furthermore, while state judges were participating begrudgingly in weekly furloughs, the Administrative Office of Courts staff doubled between 1998 and 2010; some staffers, Dolan (Ibid.) reported, even received raises.[viii]

To weather the latest round of controversy and cuts, Chief Justice Cantil-Sakauye recommended that county courts adopt shorter trials and more "bench trials" (trials without juries), but legal advocates countered that the cuts would only prolong the already long waits for litigants to have their days in court (Dolan and Kim 2011). Invoking the maxim "justice delayed is justice denied," LASC Presiding Judge Lee Smalley Edmon explained, for example, that "as the work of the courtrooms is slowed for the lack of staff, matters will be calendared many

months in the future, leaving litigants with no expectation of relief or resolution of their cases for extended periods of time" (quoted in Ibid.). In a statement to the *Los Angeles Times*, Michael Roddy, Executive Officer of the San Diego Superior Court system wondered, "if you're a family in crisis, what's the three-, four-month wait going to do to you?" (Quoted in Dolan and Kim 2011).

In Los Angeles, the budgetary crisis raged on, as eight LASC courthouses closed in 2012 and alternative dispute resolution programs countywide ceased. A civil trial court judge named Michael L. Stern (2012) wrote in the *Los Angeles Times* that

> If there were ever a time to pay attention to the quality of justice that we have come to expect and deserve from our judicial system, it is now. The public should not be content with the dislocation and delays in resolving civil disputes caused by court funding shortages. Equal access to justice under the law demands more. It requires action by everyone to make the elected officials responsible for funding our courts aware that the words "equal justice under the law" cannot become just another hollow slogan.

Stern warned of major restructuring of the LASC system, and that the civil justice system would once again bear the brunt of cuts (Ibid.). Even when California voters approved a temporary tax increase and the economy began to improve, the cuts continued (Anon. 2013). *The Los Angeles Times* further editorialized that these latest cuts signaled "further retrenchment from a modern court system that serve its people and a return to an outdated system with impossibly long freeway treks to, for example, obtain domestic violence restraining orders or even to appear before a judge in a small claims or landlord-tenant dispute" (Ibid.).

While court unification was supposed to ameliorate budgetary problems at the state level and redundancy at the local level, history reveals that the opposite happened in the wake of global economic recession. In 2013, Chief Justice Cantil-Sakauye declared that California was facing "a civil rights crisis" (Dolan 2013). A combination of economic shocks from a volatile economy and the power conflict that accompanied centralizing of the state judiciary resulted instead in two decades of budgetary crisis that ravaged county superior court systems. How individual county superior court systems weathered budgetary crises varied by jurisdiction. While advocates typically noted that consequences of the state and local budget cuts were most dire in family and traffic court jurisdictions, the LASC system was about to implement policy that would completely transform its neighborhood court system while shining a particularly bright light on the injustices in unlawful detainer law, also known as eviction.

Organizing the "Hub" in Los Angeles County, 2012-2014

In an email to LASC employees sent on November 15, 2012, Presiding Judge Edmon and CEO John A. Clarke wrote "there is no way to maintain the current level of service to the public in the face of state mandated reductions of nearly one-fifth of the Court's discretionary funding…we wanted to notify you of the scale, magnitude and nature of the reduction before us" (Quoted in *Service Employees International Union, Local 721 v. Los Angeles Superior Court*, 2013). Mary Hearn, LASC spokeswoman explained that "we have to make changes because we don't have the money to provide the level of services, the immediacy of services that we have historically" (quoted in Branson-Potts 2013b).

Edmon, Clark, and Hearn were referring to an ambitious court reorganization plan that had been approved two days prior on November 13 without input from LASC staff or local attorneys. The plan consisted of four actions: 1) closing courthouses, 2) eliminating court

reporters, 3) terminating referees in juvenile delinquency and dependency cases, and 4) consolidating probate, small claims, collections, and unlawful detainer cases. LASC achieved this secondary consolidation through a policy it called "hubbing." In Edmon and Clarke's email, LASC described hubbing as follows:

> "[The] Court will operate fewer multi-purpose courthouses and courtrooms, as the remaining courthouses and courtrooms will each specialize in a narrow range of case types. Hubbing certain case types at certain courthouses, and having courtrooms dedicated to only one type of matter, will become the norm. For instance, rather than handling small claims cases in 26 courthouses as is currently done, we will end up handling them in perhaps only six courthouses." (Quoted in *Service Employees International Union, Local 721 v. Los Angeles Superior Court*, 2013)

The hubbing policy resulted in the creation of specialized civil courts or, "[courts] deciding law and motion or other special portions of a case without handling the entire action" (Local Rules 20202:22). Soon, these courts became known colloquially as "hub courts" and covered areas of law from personal injury to unlawful detainer (a.k.a. eviction).

The LASC system set the plan into motion after yet another budgetary crisis where it faced an $85 million shortfall. After it closed 20 of its 58 courthouses, LASC administrators laid off hundreds of employees, and eliminated 1400 positions, effectively decimating its neighborhood-based court system, and once again impacting the courts' capacity to adjudicate caseloads (Branson-Potts 2013b, 2013c. 2013d, 2013e). Whereas landlords could file, and tenants could defend themselves against eviction lawsuits in 26 courts in 2012, by March 18, 2013, the number dropped to five regional hubs located in the cities of Los Angeles, Lancaster,

Long Beach, Pasadena, and Santa Monica. The reorganization plan's architects selected these locations so that, in their estimation, landlords and tenants would not have to travel more than 32 miles one-way to have their day in court, a feat given the fact that LA County is 4,751 square miles (Miles v. Wesley, 2013). As advocates would later note, however, architects fell short of these goals and social movements resisted hubbing for its seeming denial of tenants' physical access to justice in Los Angeles County.

III. Los Angeles County's Access to Justice Paradox

Expanding the Hub, 2014-2018

Advocates—from attorneys to housing activists, from judges to clerks—were outraged by the LASC's reorganization plan. On March 14, 2013, advocates and court personnel came together to demonstrate against the re-organization plan (Branson Potts 2013b). While activists' attentions were divided between labor and access to justice issues, the message was clear: Angelenos were against the hubbing plan and the organizational shifts that it would entail. The court's reply came from LASC Presiding Judge David S. Wesley: "[Hubbing] affects victims, it affects defendants, it affects lawyers, it affects police departments, it affects families, it affects businesses, it affects the rich and the poor" (quoted in Branson-Potts 2013b). Presciently and prior to the rally, legal service providers and housing advocates filed a lawsuit on behalf two tenant-defendants facing eviction against Presiding Judge Wesley and the LASC system in federal court (*Miles v Wesley* 2015).

The plaintiffs, Brenda Miles and Dane Sullivan, were renters who lived in the San Fernando Valley, in the cities of Northridge and North Hills. Brenda was a Black woman and

Dane was a white man; both plaintiffs were severely disabled. The complaint was based on accessibility.

> Ms. Miles has a severe disability as a result of a spinal cord injury that limits her daily functions. As a result, walking and sitting and particularly standing cause her extreme pain. An in-home caretaker helps her with daily activities. Because of her disability, Ms. Miles does not travel out of her apartment unless it is for a medical reason, and she does not travel outside the San Fernando Valley…. Mr. Sullivan has a severe disability which requires him to use a wheelchair. Mr. Sullivan recently received an unlawful detainer. Currently, Mr. Sullivan would only have to travel 7 miles to his local court, however, after implementation of the Court's plan he will have to travel 26 miles…Prior to the Court's decision to eliminate local unlawful detainer courtrooms, an unlawful detainer filed against Ms. Miles would have been heard at her neighborhood courthouse in Chatsworth, approximately six miles away from her home. If the Court implements its plan, the unlawful detainer will be heard in the Pasadena courthouse, approximately 30 miles away. Ms. Miles – who avoids traveling in order to remain in her hospital bed – fears that the trip to Pasadena will be physically impossible for her and cause her pain and stress…. Under doctor's orders, Mr. Sullivan cannot travel more than one hour at a time. One of his caretakers cannot drive on the freeway. Travel by car is extremely time-consuming for Mr. Sullivan because…. he must make regular stops so that his spinal cord is not exposed to vibrations from the vehicle for long periods of time (*Miles v Wesley* 2015).

Central to the complaint is that hubbing would put indigent tenants, tenants living in poor communities of color, and disabled tenants at a particular disadvantage by increasing the commuting distance to hub courthouses. Eviction, the plaintiffs note, requires two trips to the courthouse: one to file an Answer and another to either settle or try a case. The lawsuit claimed that proposed re-organization of the courthouse "will have an unjustified disparate impact on black, Latino, and Asian tenants and will deny meaningful access to unlawful detainer courts to black, Latino, and Asian tenants with disabilities" (Miles v Wesley, 2013). Distance, according to the plaintiffs' lawyers, will become a determinant of eviction case outcomes, anticipating an increase in default judgments against indigent, disabled, and non-white tenants.

Despite support from advocates throughout Los Angeles County, the district court dismissed the case on "federal abstention grounds" on March 26, 2013, less than two weeks after the plaintiffs filed their class-action suit. While plaintiffs' counsel in *Miles v Wesley* prepared an appeal, politicians joined attorneys, tenants, and advocates in voicing their dissatisfaction for the policymaking process from which the re-organization plan emerged based on how hubbing could impact poor communities of color. LA City Council members Paul Koretz and Jan Perry, for example, both released resolutions condemning the court re-organization (Council Files: 13-0002-S31 and 13-0002-S66). Koretz's resolution focused on the lack of local participation and transparency in the planning process; Perry asked "the City" to oppose "any legislative or administrative action, and/or funding reductions that will eliminate UD cases from related-filings from the three courthouses in the San Fernando Valley," citing *Miles v. Wesley*.

While the opposition to hubbing united tenants, local judiciary, and advocacy organizations, the movement failed to stop the plan from proceeding. The plaintiffs' subsequent

appeal was dismissed on September 8, 2015, on the same grounds as the initial lawsuit. In her decision, however, Judge Jacqueline H. Nguyen acknowledged the plaintiffs' claims:

> We recognize that Plaintiffs raise serious access to justice concerns…. But there is no dispute that years of budget cuts have taken their toll and, by 2013, LASC's prized neighborhood court model was unsustainable. At that point, LASC's challenge was not whether to close courtrooms but rather, which courtrooms to close and where to reroute matters previously heard in those locations. Further, because allocating limited funds is a zero-sum proposition, leaving more courts open to unlawful detainer cases would necessarily involve cutting services in other important areas such as criminal, juvenile, mental health, or family law. And contrary to Plaintiffs' suggestion, LASC's restructuring did not simply target unlawful detainer cases (801 F3d 1060 [2015]).

The district and appeals courts' formal dismissals were not indicative of the higher court's dismissal of the plaintiffs' concerns, but rather an acknowledgment that the hub system was a fair outcome of the budgetary process in a field comprised of other areas of high impact civil litigation, as well as criminal litigation and programs such as alternative dispute resolution.

LASC implemented its re-organization plan on March 18, 2013, before district court judges handed down a verdict in Miles v Wesley. Through 2013, LASC would consolidate its 26 courts into five unlawful detainer hubs located in the cities of Lancaster, Los Angeles, Long Beach, Pasadena, and Santa Monica. Figure 2 shows the practical implications of re-organization on the spatial distribution of cases, namely increases in caseload in the outlying hubs.

Figure 2: Eviction Case Distribution by LASC District (2009-2014)

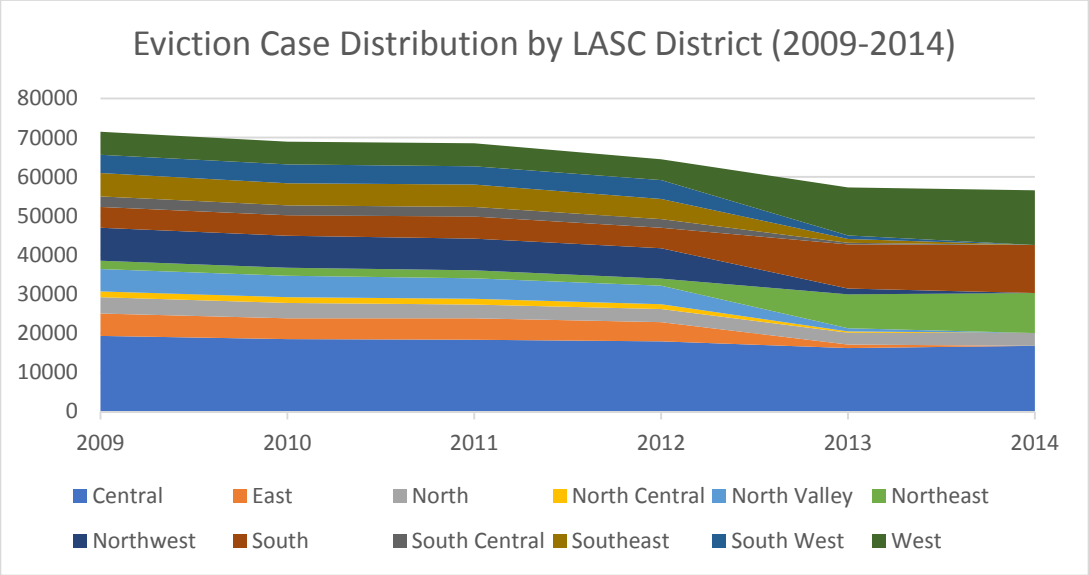


Table 3: Eviction Case Distribution by LASC District (2009-2014)

Court District	2009	2010	2011	2012	2013	2014
Central	19340	18527	18419	17938	16254	16857
East	5,716	5312	5408	4916	911	0
North	4,184	3963	3533	3337	3008	3205
North Central	1,483	1451	1457	1266	297	0
North Valley	5,723	5500	5254	4698	852	0
Northeast	2,090	2026	2032	1853	8663	10282
Northwest	8,414	8137	8134	7749	1484	0
South	5,322	5289	5615	5206	11228	12212
South Central	2,745	2502	2418	2258	418	0
Southeast	5,927	5627	5761	5132	1023	0
South West	4,661	4814	4673	4773	924	0
West	5,925	5849	5823	5323	12201	13963

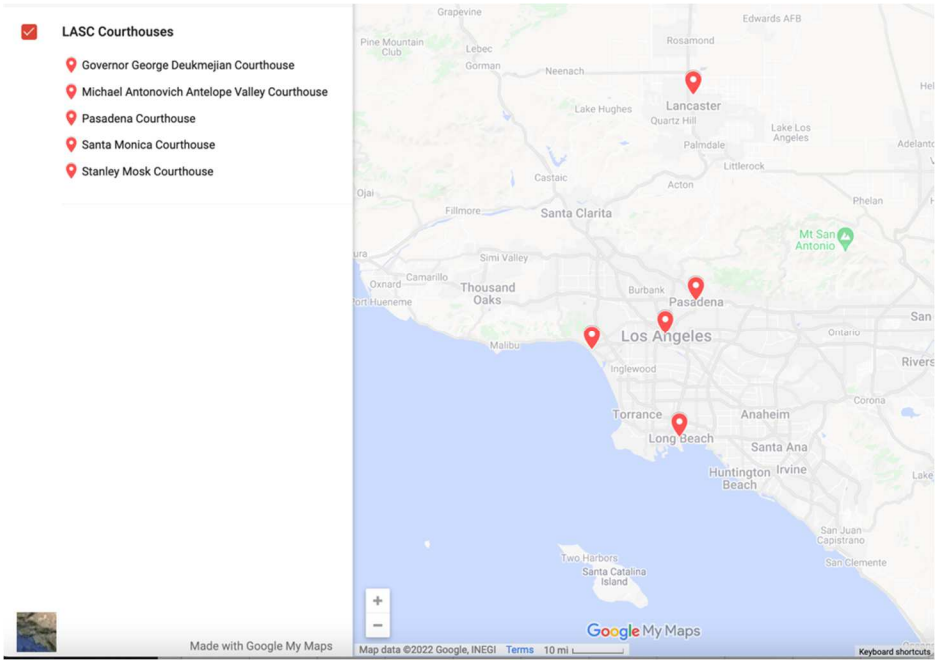
While the overall proportion of filings in the Central District/Stanley Mosk Courthouse and North District/Michael D. Antonovich Courthouse (Lancaster) did not fluctuate drastically before and after hubbing, eviction caseloads in South District/Governor George Deukmejian Courthouse (Long Beach), Northeast District/Pasadena Courthouse, and West District/Santa Monica Courthouse soared. Long Beach caseloads jumped from 3,929 in 2012 (5,206 in the

district at the time) to 12,212 in 2014, Pasadena went from 857 cases filed in 2012 (1,853 in the district at the time) to 10,282 in 2014, and Santa Monica 4,984 in 2012 (5,323 in the district at the time) to 13,963 in 2014. While case counts soared, cases were concentrated in a handful of hub courtrooms, which had dedicated support staff, but sometimes only one judge. As a result, backlog and incentives and pressures to informally settle cases grew, becoming institutionalized in ways that I will discuss in Chapter 5. These courthouses furthermore absorbed cases filed in some of the poorest parts of the city where displacement risk was high and, unlike the Central District/Stanley Mosk Courthouse, were not located near concentrations of eviction defense firms and community-based housing advocacy organizations.

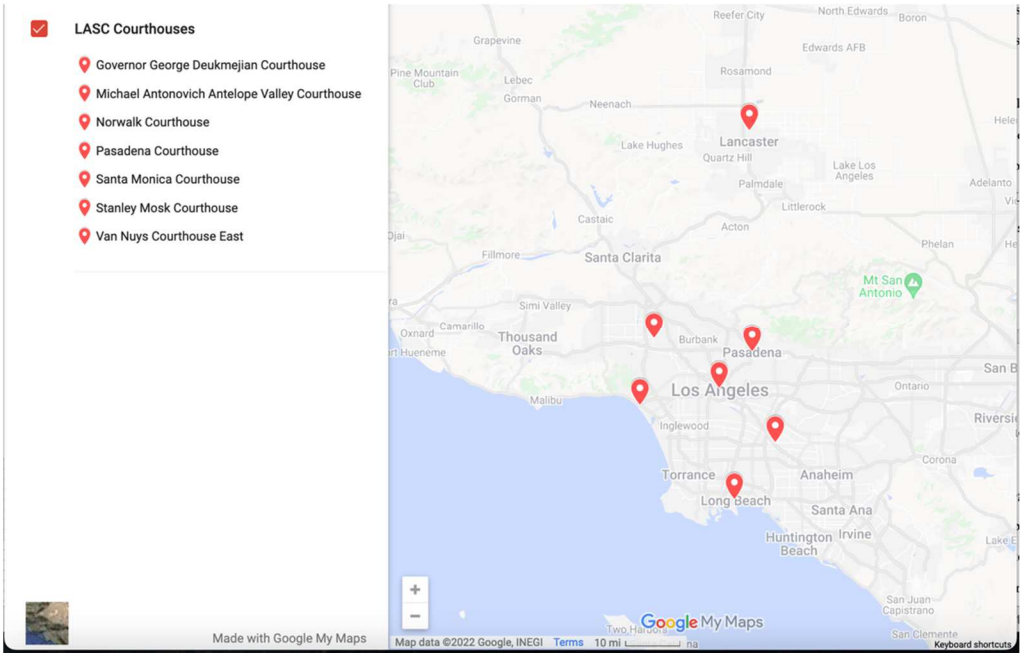
Hub Expansion and (Anticipated) Consequences

While advocates were soundly defeated in court and the hubbing plan moved forward, the LASC system eventually expanded its eviction hub in ways that suggest that they were responsive to advocates' complaints. While the original hub necessitated that tenants in the San Fernando Valley travel long distances to Santa Monica and Pasadena courthouses, for example, the first hub expansion, implemented on December 31, 2014, included opening eviction courtrooms in Van Nuys and Norwalk Courthouses. Both *Miles* plaintiffs lived in the San Fernando Valley, in Northridge and North Hills, and the opening of the Van Nuys court helped make courts more physically accessible to Valley tenants.

Map 1: The LASC Eviction Hub (Original, 2013)

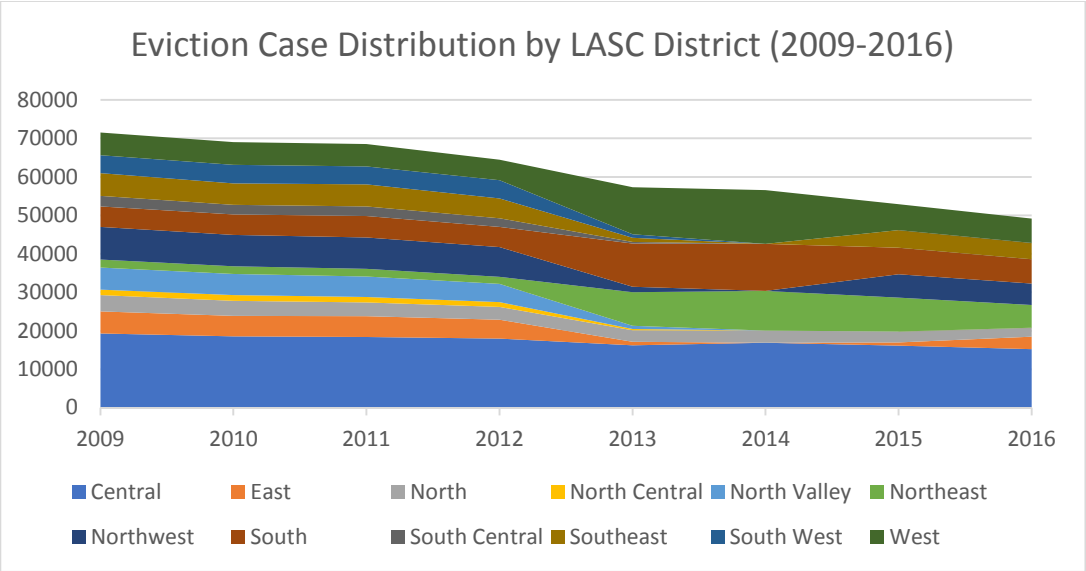


Map 2: The LASC Eviction Hub (First Expansion, 2014-2015)



Furthermore, Figure 3 and Table 4 refer to Figure 2 and Table 3, showing that hub expansion returned Van Nuys's caseload to its pre-2014 proportions.

Figure 3: Eviction Case Distribution by LASC District (2009-2016)



This expansion also decreased the proportion of filings for both Long Beach and Santa Monica courthouses by almost 50%.

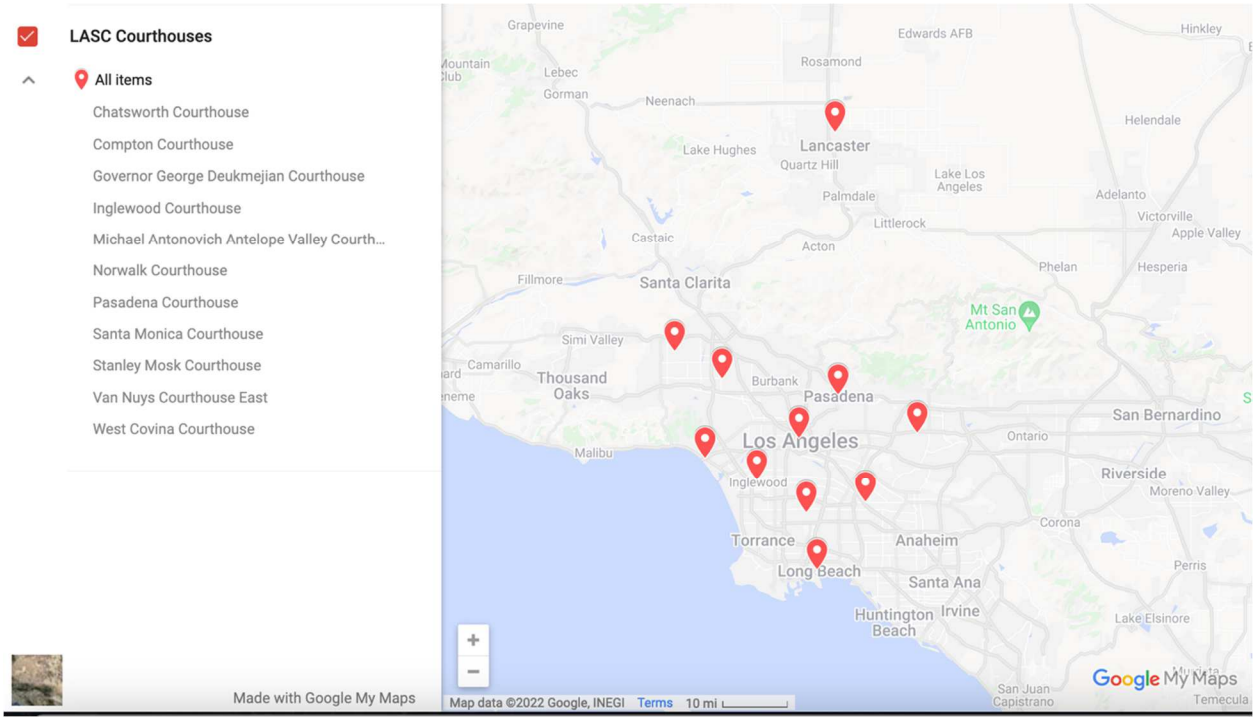
Table 4: Eviction Case Distribution by LASC District (2009-2016)

Court District	2009	2010	2011	2012	2013	2014	2015	2016
Central	19340	18527	18419	17938	16254	16857	16129	15232
East	5,716	5312	5408	4916	911	0	880	3250
North	4,184	3963	3533	3337	3008	3205	2793	2287
North Central	1,483	1451	1457	1266	297	0	0	0
North Valley	5,723	5500	5254	4698	852	0	0	0
Northeast	2,090	2026	2032	1853	8663	10282	8805	5967
Northwest	8,414	8137	8134	7749	1484	0	6070	5557
South	5,322	5289	5615	5206	11228	12212	6868	6261
South Central	2,745	2502	2418	2258	418	0	0	0
Southeast	5,927	5627	5761	5132	1023	0	4599	4251
South West	4,661	4814	4673	4773	924	0	0	0
West	5,925	5849	5823	5323	12201	13963	6780	6373

Just before the *Miles* appeal was dismissed, LASC released a third amended General Order announcing that the hub would be expanded from seven to eight courts, this time adding the Pomona Courthouse in the eviction hub. The Pomona expansion, effective on August 27, 2015, helped alleviate the burden that the Pasadena Courthouse had taken on post-hubbing. Whereas Pasadena heard 18.2% of the county's eviction cases in 2015, that number would decline to 12.1% and 10.8% in 2016 and 2017 (see Figure 3 and Table 4). Just as the first expansion closed the distance that tenants in the San Fernando Valley had to travel to court, the second expansion did the same for the San Gabriel Valley. While these communities continued to face barriers to justice (e.g., McGreevy and Dolan 2014), hub expansion resulted in opening courtrooms that were closer to where tenants lived, representing an important step towards expanding Angeleno tenants' *physical* access to justice.

Less than two years later, LASC expanded the hub for a third time. Now, 11 courthouses including Chatsworth, Compton, Inglewood, and West Covina joined the eviction hub while the courtroom in Pomona closed. As represented in Figures 1 and 2, every LASC court district had a hub courthouse for the first time since 2013. While tenants still had to traverse Los Angeles's notorious traffic and complex public transportation routes to get to court, hub expansion between 2014-2018 ultimately removed the obstacle of sheer distance that advocates feared in 2012.

Map 3: The LASC Eviction Hub (Third Expansion, 2016-present)



Now, courts were more accessible for tenants in northern San Fernando Valley (Chatsworth Courthouse), the easternmost edge of the San Gabriel Valley (West Covina Courthouse), and Black and Latinx neighborhoods in western (Inglewood Courthouse) and south central (Compton Courthouse) Los Angeles County. Purely in terms of the new spatial distribution of eviction courtrooms (and without direct insight into planners' motivations), the LASC system's hub expansion opened courts in areas where tenants were experiencing acute displacement pressures and where previous expansions only moderately resolved tenants' distance dilemmas. While the third expansion did not result in re-opening the 26 neighborhood courthouses that were shuttered during the budget crisis, the 11 courthouses that made up the expanded hub at least partially restored a degree of physical court access to tenants in every LASC court district.

The Socio-Spatial Organization of Legal Assistance in Los Angeles

Eviction hub expansion addressed many of the negative consequences that advocates feared when they filed *Miles v Wesley*, but it also had unanticipated consequences. For example, the original hub of five courthouses made large-scale eviction defense possible for the first time in the history of Los Angeles County. With cases spread into 26 courthouses around the county, lawyers were unable to service more than a handful of courthouses, typically those around offices and clinics. As map 3 shows, eviction defense firms and community-based housing advocacy organizations have historically been concentrated within the jurisdiction of the Stanley Mosk Courthouse. Thus, hubbing ended up spatially re-distributing eviction *cases* into areas with the highest concentrations of support resources for tenants facing eviction. While hubbing reduced tenants' physical access to justice, it greatly expanded their *legal access*.

The concentration of eviction defense firms and housing advocacy organizations in the areas that comprise the LASC system's Central District makes sense. For example, the LASC Central District consists primarily of neighborhoods located in the City of Los Angeles with concentrations of low-income renters of color that non-profit legal service firms are funded to serve (e.g., Cummings 2018). By the end of the 1980s, the nascent eviction defense landscape was dominated by firms funded by the Legal Service Corporation (LSC), which divided up areas of LA between them. In an interview with a longtime defense lawyer, they explained that

> There was Neighborhood Legal Services north of the Santa Monica Mountains and west of Pasadena…. The Legal Aid Foundation of Los Angeles were Santa Monica to East L.A. But then you had Legal Service Program for Pasadena and San Gabriel-Pomona Valleys and Long Beach Legal Aid.

By the late 1990s, however, LSC compelled programs nationwide to consolidate and the Legal Aid Foundation of Los Angeles and Neighborhood Legal Services of Los Angeles came to serve tenants throughout Los Angeles County. Non-profit firms such as Public Counsel and Inner City Law Center, which historically served similar Los Angeles communities in other areas of law, as well as non-profit eviction defense firms such as Eviction Defense Network and Basta, Inc., joined the expanding eviction defense industry by the mid-2000s. Most of these firms, however, are located within the LASC's Central District jurisdiction. This spatial ecology of eviction defense has persisted to the present (with a handful of private attorneys who litigate evictions among other areas of law sprinkled throughout the county). Consolidation and centralization allowed these firms to represent tenants facing eviction in Stanley Mosk Courthouse while assigning attorneys to and opening satellite offices nearby the other four hubs (Aron 2014).

The neighborhoods in the Central District—including Skid Row, South Central, Boyle Heights, Westlake, and Downtown Los Angeles, among others—are historically known for their concentrations of indigent renters, making these communities ideal locations for non-profit organizations that advocate for issues faced by poor and marginalized communities. The spatial ecology of these groups has also not changed dynamically over time, either, which reflects the durable spatial ecology of renter-households and poverty in Los Angeles. Decades later, for example, while household poverty persisted many of these neighborhoods became at-risk for gentrification (Lens et al. 2020), a process that through mechanisms like displacement provides law firms and non-profit organizations with ample clients and community partners.

Finally, the Central District falls almost entirely within the City of Los Angeles, which means that tenants living in multi-family buildings built before 1978 are protected by the Los Angeles Rent Stabilization Ordinance (RSO).[ix] Outside of the Stanley Mosk Courthouse, the

Santa Monica hub courthouse also had proximate free and affordable legal services and served zip codes contained in the other three Los Angeles County cities with rent stabilization ordinances at the time: Beverly Hills, Santa Monica, and West Hollywood. RSO-protected tenants can assert affirmative defenses to eviction lawsuits that non-RSO protected tenants cannot. Defenses primarily consist of technical RSO-violations, but they oftentimes comprise tenant-defendants' sole leverage in eviction cases as I will explain in Chapter 5. When vetting clients in tenants' rights clinics clinic, for example, one of the first question that attorneys will ask is "is your apartment rent controlled?" The answer, in part, determines a case's "winnability" and the client's potential, future leverage in settlement negotiation settings.

In interviews, attorneys representing landlords and tenants agree that rent control can be a valuable bargaining chip in settlements because of the meager defenses available to tenant-defendants in the summary legal eviction process that I will describe in greater depth in Chapter 4. Thus, while hubbing posed issues of physical access for tenants, court re-organization made legal assistance more accessible, expanding tenants' access to legal justice. An unanticipated consequence of the first hub was to concentrate the most marginalized communities with the strongest tenant protections in the two courthouses relatively well-served by eviction defense firms and non-profit organizations.

As the hub expanded, however, it did so into areas with fewer proximate legal resources, not to mention into areas not protected by RSOs and formalized tenant protections such as just-cause eviction ordinances.[x] As a result, eviction defense firms struggled to provide the new courthouses with representation. Basta, Inc. and the Eviction Defense Network, non-profit firms who are not limited by funders as to who they can provide services to, expanded with the hub

through seven courthouses, but ultimately closed some satellite offices as the hub expanded to 11 courthouses due to financial and staffing constraints.

Only since 2018 have these offices slowly started to expand their geographic scope again and only as a result of different service provision funding models like Stay Housed LA (stayhousedla.org). Referring to Figures 2 and 3, however, as caseloads increased in outlying LASC hub courts, greater proportions of tenants had less access to legal justice despite the courts being more physically accessible to litigants. In this way, the shifting spatial organization of the LASC system paradoxically both expanded and limited tenants' access to justice.

IV. Discussion

In this chapter, I showed how three historical moments—court consolidation, hubbing, and hub expansion—shaped variable notions of access to justice for tenants facing eviction in Los Angeles County. At each critical juncture, institutional forces enabled and constrained physical access—guaranteeing that tenants were able to physically access courthouses to defend themselves against eviction—and legal access—guaranteeing that tenants were able to access legal expert to defend themselves against eviction. Court consolidation projects between 1950-2000, for example, rationalized disparate, inconsistent local legal processes and institutions into two lower court systems consisting of a 26-courthouse neighborhood-based civil justice system that was physically accessible to Angelenos. Notably, justice was inherently inaccessible in a legal sense: the legal eviction process remained controversial among advocates because of its challenge to tenants' constitutionally protected due process rights (e.g., *Lindsey v Normet* 1963; Beasley 1972; Spector 2000) and the fact that LA County had very few eviction lawyers and legal clinics to support tenants facing eviction.

After consolidation, however, an inverse phenomenon occurred. Fiscal pressure at the state level constrained the LASC system's ability to weather budgetary shortfalls. Without budgetary autonomy due to consolidation, LASC administrators closed courthouses and courtrooms and laid off personnel to address the shortfall, which ultimately constrained tenants' physical access to justice. In response, administrators organized a hub system of five specialized eviction courts dispersed throughout Los Angeles County. At first, advocates resisted hubbing on the basis that it denied tenants' physical access to justice. Over time, however, the spatial concentration of cases enabled eviction defense lawyers and housing justice advocates to assist more tenants facing eviction. As funding for eviction defense and "homelessness prevention" became available at the state level in the wake of the Great Recession, Los Angeles's eviction defense industry grew, greatly expanding tenants' access to legal justice by providing more opportunities for tenants to access legal support as they defended themselves against eviction.

Perhaps in response to *Miles v. Wesley* and other public critiques in media and social movement spaces, the LASC system expanded the hub to be more spatially representative, ultimately consisting of 11 courthouses, one in each judicial district, which occurred concurrently with an expansion of tenants' rights at state and local levels. The problem, however, is that hub expansion had an unanticipated effect of spatially deconcentrating the eviction defense industry's client base of tenants facing eviction. As a result, lawyers' and advocates' capacities to represent tenants decreased, particularly for tenants whose cases were filed in courthouses along the County's outskirts. Therefore, while expansion increased tenants' physical access to justice, it ultimately constrained tenants' legal access to justice. While advocacy from coalitions of legal service providers and community-based organizations since 2018 has

managed to plug some of the more egregious gaps in legal service provision, capacity continues to be a major limitation in the provision of legal expertise to tenants facing eviction.

The institutional dynamics discussed in this chapter ultimately shape eviction case outcomes as tenants navigate the legal eviction process in Los Angeles County. In the next chapter, for example, I show how the geography of legal assistance interacts with procedural law in ways that make it likely that tenants will default in eviction proceedings. In the fifth chapter, however, I show how capacity constraints shape lawyers representing tenants *and* landlords, affording eviction defense lawyers strategies that can compel landlords into favorable settlement negotiations. Regardless, a historical analysis of the relationship between the social organization of civil justice and tenants' access to justice in both physical and legal dimensions reveals that access to justice is not a static construct. Instead, access is oftentimes a byproduct of exogenous and endogenous factors that create variable institutional configurations. These social forces are oftentimes far more powerful than substantive and procedural law on the books, ultimately and collaboratively constructing the organizational settings and institutional contexts where tenants and lawyers *do* eviction defense.

Chapter 4: Losing by Default

Political and social movement pressure shaped LASC eviction case processing in ways that ultimately produced distinct, oftentimes contradictory forms of access to civil justice. In this chapter, I will show how the resulting spatial ecology of eviction defense creates challenges that tenants must navigate as they defend themselves against eviction in Los Angeles County. This is because trade-offs in tenants' access to physical and legal justice interact with institutional features of eviction case processing in ways that cause negative, default outcomes at the start of the legal eviction process. As I explained in the previous chapters, Los Angeles has a thriving and growing eviction defense industry, and tenants in California have rights at state and local levels, protections that they can use to defend themselves in the civil justice system. All too often, however, they do not. In California, almost half of tenants never make it court in the first place. This is because the most common eviction case outcome is default.

In general, default is an outcome reflecting a failure to fulfill a contractual obligation. The most common example involves not repaying a debt such as a student loan or a mortgage (e.g., Stout 2019; Charron-Chénier and Seamster 2021). In eviction lawsuits, however, default is an outcome that implies inaction. Tenants default by not responding to landlords' lawsuits or not appearing at court dates. When tenants default, landlords petition courts to enter judgments against them and, if granted, tenants lose without opportunities to defend themselves.

Ten years of administrative data from California's Judicial Council paints a stark picture of default's prevalence in eviction proceedings statewide. Approximately 47% of eviction filings will culminate in a default judgment against tenants, locking tenants out of the civil justice system before their first court date.[xi]

Table 5: The Prevalence of Default Judgments in California Counties (2010-2020)

	Dispositions	Dispositions with Default Outcomes	% Default Outcomes	Total Counties Reporting
FY2010-11	66774	32412	0.48539851	33
FY2011-12	63338	29867	0.47154946	33
FY2012-13	85883	40100	0.46691429	39
FY2013-14	79915	38249	0.47862103	39
FY2014-15	77009	34151	0.44346765	41
FY2015-16	79913	38304	0.47932126	43
FY2016-17	60847	29250	0.48071392	42
FY2017-18	69196	31456	0.45459275	43
FY2018-19	52674	24099	0.45751225	34
FY2019-20	32004	13760	0.42994626	40
Period Total	667553	311648	0.46685132	

Furthermore, while statewide tenant protections during the COVID-19 pandemic explain the decrease in overall dispositions in FY 2019-20, it is noteworthy that the proportion of default outcomes did not deviate significantly from the period average.

The same data suggests that defaults occur at the beginning of the eviction process.

Table 6: The Prevalence of Default Judgment Types in California Counties (2010-2020)

	All Default Outcomes	T1 Default Outcomes	T2 Default Outcomes	% T1 Default	%T2 Default	Total Counties Reporting
FY2010-11	32412	30906	1506	0.95353573	0.046464272	33
FY2011-12	29867	29068	799	0.97324807	0.026751934	33
FY2012-13	40100	38925	1175	0.97069825	0.029301746	39
FY2013-14	38249	36888	1361	0.96441737	0.03558263	39
FY2014-15	34151	32610	1,541	0.95487687	0.04512313	41
FY2015-16	38304	36731	1573	0.95893379	0.041066207	43
FY2016-17	29250	28223	1027	0.96488889	0.035111111	42
FY2017-18	31456	30408	1048	0.96668362	0.033316378	43
FY2018-19	24099	23395	704	0.97078717	0.02921283	34
FY2019-20	13760	13450	310	0.97747093	0.02252907	40
Period Total	311648	300604	11044	0.96456258	0.03543742	

Of 311,648 default judgments in the data set, an overwhelming majority (approximately 96%) were entered because tenants did not respond to their landlords' lawsuits. Very few tenants fail to appear and lose ongoing cases by default. Once tenants submit an Answer to their landlords' eviction lawsuits, they get their foot in the door of the legal process. The problem, however, is that nearly half of tenants facing eviction in California never get the chance to do so.

Some tenants surely default because of doing nothing, either ignoring notices or moving before the notice period expires. Yet, in Los Angeles's tenants' rights clinics and specialized eviction courts, I heard similar stories again and again from tenants who defaulted while trying to defend themselves against eviction. In this chapter, I suggest that an explanation for this subset of default outcomes has two parts. First, tenants navigate *interpretive disjuncture* as they troubleshoot eviction lawsuits against them. As I will show, interpretive disjuncture is a phenomenon sustaining multiple interpretations of the situation, the self, and appropriate troubleshooting institutions (Nelson 2021). To defend themselves against eviction, however, tenants must align their interpretation of the situation from a practical logic of lay legal consciousness to that of formal law. Second, an institutional element of the legal process, eviction's accelerated case processing timeline, necessitates alignment and response within five days, faster than most civil litigation. Legal clinics can support tenants as they troubleshoot eviction, but inconsistent publicly available knowledge and spatially diffused clinics constrain access. Thus, default's microfoundations lie in interpretive disjuncture, showing the power of institutional dimensions in shaping both eviction case outcomes and tenants' life chances.

Troubleshooting and Default

An extended observation from my field notes captures a particularly representative interaction between a tenant and me in a Los Angeles County tenants' rights clinic. A young Latina tenant walked over to my desk and pulled out her paperwork. I noticed a snippet of text from a Notice to Vacate peeking out. She explained that she stopped paying rent in August because her apartment is infested with cockroaches and bedbugs. She lifted her sleeve and said that the bites and scars were painful and embarrassing for her and her four children. The vermin come in, she speculated, through cracks in the kitchen tile that she had asked her building manager to fix for months. Her balcony's railing was loose, too, which posed a danger not only to her but to her children. She explained that she strategically made requests for repairs prior to paying her rent, but that she never heard back from her manager and did not know if her landlord was even aware of these issues.

She made her final request for repairs at the end of July. When that request went unanswered, she withheld her rent to convince her landlord to call an exterminator and make repairs to her unit. Like many tenants, she heard from somebody, though she could not recall from whom, that withholding rent was an acceptable course of action after her landlord had ignored requests over what was described to her as "a reasonable amount of time." Soon after her decision, she received a 3-Day Notice to Pay Rent or Quit but continued to withhold rent, hoping that her landlord would eventually address her requests for extermination and repairs. As she explained it, withholding rent was a reasonable response to her landlord's negligence; it was the only way that she thought that she could get his attention. Once the 3-Day Notice expired, however, she soon received a Summons and Complaint on her door and in her mailbox, notifying her that her landlord had filed an eviction lawsuit.

When she received the Summons and Complaint, she realized that something had changed. Following instructions on the handout that the courts mail to any address served with an eviction lawsuit, she immediately went to a courthouse-based self-help center for assistance, completing an answer to her landlord's complaint and a fee waiver to help offset legal costs. She explained to me that the volunteer at the self-help center was unable to complete her documents and told her to "follow up" later for an update. "Why didn't you?" I asked her. "I am a single mother with four kids," she responded. "I work 'seven-to-seven.' I don't really know about this, so I thought they would just file it themselves."

When she didn't receive the court date that she was expecting based on the advice from the self-help center, she returned, and the volunteer told her that she had already lost via a default judgment. Then, the volunteer referred her to our clinic. She explained to me that she did not know what a default judgment meant. "Why didn't I receive a court date?" she asked me. I explained that she defaulted, a judge ruled against her because she did not file an Answer within the court-mandated five days. She explained that she had contacted her landlord's lawyers' about postponing the eviction but did not understand the lawyer's instructions about where to go in the courthouse. "This is all new to me," she said. She had lived in the building for seven years prior without incident. "I've never been in this type of thing," she said before I walked over to the break room to review her case facts with the clinic lawyer.

This observation illuminates an empirical puzzle that I encountered throughout my year of conducting fieldwork in two Los Angeles tenants' rights clinics. In evictions, default is an outcome that implies inaction. Tenants default by "doing nothing," not responding to landlords' lawsuits or not appearing at court dates. Yet, tenants go to legal clinics to troubleshoot, "doing something," with default judgments already against them or at risk of default. The tenant above,

for example, made verbal and written requests for repairs, asked for advice, went to a self-help center when she needed more advice, followed up with them when her situation changed in a way she didn't understand, and went to a tenants' rights clinic. And yet, despite all this action, she defaulted. Why do tenants actively troubleshooting eviction nevertheless lose cases by default? In the next section, I develop a theoretical explanation for this empirical puzzle.

I. Interpretive Disjuncture

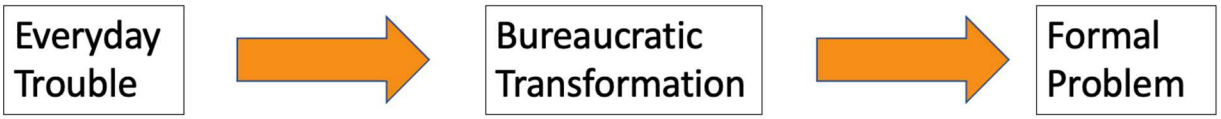
I conceptualized what I observed tenants experiencing in clinics as "interpretive disjuncture" (Nelson 2021). Interpretive disjuncture represents a disconnect between the logics of practice and interpretive schema afforded by lay legal consciousness and formal understandings of law. Each mode of consciousness shapes 1) interpretations of the situation, 2) interpretations of the self, and 3) interpretations of appropriate troubleshooting institutions. Sometimes the interpretations afforded by these distinct modes are compatible, but as sociologists have long noted, state bureaucracies and ordinary people oftentimes possess very different understandings of the self and social action. As Ewick and Silbey note

> Normal appearances are shattered when our motives, relationships, obligations, and privileges are explicitly redefined within "legal" constructs and categories… The tragic, but commonplace, aspects of life become strangely reconfigured through law… [When] we confront our own lives transposed within the legal domain, we often find ourselves subject to a mighty power that can render the familiar strange, the intimate public, the violent passive, the mundane extraordinary and the awesome banal" (p. 16).

Conceptually, interpretive disjuncture formalizes this distinction, between how people and the law understand social problems and how to troubleshoot them, that mechanistically can shape case outcomes in legal bureaucracies like eviction courts.

In a general sense, interpretive disjuncture occurs as everyday forms of trouble transform into formal, bureaucratically processed problems (see Emerson 2015).

Figure 4: Emerson's Model of Trouble Transformation:



Per Figure 4, interpretive disjuncture accompanies this moment of transformation, as troubled parties navigate trouble in both their everyday and bureaucratized forms. In eviction lawsuits, this moment typically happens when tenants either receive a pre-eviction notice or a Summons and Complaint, indicating to them that their landlord has filed an eviction lawsuit. Rather than a particular type of individual experiencing interpretive disjuncture, such as a layperson or an expert, people who understand themselves to be the "troubled" party in everyday disputes experience interpretive disjuncture.

While trouble itself changes on an ontological level once it enters a bureaucracy, laypeople may not be fully aware of this transformation and its implications. To that end, disjuncture only causes negative outcomes, when people who understand themselves to be the troubled party in a dispute lack opportunities to align their interpretations of self, situation, and appropriate troubleshooting institutions with those held by formal law. In this way, interpretive disjuncture offers eviction researchers opportunities to use insights from law and society

literature to explain an important dimension of variation in eviction's legal outcomes: why tenants fighting eviction nevertheless lose their cases by default.

Interpretive Disjuncture in Eviction Proceedings

In an eviction lawsuit, interpretive disjuncture occurs between formal law and lay legal consciousness, logics of practice affording interpretive schema in three areas.

Table 7: Interpretive Disjuncture: Logics of Practice and Interpretive Schema

	Formal Law	Lay Legal Consciousness
Interpretation of the situation	Eviction as an unlawful detainer lawsuit	Eviction as an everyday housing trouble
Interpretation of the self	Plaintiff: Landlord Defendant: Tenant	Plaintiff: Tenant Defendant: Landlord
Interpretation of the appropriate troubleshooting institutions	Single (Civil justice system)	Multiple and contradictory (Clinics, regulatory housing bureaucracies, publicly available information, and interactions in everyday life)

Each affords an interpretation of the situation, the self within that situation, and the appropriate troubleshooting institutions where the situation can be dealt with. For example, the formal law understands eviction as an unlawful detainer lawsuit, landlords as plaintiffs and tenants as defendants, and the civil justice system as the sole appropriate troubleshooting institution.

Tenants, however, experience eviction differently. For tenants, eviction occurs within oftentimes longstanding experiences of everyday housing trouble where they are plaintiffs, and

their landlords are defendants. For tenants, courts are one troubleshooting institution among many including tenants' rights clinics, regulatory housing bureaucracies, publicly available information, and interactions in everyday life. In these institutions, tenants receive troubleshooting advice that may be contradictory and complicate their ability to troubleshoot appropriately. To illustrate each of these dimensions, I will draw on data that includes self-help materials provided by the California Superior Court system and excerpts from my field notes.

Formal Law and Eviction

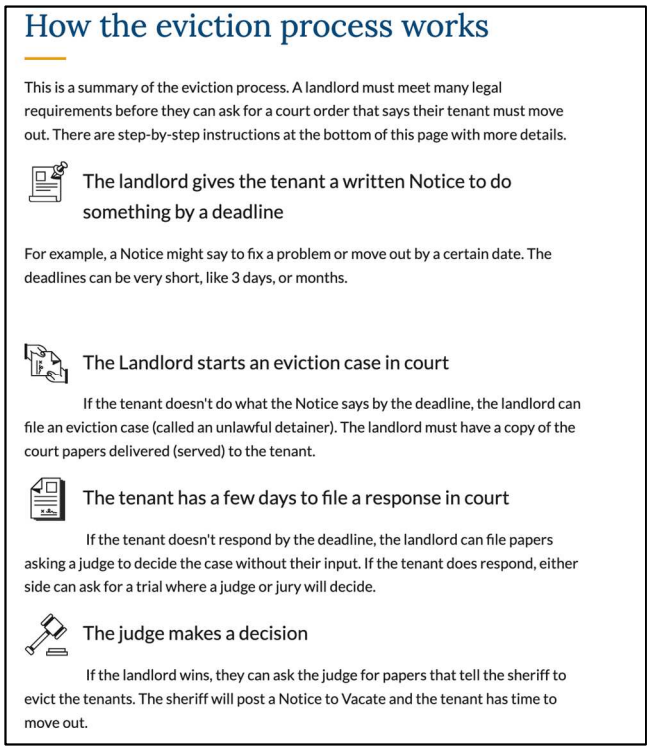
In the self-help materials and forms, eviction is unlawful detainer. There is no mention of the sequence of events that precedes a landlords' initiation and a tenants' reception, or even that an eviction may emerge from a seemingly mundane everyday dispute. In the California Courts' Self-Help Guide on Eviction (see Figures 5-7), for example, courts understand eviction as unlawful detainer lawsuits, which they specify further are court cases.

Figure 5: Excerpt from California Courts Self-Help Guide: Evictions in California

As clearly stated in self-help materials, evictions are formally known as unlawful detainer. This is because landlords are alleging that tenants are unlawfully occupying their property. Tenants' habitation is unlawful because landlords allege that they have breached their lease in some way, thus violating their rental contract. According to the courts, an eviction begins when landlords initiate a lawsuit and tenants receive formal notices indicating that they are named in a lawsuit. Tenants may not know that this lawsuit refers to a pending eviction. This is because the word eviction only shows up two times on the 3-page Complaint document, first in a page 1 footnote, specifying that this form is not to be used in an "eviction after sale" and on the middle of page three in a field where landlords must attest to whether the "defendant's tenancy is subject to the local rent control or eviction control ordinance"

The courts also clearly define roles that landlords and tenants play in these lawsuits, definitively defining the self.

Figure 6: Excerpt from California Courts Self-Help Guide: Evictions in California



How the eviction process works

This is a summary of the eviction process. A landlord must meet many legal requirements before they can ask for a court order that says their tenant must move out. There are step-by-step instructions at the bottom of this page with more details.

The landlord gives the tenant a written Notice to do something by a deadline

For example, a Notice might say to fix a problem or move out by a certain date. The deadlines can be very short, like 3 days, or months.

The Landlord starts an eviction case in court

If the tenant doesn't do what the Notice says by the deadline, the landlord can file an eviction case (called an unlawful detainer). The landlord must have a copy of the court papers delivered (served) to the tenant.

The tenant has a few days to file a response in court

If the tenant doesn't respond by the deadline, the landlord can file papers asking a judge to decide the case without their input. If the tenant does respond, either side can ask for a trial where a judge or jury will decide.

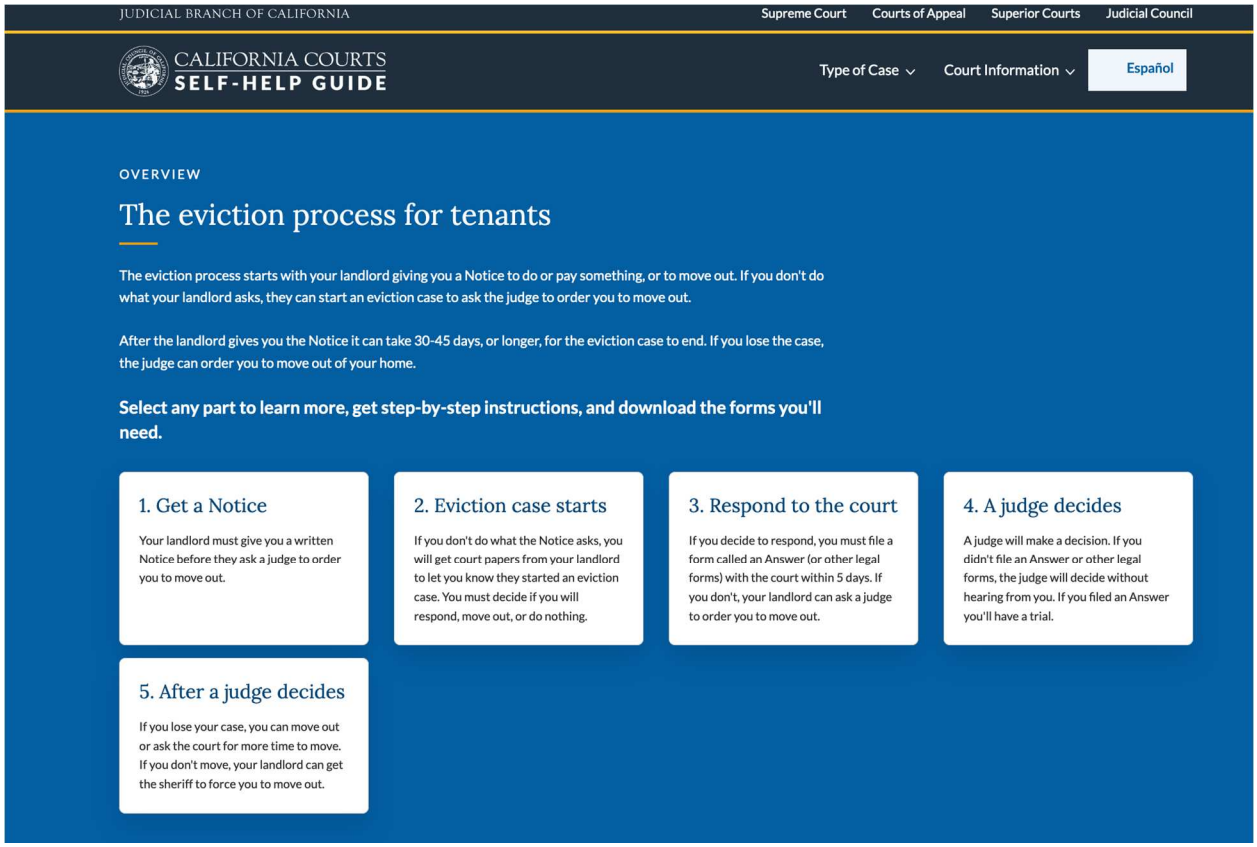
The judge makes a decision

If the landlord wins, they can ask the judge for papers that tell the sheriff to evict the tenants. The sheriff will post a Notice to Vacate and the tenant has time to move out.

In the self-help materials, landlords are plaintiffs because they initiate the lawsuit, the active agents in effecting eviction. And on the complaint, landlord-plaintiffs make allegations against tenant-defendants reflecting their side of the story. That narrative becomes the set of facts that it is up to tenants to disprove. Tenants are defendants, who are cast in a responsive capacity and exclusively to the content of their landlords' notices and complaints. When tenants default, they never have an opportunity to tell their side of the story and courts never determine whether landlords' allegations are factual.

Finally, courts describe the eviction process for tenants and the appropriate institutions where tenants can troubleshoot the cases against them.

Figure 7: California Courts Self-Help Guide: The Eviction Process for Tenants



In self-help materials, these include a single institution: a tenants' local county superior courthouse. From the perspective of formal law, tenants decide how to respond to landlords' lawsuits on their own and, should they decide to respond at all, they do so at court. As I will show, the practical logic of formal law may represent how courts understand eviction, but the tenants who I met during fieldwork understood their situation, self, and relevant troubleshooting institutions differently.

Lay Legal Consciousness and Eviction

I'll begin with an extended observation from my fieldnotes that illustrates how lay "legal consciousness" (Merry 1990; Ewick and Silbey 1998) shapes tenants' perceptions of eviction:

> It's a typical weekend morning at the clinic. I arrive early, only to find that a line has already begun to form. People are talking to each other and milling about. The volunteer who typically handles reception called in sick, so it's just me until the supervising lawyer arrives. I pull out a piece of paper and ask those waiting to sign in. Once signed in, they can hang out in the multipurpose room at the end of the hall.
>
> I sit down at my makeshift desk and call over the first tenant. A middle-aged white woman walks over, describing her case to me as she goes, and lifts a heavy tote bag onto the table before sitting down. She handed me a stack of requests to her landlord and city agencies documenting defective conditions in her unit. She explained that she had moved into the unit one year and two months ago and that she had had issues with building management from the beginning. It

should have been a sign, she said, when her air conditioning broke and it took the manager two weeks during a heat wave to replace it.

After a contentious interaction with somebody she described as an "unstable" building manager, the tenant visited an attorney who specialized in a different area of housing law and recommended that she withhold rent because of harassment. This advice made sense within her experience and since it came from an attorney with a reputation for successfully suing landlords, she followed the attorney's advice and did not pay rent since August. She did not realize, however, that what makes sense in one area of law may not make sense in another.

After meeting with the attorney, she sent her landlord a list of issues with her unit and attached all the communications that she deemed relevant. When the landlord did not respond, she requested that HCID conduct an inspection. She pointed to a layer in the stack and explained that this was 33 of 82 pages of emails between herself and her landlord; once she felt like the landlord was not responsive, she started emailing her requests."

After the inspection and about a month after she sent the letter, her landlord responded, acknowledging that she was withholding rent, but not addressing the underlying issues. The landlord gave her an option to move out by the end of the month. "How did you respond," I asked her? "I've never had to deal with this before, she said. "I don't know what I'm doing. I ignored her for a while like she [the landlord] does to us." When she finally responded, she said that the landlord responded with a verbal threat to evict and served her with a 3-Day Notice to Pay Rent or Quit the next day.

> After we concluded the interview, I consulted with the supervising lawyer, explaining that the tenant appears to have a solid case and has every claim documented in exhausting detail. The lawyer responded that, as it stands now, the landlord could evict the tenant at any time. Later, when I ask for advice, their first question is whether there is an eviction. I go back and ask for clarification. Not yet, but I bring back the Notice to the lawyer.
>
> Later, when I explained the lawyer's advice to the tenant, she looked visibly confused. She told me that she thought she had been served a notice in error and had a good case against her landlord. I told her that at one point, perhaps she had, but the issue was that she was simultaneously involved in two cases: a potential lawsuit against her landlord in which she was plaintiff and a pending eviction lawsuit in which she was defendant."

As in this example, tenants interpret situations as everyday housing trouble, where landlords are at fault, rather than as an unlawful detainer lawsuit. Sometimes there are other cases in tenants' lives. Some of them may in fact be related to the eviction lawsuit. Recall, however, that formal law understands eviction in very specific, unambiguous terms. To avoid default, tenants must respond to their landlord's lawsuit within five days. The courts are not concerned with complaints filed in regulatory bureaucracies. Those are separate matters from the matter-at-hand: the eviction lawsuit.

Likewise, in contrast with the formal law, many tenants interpreted themselves as plaintiffs instead of defendants in an eviction lawsuit. As illustrated by a brief observation from my fieldnotes,

> A young Black man living in an illegally converted garage came to a clinic on the eve of the court's deadline to answer his landlord's Summons and Complaint. In the middle of our interview, he noted that on the third of the month, the landlord had served him a 3-Day Notice to Pay Rent or Quit, because he had not paid his May rent. I asked him if he had paid his rent since, and he answered "No." I asked him why. "Because he's breaking the freaking law!

Here and in many cases that I observed, the tenant's interpretation of the situation is grounded in his understanding that he is the plaintiff, in the moral right, against a delinquent landlord.

In another variation of this phenomenon, tenants understand their situations in terms of what local "authorities" like landlords or their representatives tell them. At times, these conversations lead tenants to ignore material manifestation of housing trouble's transformation into an eviction lawsuit. In the following interview excerpt, a middle-aged Latina tenant and one-time building manager explains why she ignored her former employer's notice on her door.

> *Tenant*: In May, I kind of fell behind because I barely started working and I had four people in my family die so that set me kind of behind, but I told him that if you wait until the end of June, I will have that money. And the owner said, "fine," but during that time, before the end of June, he hands me an eviction notice and I was like, "that is so unfair."
>
> *Me*: What did [your landlord] tell you when you told him that – that you had four people die and that you needed some more time [to pay the rent]?
>
> *Tenant*: Uh, he said he would wait, but next thing I know, I got a summons on the door. The summons on the door…. I didn't pay any attention to it because I had already spoke to him and I thought, "okay everything is clear," but then I had a

> man come knock on my door and serve me the papers to court. And so, I said, "fine" and accepted them. I didn't hide from him or nothing. I told him, I'll accept it because I know what I gave and how…. I have all my receipts. So, umm… hopefully G-d gives me favor in court. I'm just praying because I am being wrongfully evicted. I mean, [the landlord] has had people that have owed him rent for like six months and he's never ever gave them any hassle like me.

As a former building manager, this tenant has a sense of what constitutes a normal or typical eviction situation (e.g., Sudnow 1965), a sense that is supported by observations that her landlord has been flexible with other tenants. This is why she ignored the first notice after being told "everything is clear." When she received the second notice after attempting to pay her rent, however, the material manifestation of trouble no longer sustained this sense of self and situation, and she quickly aligned her interpretation of the situation to avoid eviction. In terms of the formal law, however, tenants' conception of self-as-plaintiff contradicts the legal reality of eviction: that the tenant is defendant in a lawsuit for possession filed by their landlord. Thus, the courts do not share the ambiguity that tenants experience as they troubleshoot eviction. In the key of formal law, evictions are lawsuits between landlord-plaintiffs and tenant-defendants.

Finally, tenants navigate multiple troubleshooting institutions, offering contradictory advice that may direct them away from troubleshooting in the civil justice system. For example, a middle-aged Armenian man presented a Notice to Vacate at the beginning of a clinic interaction. He explained that he has had issues with the water heater and smelled what he thought was gas. His landlord would not help him when he complained about the issues and verbally discouraged him from hiring somebody on his own. Soon, the landlord stopped responding at all while the issues persisted: the unit did not have a working water heater and

there were plumbing issues that were causing a "waste smell," in addition to the potential gas leak. When his landlord stopped responding, he called 311, the City of Los Angeles's toll-free helpline, and asked for advice. He did not remember who was on the other end of the line, but he said that they told him if the landlord refused to make repairs and if the repairs in question were structural in nature, then he should withhold rent and file a complaint with the City of Los Angeles Department of Building and Safety (LADBS). He called 311 at the end of September; he stopped paying rent in October.

When I asked him whether he received a 3-Day Notice after this point he said no. He explained that he withheld his October rent and requested an inspection from LADBS since he suspected that his unit had structural issues. While he waited for LADBS and in a moment of frustration, he told his landlord about requesting the code inspection. He did not hear from his landlord again. The inspector confirmed that the unit was illegal and recommended that the tenant wait until LADBS contacted his landlord, mentioning off-hand that he would be entitled to relocation assistance. As the tenant waited for LADBS to deliver a citation, he did nothing, patiently waiting for the other shoe to drop. The problem, however, was that something was happening; his landlord filed an eviction lawsuit for nonpayment of rent. The tenant realized this when he received a Notice to Vacate, which, I noted to him, expired the day after his clinic visit.

As a result of the man's experience of the sequential progression of everyday housing trouble, he came to the clinic with questions about relocation assistance. Our interaction reveals that he is approaching his housing trouble from the perspective of a plaintiff while I, in my capacity as intake interviewer, recognized him as a defendant and his situation as an impending lockout. Even after my explanation, he still found it hard to believe that he was not, as he saw himself up to this point, a plaintiff in a case against a cited, delinquent landlord. To be fair, he

was not wrong that he could have been entitled to relocation assistance because of his housing woes. How the tenant's situation unfolded, however, ultimately rendered his interpretation of self and situation at odds with that of formal law and resulted in a default judgment.

A second observation from my fieldnotes shows other typical troubleshooting trajectories.

> One Black man stopped paying his rent after a code enforcement agency labeled his building structurally unsound; a young white woman did the same after the health department declared her apartment uninhabitable due to mold; and an older white man in a gentrifying neighborhood who won four consecutive eviction lawsuits against his landlord stopped paying rent after he finally had enough and filed a complaint with his local rent board.

Each tenant received Summonses and Complaints for nonpayment of rent, despite having open cases with regulatory housing bureaucracies that they engaged to resolve everyday housing trouble. In these cases, formal troubleshooting sustains tenants' conceptions of self-as-plaintiff, regardless of eviction's parallel "formal" reality at court. Recall that from the perspective of formal law, however, the sole troubleshooting institution that tenants must use to avoid default is the civil justice system. Whether tenants get to the civil justice system in the first place, however, is unclear, a function of how they navigate interpretive disjuncture and the multiple troubleshooting institutions that help them along the way.

These fieldnotes excerpts illustrate how the three elements of interpretive disjuncture shape tenants' troubleshooting trajectories, but they don't explain how interpretive disjuncture causes default. Interpretive disjuncture causes default when courts deem tenants' interpretations (and the troubleshooting strategies that they enable) as inappropriate or inadequate. To avoid

default, tenants must align their interpretations with "the formal law" and respond to lawsuits, but only if they do so in time. In clinics, lawyers help tenants navigate interpretive disjuncture and troubleshoot in the civil justice system, but only if clinic support is accessible. In the next section, I will explain why time and access become problems for tenants in eviction lawsuits, causing default as tenants navigate interpretive disjuncture.

II. How interpretive disjuncture causes default

The excerpts from my fieldnotes and court's self-help materials illustrate how tenants' troubleshooting trajectories reflect divergent interpretations of self, situation, and appropriate troubleshooting institutions from those of courts', but these data do not explain how interpretive disjuncture causes default. Interpretive disjuncture causes default when courts deem tenants' interpretations (and the troubleshooting strategies that they enable) as inappropriate or inadequate. Thus, to avoid default, tenants must align their interpretations with "the formal law" and respond to lawsuits, but only if they do so in time. In clinics, lawyers help tenants navigate interpretive disjuncture and troubleshoot in the civil justice system, but only if clinic support is accessible

Time Pressures in Eviction Cases

Eviction lawsuits are not like other forms of civil litigation even though cases can either be filed in unlimited or limited civil jurisdictions. Based on historical court statistics reports released by California's Judicial Council, courts consider the normative time from initiation to disposition in unlimited and limited civil lawsuits in six-month iterations from one year to two

years. Drawing on a data set that I created from these reports, Table 8 shows that most lawsuits are adjudicated within 24 months, though well over half conclude within a year.

Table 8: Normative Processing Time for CA Unlimited and Limited Civil Jurisdiction Lawsuits

	Unlimited Civil			Limited Civil		
	12 Months	18 Months	24 Months	12 Months	18 Months	24 Months
FY2002-03	65%	84%	92%	89%	95%	97%
FY2003-04	65%	83%	91%	86%	93%	96%
FY2004-05	64%	83%	91%	83%	91%	94%
FY2005-06	68%	85%	91%	87%	94%	96%
FY2006-07	67%	84%	92%	93%	97%	98%
FY2007-08	70%	86%	93%	94%	97%	98%
FY2008-09	70%	86%	92%	91%	98%	99%
FY2009-10	72%	87%	93%	88%	97%	99%
FY2010-11	70%	85%	92%	86%	95%	98%
FY2011-12	68%	83%	90%	87%	95%	97%
FY2012-13	68%	81%	87%	86%	93%	96%
FY2013-14	66%	77%	84%	86%	93%	95%
FY2014-15	64%	75%	83%	83%	91%	94%
FY2015-16	64%	76%	83%	82%	90%	93%
FY2016-17	66%	77%	84%	83%	91%	93%
FY2017-18	64%	77%	85%	85%	94%	96%
FY2018-19	69%	83%	90%	83%	94%	97%
FY2019-20	71%	83%	91%	79%	92%	97%

Whereas civil lawsuits can take months (even years) from initiation to disposition, evictions in California are exceptions, classified as special summary proceedings and processed on an accelerated timeline. This distinction is reflected in how the Judicial Council presents data represented in Table 9. Whereas the normative time frames for civil lawsuits were six-month iterations between one year and two years, eviction's normative time frame is presented as either 30 or 45 days.

Table 9: Normative Processing Time for CA Unlawful Detainer Lawsuits

Unlawful Detainer		
	30 Days	45 Days
FY2002-03	60	78
FY2003-04	60	78
FY2004-05	60	78
FY2005-06	59	76
FY2006-07	58	76
FY2007-08	55	75
FY2008-09	48	67
FY2009-10	56	75
FY2010-11	54	72
FY2011-12	53	71
FY2012-13	54	72
FY2013-14	49	68
FY2014-15	51	70
FY2015-16	55	73
FY2016-17	56	73
FY2017-18	62	77
FY2018-19	47	67
FY2019-20	43	65

Whereas most unlimited and limited civil jurisdiction cases typically conclude within courts' normative time, at least 25% unlawful detainers typically extend beyond this window. In practice, this table shows default's prevalence as cases that conclude within 30 days are likely default judgments or landlord-initiated dismissals (see Mosier and Soble 1972:26). An eviction lawsuit that concludes in a T1 default judgment can take mere weeks and would be even faster if

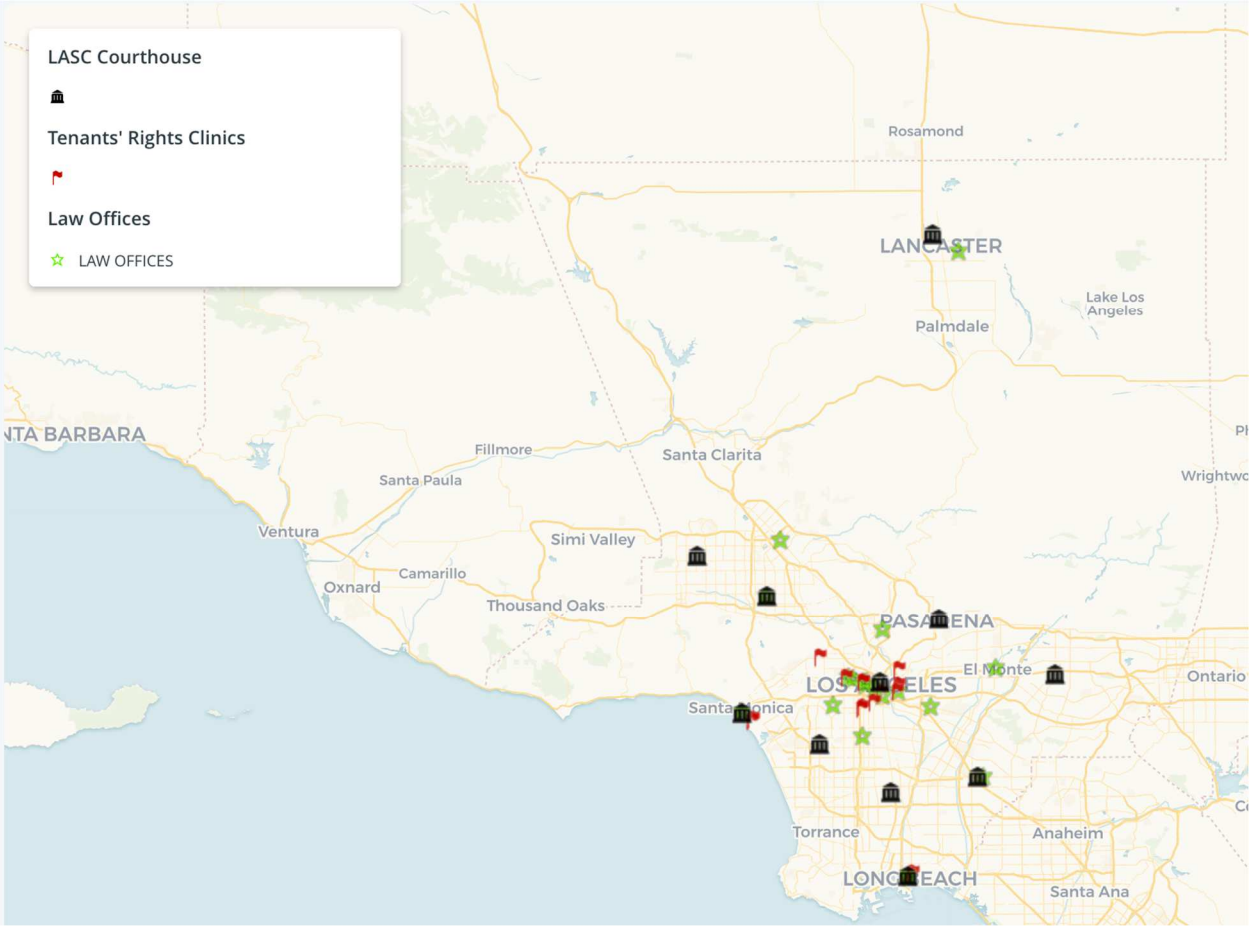
courts' case calendars were less crowded. Cases that conclude within 45 days and beyond are most likely cases that involve litigation, either initiated by litigants or their lawyers.

Rather than the customary 30 days (or longer) to respond to lawsuits in civil jurisdictions, tenants facing eviction have only five days to file an Answer and avoid default. Thus, tenants must align their interpretations with the legal definition of unlawful detainer and respond to their landlords' lawsuits within five days. When I began fieldwork, the five days could include weekends or holidays, pending judges' discretion, but legislation passed since at the state-level has since specified that tenants have five court business days to file. And tenants must do so in a period of extreme stress, where their housing situation is precarious, while they are in conflicts with landlords, and as they navigate already busy lives and the responsibilities that they entail.

Space Pressures in Eviction Cases

Not only do tenants only have five days to align their interpretations with the legal definition of unlawful detainer and respond to their landlords' lawsuits, but they also must find a legal clinic or eviction defense lawyer, which is difficult in LA County. This is because tenants must find the support in a county that is larger than two states, where information on support is unequally distributed in the population and media ecosystem, and in multiple institutions that typically provide contradictory advice for how to solve housing trouble.

Map 4: Eviction Defense Firms and Legal Clinics in Los Angeles County (2018)



As the map shows, resources are concentrated in Los Angeles's city center despite the fact the LASC system's hub locates courts to serve the county's largest population centers. Thus, while tenants living in within the jurisdiction of the Stanley Mosk Courthouse in Downtown LA live in proximity to myriad firms and clinics, tenants living in Long Beach to the south, the San Gabriel Valley to the east, and the Antelope Valley to the north may have more trouble finding legal support amidst interpretive disjuncture due to a spatialized inequality of access.

Furthermore, access is contingent on knowledge that, too often, tenants simply do not possess. Knowing, for example, that a court-based self-help clinic will only help tenants complete some essential documents and not others; that each tenants' rights clinic on the map

only occurs one day a week, sometimes rotating bimonthly; that some firms cannot represent certain tenants, such as how firms funded by the Legal Services Corporation cannot represent undocumented tenants; or that only three firms in the county represent renters in market rate tenancies, are all to navigating Los Angeles County's complex spatial ecology of legal assistance. These challenges become compounded when tenants rely on public transportation, resulting in hours of commuting in a transit-hostile city, or rely on unreliable public and private transportation services to accommodate their mobility challenges (*Miles v Wesley* 2013).

Thus, not only do tenants only have five days to respond to their landlords' lawsuits, but they must be able to access support resources in the first place. Tenants must do so as they navigate interpretive disjuncture. Given these temporal and spatial configurations, however, they rarely have opportunities to do so. This explains why I observed so many tenants actively attempting to troubleshoot their eviction lawsuits while already in or on the eve of default. Rather than merely a function of tenants' demographic or case characteristics (Larson 2006), default is so prevalent because of the temporal and spatial pressures that the formal legal process imposes on tenants as navigate interpretive disjuncture and troubleshoot eviction.

III. Procedural Injustice and the Racialized Consequences of Default

In a strictly legal sense, default reproduces institutional injustice by depriving tenants of their due process rights. As law scholars and advocates have noted for decades (e.g., Justice William O. Douglas's dissent in *Normet v Lindsey*, 1972), the eviction process undercuts tenants' due process rights by design and the enduring prevalence of mass default is, perhaps, the most compelling evidence of this failure of justice.[xii] Since default guarantees an eviction without

tenants having an opportunity to defend themselves and their housing in court reveals default as one of the foremost examples of procedural injustice in the contemporary justice system.

Furthermore, as eviction's most prevalent outcome, defaulting is the legal-bureaucratic mechanism through which most tenants are evicted. In terms of the growing sociological literature on eviction (Nelson and Lens 2022), default is a particularly meaningful outcome because it guarantees that tenants will experience eviction's devastating consequences (e.g., Desmond and Kimbro 2015; Desmond 2016). In Los Angeles, for example, tenants who default are almost certainly going to have evictions on their records, as state shielding laws (e.g., Assembly Bill 2819 2017) do not apply to tenants who have defaulted. As others have noted, eviction's "mark" is one of its most enduring consequences for tenants, as evictions linger on tenants' credit reports for as long as seven years and, when discovered by landlords on background checks, routinely become grounds for denying tenants subsequent housing (Kleysteuber 2006; Desmond 2016).

To the extent that the civil justice system is expressed in an ecology of racialized organizations (Ray 2019), default is a primary mechanism through which eviction "reproduces" racial inequalities in the lives of tenants throughout the United States (Desmond 2012b; Hepburn, Louis, and Desmond 2020). In an analysis of the intersectional consequences of default outcomes, Nelson and Montano (2022) found that Latinx renters accounted for 38% of all default judgments, and Black renters accounted for 24% of default judgments despite comprising only 12% of the County's renter population. Furthermore, Black and Latinx women were more likely than other racialized and gendered groups to receive default judgments against them.

Another line of research conducted collaboratively by Lens and colleagues explored default's socio-spatial dynamics by proxy (see Lens et al. 2020:927, 930-932). In an analysis of

736,122 unsealed eviction case records in Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties filed between 2005-2015, the authors found that the two foremost neighborhood correlates of unsealed cases were high poverty rates and a neighborhood's percentage of Black residents (Lens et al. 2020). This finding held in counties with vastly different socio-demographic populations and housing market characteristics. A subsequent analysis, which explored these dynamics in unsealed eviction filings in Los Angeles arrived at similar findings (Nelson et al. 2021a). The likelihood of unsealed eviction cases (the vast majority of which culminated in default judgments) becoming concentrated in a neighborhood increases with a neighborhood's percentage of Black residents. Default, then, is unequally distributed in both the population and in space, a particularly racialized outcome of a legal process that Desmond (2012b) powerfully claimed reproduces poverty among US renters.

IV. Discussion

Default's prevalence represents a profound injustice, but an inevitable one in Los Angeles and counties throughout California. Much like litigants and other complainants in a variety of bureaucratic settings, tenants experience interpretive disjuncture as their housing troubles become legal cases. The difference, however, is that tenants facing eviction face enormous temporal and spatial challenges to accessing justice, here represented by the ability to avoid default by filing an Answer. Accelerated case processing undercuts due process by denying tenants the time to file and the spatial ecology of eviction defense in Los Angeles means that tenants are likely to struggle to find legal assistance in time to defend themselves. For these

reasons, tenants not only default because of doing nothing (see Sandefur 2007; Desmond 2016), but also as they are actively troubleshooting the cases against them.

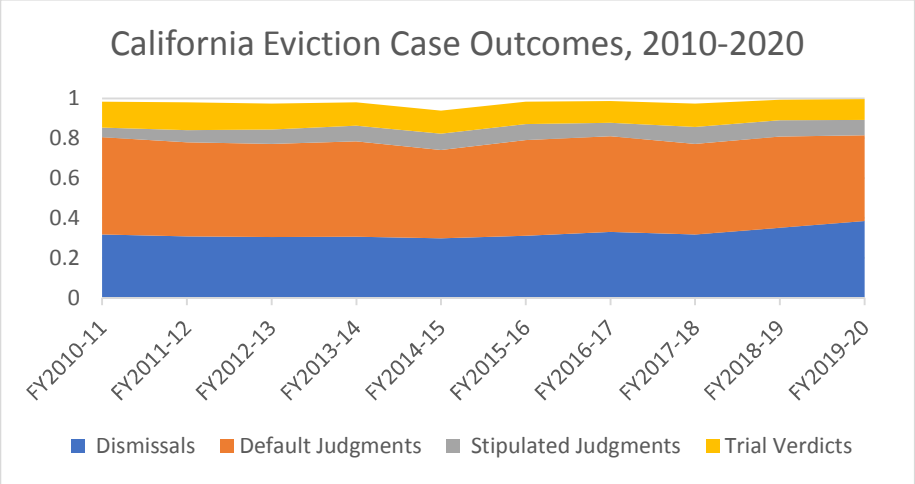
Thus, not only do institutional forces shape tenants' access to justice in Los Angeles County, but they also shape the choices that tenants have as they troubleshoot eviction. Ultimately, these conditions result in a situation where most eviction cases result in default. In this way, the institutional dimensions of eviction case processing and phenomenological dimensions of tenants' troubleshooting become social mechanisms causing tenants to default. These mechanisms are as consequential to determining eviction case outcomes as tenants' socio-demographic characteristics, neighborhoods of residence, and case characteristics. In the next chapter, I will apply this argument to the subsequent stages of the eviction process. If a tenant avoids default, then the institutional configurations described in this chapter remain consequential, explaining both the rarity of trial, the contours of legal expertise and eviction case outcomes in settlement negotiations and trial.

Chapter 5: Negotiating the Housing Crisis

As the previous chapter showed, lawyers first become relevant actors in eviction defense in clinic settings during the notice stage, but as the eviction process unfolds, their expertise becomes essential in ensuring that tenants stay housed or experience a "soft landing," some sort of compromise that allows them enough time and material resources required to find future housing. This is because when tenants avoid default, they get a foot in the door of a legal process that is designed to expediently and efficiently process landlord-plaintiffs' lawsuits at the expense of tenants' due process rights. What they discover, however, are that there are additional barriers, institutional features known to lawyers but not ordinary litigants that make it very unlikely that tenants without lawyers will have opportunities to exercise their due process rights in practice.

While data on eviction case outcomes do not exist for Los Angeles County, a statewide dataset[xiii] from the Judicial Council of California, covering 667,135 dispositions between 2010-2020, shows a remarkably stable distribution of case outcomes.

Figure 8: California Eviction Case Outcomes, 2010-2020



Default judgments and dismissals comprise a remarkable 78.5% of eviction case outcomes, meaning that, in terms of case processing, superior courts in California facilitate very little litigation. So, if tenants avoid default, then what exactly happens next?

What comes next, unsurprisingly, does not conform to popular cultural images of the justice system. As is the case in lower criminal courts, trials are rare in eviction proceedings. Of 667,135 California eviction dispositions, trial verdicts accounted for just 11.9%.

Table 10: California Trial Outcomes, 2010-2020

	Total Dispositions	**Total Trial Verdicts**	***Bench Trial Verdicts***	***Jury Trial Verdicts***	**Counties Reporting**
FY10-11	66356	8686	*8672*	*14*	33
FY11-12	63338	8773	*8764*	*9*	33
FY12-13	85883	11213	*11197*	*16*	39
FY13-14	79915	9254	*9241*	*13*	39
FY14-15	77009	8919	*8902*	*17*	41
FY15-16	79913	9041	*9027*	*14*	43
FY16-17	60847	6600	*6587*	*13*	42
FY17-18	69196	8121	*8112*	*9*	43
FY18-19	52674	5404	*5399*	*5*	34
FY19-20	32004	3334	*3325*	*9*	40

Jury trials are even rarer. Despite tenants having a constitutional right to request a jury trial, only 119 verdicts of 79,345 total trial verdicts in the dataset followed a jury trial; 99.9% of trials are litigated in front of judges and without juries. Trials are rare in eviction proceedings because California superior courts mandate settlement negotiations.

I. Settlement Negotiations in Eviction Proceedings

Settlement negotiations are informal, albeit institutionalized elements of the formal eviction process. Once a landlord initiates a lawsuit by filing Summons and Complaint forms and a tenant responds with an Answer, the superior court system assigns each a trial date. There is rarely, if ever a trial held on that date, however, a fact that both parties realize when they show up to court. Superior court judges in Los Angeles County, at least, explain as much to tenants when they arrive in court, in a speech delivered before roll call.

While few evictions conclude with a trial judgment, every case where a tenant avoids default undergoes a mandatory settlement negotiation. Relatively few cases are disposed of via negotiation (7.4% of cases in my data set), but many more will involve negotiations and, as a result, they shape both case trajectories and outcomes. This is because settlement negotiations are ongoing, occurring during the court-mandated interaction on the first court date through trials. Thus, in terms of the distribution of eviction case outcomes, settlement negotiations occur in approximately 20% of cases, even if cases may ultimately culminate in a bench verdict, jury verdict, default, or dismissal.

Figure 9: California Consolidated Eviction Case Outcomes, 2010-2020

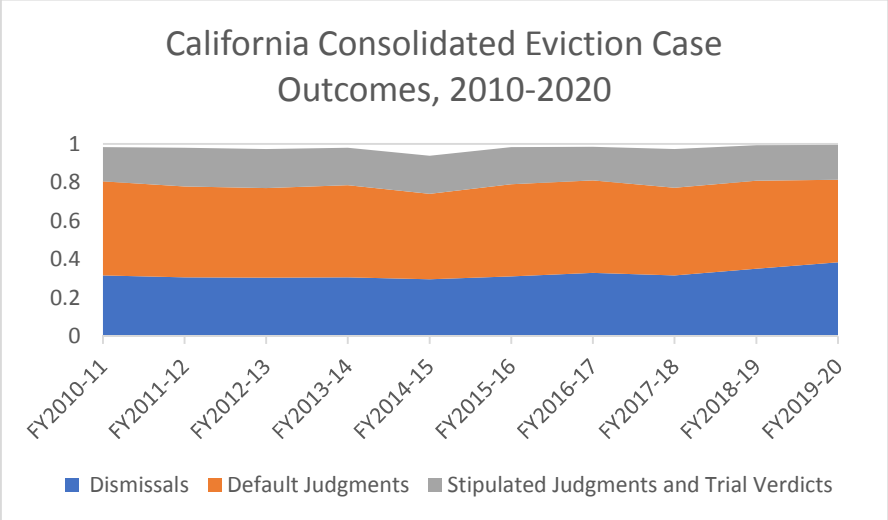


Table 11: California Consolidated Eviction Case Outcomes, 2010-2020

	Total Dispositions	Total Dismissals	Total Default Judgments	Total Stipulated Judgments and Trial Verdicts	Total Counties Reporting
FY10-11	66356	21063	32412	11815	33
FY11-12	63338	19471	29867	12703	33
FY12-13	85883	26142	40100	17436	39
FY13-14	79915	24491	38249	15552	39
FY14-15	77009	22891	34151	15214	41
FY15-16	79913	24876	38304	15453	43
FY16-17	60847	20048	29250	10700	42
FY17-18	69196	21967	31456	13964	43
FY18-19	52674	18501	24099	9736	34
FY19-20	32004	12300	13760	5810	40
Period Total	667135	211750	311648	128383	

Typically, settlement negotiations involve parties leaving the courtroom and talking to one another in spaces like hallways, cafeterias, and conference rooms. When lawyers are involved, litigants are kept spatially isolated from one another and lawyers typically will interact with one another in neutral spaces, relaying offers and counteroffers to their clients in private. As the courtroom judge or commissioner alluded to in his opening speech quoted at length in chapter 1, the components of negotiation typically involve possession of premises, rental arrears, and protocols for compliance and/or remediation. While eviction cases are not particularly complex, each negotiation is contingent on tenants' and landlords' desires, as well as how clients' goals match lawyers' understandings of case facts and negotiation strategies.

Settlement negotiation interactions bear a striking resemblance to the interactional sequences of criminal plea bargaining (e.g., Sudnow 1965; Feeley 1979; Maynard 1984; Van

Cleve 2016), even if the substantive stakes are radically different. Unlike plea bargaining, tenant-defendants do not plead guilty. Settlements may work functionally as guilty pleas, where a tenant agrees to move in exchange for more time to move, a sealed record and/or some waiver of rental arrears. They also, however, may involve tenants staying in their units and/or negligent landlord stipulating to maintain premises such as making repairs and calling an exterminator. Thus, the resulting stipulation agreement in an eviction's settlement negotiation may resemble a criminal plea bargain (e.g., an admission of guilt in exchange for some sort of concession in penalty or leniency), but trajectories and outcomes varied significantly in the hundreds of negotiations that I witnessed between 2015-2018.

Likewise, the institutional context of criminal plea bargaining differs substantially from eviction proceedings. In eviction lawsuits, for example, few litigants ultimately make it to court. The legal process, here, isn't a punishment (e.g., Feeley 1979), as much as it a possibility for a tenant to achieve some degree of justice in a legal system biased against them. A second distinction is that while criminal litigants have the constitutional right to lawyers to aid them in their defense, civil litigants do not. Every year, hundreds of millions of ordinary people go to family, immigration, probate, and housing courts, among many others, alone (Sandefur 2019). At stake is child custody, debt collection, deportation, foreclosure, legal guardianship, and conservatorship and, in this case, eviction. I primarily observed negotiations between landlords and tenants who were represented by lawyers, but there were many negotiations between a represented landlord and a *pro per* tenant, as well as negotiations between *pro per* landlords and tenants, oftentimes facilitated by volunteer mediators.

Across time and place, eviction's institutional life looks similar in terms of legal representation: most landlords have lawyers and most tenants do not (Engler 2009). In LA,

however, the story has always been a bit more complicated. Whereas nationwide, advocates estimate that 3% of tenants and 81% of landlords have lawyers (National Coalition for a Civil Right to Counsel 2021), LA's eviction defense industry has expanded significantly and informal estimates suggest that between 9%-11% of tenants facing eviction go to court with a lawyer.[xiv] Thus, while my fieldwork may not capture the modal experience of negotiation (a *pro per* tenant vs. a represented landlord), it does offer an opportunity to explore how lawyers shape case outcomes in a jurisdiction where legislative tenant protections and the presence of lawyers gives tenants a fighting chance.

It also provides insight into how policies providing lawyers for tenants could help reduce incidences of disruptive displacement resulting from eviction. Since the turn of the 21st Century, a nationwide movement—Right to Counsel (RTC, hereafter)—advocates for "Civil Gideon," which would provide poor civil litigants the right to a lawyer similar to the provision of public defenders in the criminal justice system (Pastore 2008; Sandefur 2008; Engler 2009).[xv] RTC advocates cite literature showing lawyers' impacts on trial outcomes compared to cases where litigants do not have lawyers as proof of concept (e.g., Seron et al. 2001). Like the criminal justice system (Feeley 1979; Van Cleve 2016; Clair 2020), however, few civil cases ever make it to trial—in most cases, litigants default, dismiss, or settle (Sandefur 2019)—meaning that we still only have a partial picture of how lawyers improve their clients' outcomes. Furthermore, this predominantly quantitative literature can only speculate what it is exactly that lawyers do that makes a difference both within a law area or across civil case contexts (e.g., Sandefur 2015). My fieldwork illuminates these mechanisms.

From this ambiguity emerges four research questions. First, in a civil justice system that is both substantively and procedurally biased towards landlord-plaintiffs, why do so many

landlords settle? Second, what role to lawyers play in settlement negotiations? If the answer involves their legal expertise, then what is this legal expertise and how do institutional factors shape its content and context of practice? Finally, how do lawyers and legal expertise shape case outcomes? To answer these questions, I draw on twelve months of participant observation shadowing eviction defense lawyers and their clients during pre-trial court appearances in two Los Angeles Superior Court (LASC) courthouses.

II. Institutionalized Informality and the Social Construction of Backlog

Somewhat analogous to criminal plea bargaining (Sudnow 1965; Padgett 1985; Ortman 2020), settlement negotiations are examples of informal procedure becoming an institutionalized part of the legal eviction process, a form of "institutionalized informality." In LA eviction lawsuits, settlement negotiations are taken-for-granted as mandatory features of legal case processing. In other words, "the law in action" (Pound 1910) features settlement as a mandatory feature of the eviction process, one that theoretically lets landlords and tenants avoid the material costs, emotional tolls, and inherent risk of going to trial. I observed judges clearly articulated as much in their opening speeches to litigants waiting to litigate evictions. To quote from the extended observation that begins chapter 1

> Generally speaking, he frames the settlement negotiations as safe alternatives to the gamble that is going to trial and losing. "It makes sense to make your best deal today," he explains. "You have certainty. You know what you have to do. Everybody gains and gives something." He adds that two weeks or more to move is considered to be a beneficial outcome and that you might be able to buy more

> time depending on the case. If you're a good tenant, he explains, you might even get 30 days. He also clarifies what he characterizes as misinformation. Generally, he explains, your landlord won't buy you out, even if your property has defects. Also, you still might have to pay some rent later, even if you win at trial once a judgment is entered.

Thus, settlements also allow courts to preserve valuable time to adjudicate motions and "green sheet" cases to be scheduled for trial. The process, as Feeley (1979) noted of a criminal courts, is the punishment and, as judges tell it, settlement is a way out.

What seasoned housing lawyers know that ordinary people do not, however, is that, by necessitating settlement, the LASC system inserts an institutional buffer, at no cost to the state: a negotiation stage, between the pre-eviction "notice stage" and "trial stage." This buffer coincides with two other institutional features of eviction litigation in Los Angeles: 1) master calendar courts and 2) jury demands. I will describe each below before drawing on ethnographic data to show how an understanding of these institutional factors shapes lawyers' expertise and clients' case outcomes.

Master calendar courts

Unlike the individual calendar "housing courts" in eviction research (e.g., Bezdek 1992; Desmond 2016), the LASC system processes eviction case in "master calendar courts" (MCCs) In the former, a single judge or courtroom becomes responsible for handling cases "from filing to disposition" (Cunningham 1978:233). In the latter, cases originate in one courtroom, but "longer cases are assigned in coordination with the general master calendar court" (Epstein 1979:166). MCCs necessitate that each court essentially becomes a clearinghouse with the discretionary

authority to allow cases to advance or not. In this way, MCCs bifurcate litigation, inserting several decision-makers between initiation and disposition.

Master calendar courts contain multiple checkpoints, "choke points" which require parties receive permission from judicial officers in order to proceed to the next step. At the Stanley Mosk Courthouse, this process is called "green sheeting," a system whereby a judge gives lawyers permission to ask the master calendar court for a trial date after they complete and exchange trial documents or asks lawyers to reconvene. Sometimes, the reasons strike everybody involved as idiosyncratic, as the following observation from my ethnographic fieldwork shows.

> The judge calls Neera, the defense lawyer's case, and she walks over to the bench with Mark, the plaintiff's lawyer in hopes of getting "green sheeted," which means that they will get permission from the judge to go downstairs to Department 1 to meet briefly with the judge and get sent out for trial. Only now, the judge responds to their "merged docs" negatively. She says that everything has to be undisputed except the jury instructions and the verdict forms. She says that she doesn't want the case kicked back and this case will be kicked back, in her opinion. The only thing that should be in dispute is special discussion, she says. She sounds annoyed and is almost scolding the two lawyers. This strikes me as strange because based on what I know about the case, the lawyers seem to agree on everything that they need to agree on and are ready for trial. The judge continues with more critiques of the binders in front of her. I see no tabs, she says, referring Neera's binder. The table of contents needs to be the first page. You need copies of the pleadings. You're attorneys. You should be ready, she says angrily. Trial court time is extremely valuable and you're taking time that other

> attorneys could use. You will have to have this stuff before I send you out. I don't want the judge downstairs to "bounce you back" and they will with this. The judge doesn't give them permission to go to Dept. 1. Both lawyers walk away with looks of surprise on their faces.

As one plaintiffs' lawyer explained to me, however, the green sheet system isn't LASC-wide. It varies by the level of judge's discretion and occurs in the busiest courtrooms like those at the Stanley Mosk Courthouse, but it causes backlog to become institutionalized in ways that add time to proceedings by necessitating multiple court dates.

> So, in Downtown, they have the green sheet system. Basically, your first appearance is, for the most part, always a wash. And they don't necessarily send you out to trial. You can if you push really hard. But usually, they green sheet you for another day. And on that day, it's like the real day, where you actually can get sent out. In other courts, they don't have that. So in other courts, they'll allow you to do a first continuance. But there's no green sheet system so they're not vetting you to see whether or not you're ready. They're not making you commit to a specific date. They just kind of trust the attorneys to handle things amongst themselves on their own. There's less babysitting.

In a context characterized by crowded dockets, this means that backlog builds across different stages of eviction case processing, from the hub courts to the trial court via a master calendar court. Whether a case moves quickly, or stalls is usually a matter of judicial discretion, as well as a matter of agreement between landlords, tenants, and their representatives.

Caseloads are heavy in LA, but especially at the Stanley Mosk Courthouse—I observed between 30 and 49 cases on a given day. In practice, the master calendar system, and the

institutionalized buffer (and inefficiency) it creates by bifurcating litigation ultimately drives up costs for landlords. This is because landlords' lawyers typically charge their clients by the hour or by the court session (e.g., morning and afternoon). Each appearance, then, represents more money that a landlord must pay to litigate an eviction in court, which gradually incentivizes settlement. For this reason, if tenants avoid default, a lawyer may be able to leverage the backlog created by the master calendar system into an advantage to settle otherwise challenging cases. Lawyers do so based on their expertise, knowledge that the practical consequences of the LASC system's institutional configuration—backlog—affords them time to draw on their substantive and relational expertise (Sandefur 2015) during negotiations.

Jury demands

While tenants have a constitutional right to a jury trial, relatively few tenants requested them until recently. The change, as lawyers on both sides of the bar explained to me, emerged as a niche practice by a local firm before diffusing throughout the defense bar. Unlike most counties in California, jury demands have become somewhat common in the LASC system and, from the defense lawyer's perspective, for good reason. As one defense lawyer explained to me in depth,

> [First], with a jury trial, you get a different finder of fact. It is not... A judge... A judge in many ways, in many very fundamental ways, will have a world view like that of the landlord. The judge really is concerned about the things the landlord is concerned about. it's easier to present your case to a jury's set of biases than to a judge's set of biases when you represent a tenant in an eviction but... So, there's that. There's also factual situations that judges will discount entirely, that jurors from their own experience know are perfectly reasonable. It's also the case that

judges, probably to some degree unconsciously, hold everybody to a standard of acting like an attorney because they don't have that much contact with non-lawyers in a way that juries don't and can't. So, a juror has a much more, for lack of a sufficiently explanatory term, I'm gonna call it a more 'accurate' idea of what a reasonable person does and thinks.

Jury trials are [also] more expensive for the landlord and that does two things. One, it makes the landlord more willing to put money into a settlement for a case where the client's willing to move. And it makes the landlord more willing to look for settlement options because there are a lot of things that are less expensive than going to jury trial, putting even more money than jury trial would cost into a settlement may be a very reasonable thing 'cause you could lose a trial, pay all the money, and still have the tenant. So, it makes resolution of the case more valuable, and it gets better offers.

[Finally,] having a jury trial is a big procedural advantage, because for the reason that I mentioned earlier, which is that the courts don't treat it casually. A jury trial therefore makes it a little harder for the landlord to sandbag you. You have a more realistic opportunity to resolve discovery disputes because they're usually not resolved by the time that the trial is... It comes around. It's a little easier to tell if a landlord is actually seriously preparing for trial in a jury trial, 'cause it requires more on their part.

Thus, jury demands becoming institutionalized as elements of the formal legal process has both substantive and strategic value for defense lawyers, even given the relative lack of jury trials (or cases that conclude with jury verdicts). Jury demands introduce ambiguity to a landlords' case by

giving ordinary people discretion in the decision-making process, incentivizing settlement by driving up costs, and allowing defense lawyers to use their substantive legal expertise in litigation.

With a jury demand in play, plaintiffs' lawyers and landlords must orient their action to the possibility of a jury trial. As a supervising lawyer for a prominent plaintiffs' firm explained to me

> [Jury demands] have changed our office model completely. Again, before we had this high rate of contested cases or jury trials, our staffing was greatly reduced, we focused more on opening cases and getting out. Now we've had to just beef up our trial department. We have somebody who does nothing but discovery, three trial assistants, five trial attorneys, we have an attorney who tries to settle jury trials, we have an attorney who does law and motion. So, it's completely changed our office. Now, our other offices [in neighboring counties] that haven't been hit with this model, they're more your traditional. When I say traditional how I first started [in Los Angeles], and that [involves] 20% of your cases being contested and maybe 10% being attorney contested, very few jury trials. And so, they're very heavy on the process of getting the case in, and I don't know if you've heard the term like "eviction mill," but that's where that phrase came from. It's just get the cases in, get them out. Get them in, get them out.

As lawyers representing landlords and tenants explained, the gradual institutionalization of filing jury demands and the threat of jury trials in Los Angeles has rapidly changed how firms approach everything from staffing to litigation. In the next section, I will show how these

informal, institutionalized features of case processing shape the situational deployment of defense lawyers' expertise in settlement negotiations.

II. "This is a Limited World"

Eviction defense lawyers' expertise reflects substantive knowledge of the law in book and law in action (Pound 1910), as well as relational expertise grounded in sustained experience with certain courtrooms and lawyers. I contend, however, that institutional factors that are not merely byproducts of legal doctrine or local social relations powerfully shape both these substantive and relational elements of expertise. In practice, these factors enable and constrain the strategies that lawyers use to negotiate good outcomes, as they understand them, and "soft landings," what a lawyer considers acceptable relative to less-than-ideal case facts or negotiating partners (insofar as they will help tenants avoid eviction's worst consequences). In this section, I show how the outcomes of eviction case processing's institutional configurations shape the substantive content of lawyers' expert knowledge *and* their tacit understanding of how to practically deploy it in court-based settlement negotiations.

Managing "the other stuff" in settlement negotiations

The institutional buffer created by mandatory settlement negotiations provide substantive and strategic advantages for defense lawyers, but they nevertheless must continue to navigate the practical complications of eviction litigation. As discussed in the previous chapter, evictions are complicated phenomena relative to tenants' lived experience of housing trouble, and one of the first tasks of lawyers in a clinic setting is to strip away narrative that is irrelevant to eviction *as a*

legal case. Similarly, defense lawyers in settlement negotiations must negotiate with the other side while helping tenants avoid "the other stuff," which one lawyer explained to me as "the stuff that happens outside" of eviction law's limited factual parameters. Stated positively, the other stuff is the stuff of everyday life, important narrative elements of an everyday understanding of housing trouble and to tenants' biographies (Nelson 2021). As another lawyer explained to a client at the beginning of a settlement negotiation who wanted to litigate other housing issues at court, however, "we can't do that. This is a limited world."

Eviction defense lawyers' expertise is derived, in part, from mastering the institutional configurations shaping case processing in this limited world. The ability to convince clients of this legal reality, however, is vital to both the enactment and efficacy of lawyers' expertise. Navigating "the other stuff," in this way, is a form of interactional competence that lawyers must accomplishment while practically synthesizing substantive legal knowledge, the mundane professional interactions with lawyers and court personnel, and an awareness of how institutional configurations enables and constrains strategy.

An observation from my ethnographic fieldwork clarifies how these various elements shape interactions in negotiations. On this particular day, I was shadowing an attorney named Ashley in the Stanley Mosk Courthouse as she juggled negotiations between a handful of clients and their landlords' lawyers in the courthouse cafeteria. After we heard opposing counsel's counteroffer in a non-payment of rent case, we walked across the room to where her clients were clustered and presented it to her client. As Ashley tried to explain the situation to him, her client, was fixating on recouping damages from an unrelated flooding incident in his unit. Ashley tried to explain to him that "the only thing that the court cares about in these cases is the issue of

possession and rent owed," and says that she believes that the offer on the table can benefit him because it seals the record, waives back rent, and limits the stress of future court appearances.

> Ashley's client responds by telling her the same story that he told me during our earlier interview. First, the conditions in the apartment are unlivable due to the faulty wiring and plumbing; he has been putting himself and his wife up in a hotel as a result. The landlords, he says, are slumlords. He also notes that he's on disability and cannot work due to his back, hip, and arthritis-related pain. Compounding these concerns is the fact that he and his wife have recently become legal guardians of his daughter's 2-year-old and 8-month-old children, and they need a stable and safe housing situation so that Child Services won't take them away. He then begins telling Ashley about the children, even showing her video and photographs of them. Ashley is nervously shuffling around papers, as I note that it's 11:23 a.m., seven minutes before the courtroom takes its daily lunch break. She asks him again if he approves of the landlord's offer and he says yes.

Ashley must do the work of lawyering *while* focusing her client's attention away from the other potential cases related to his housing trouble— "the other stuff"—and towards his case, where he is being evicted for not paying rent. The other stuff may matter later, but for now, however, the question is whether her client is willing to accept their landlord's settlement offer.

Ashley is checking her watch, however, because while, she is helping her client navigate his emotional response to the eviction, she also knows that she is "on the clock" in more ways than one. She knows, for example, that this is a non-payment of rent case. In a non-payment of rent case, a win at trial means that a tenant keeps possession of their unit pending payment of back rent (or partial back rent if the judge or jury deem conditions to be uninhabitable). She also

knows that her client retained the firm at the last minute, so he has not requested a jury trial, which means that a judge, far less sympathetic to tenants' circumstances than juries, will adjudicate the case. The case, as she understands it, is likely not a good fit for trial. For this reason, she also loses valuable negotiation leverage—e.g., "a trial will cost you $100/day"—leverage, as she explained it to me later. Time matters, but not in a way that helps her in negotiations because there is no possibility of a lengthy jury trial acting as leverage. Thus, time is working against her, and she knows it.

Time also matters because she knows about the inherent unpredictability of negotiation trajectories as an institutionalized feature of the legal eviction process. If she is unable to settle before lunch, then that gives the landlord and his lawyer time to change their minds. In this case and many others, the landlord's lawyer in negotiations is an "appearance attorney," meaning that they are being hired by the firm that initially filed a landlord's lawsuit to appear (or "sub in") on that firm's behalf in negotiation. Since many firms no longer have the capacity to staff individual lawyers to litigate entire eviction case, she may lose a willing negotiating partner if a different lawyer subs in. In LA, firms typically employ lawyers to work in office settings, negotiations, and/or trials as a pragmatic matter. Eviction defense lawyers work in the LASC's "hub system" comprised of 11 courtrooms across a geographically expansive county; volume-based firms increasingly lack capacity to staff existing caseload.

Appearance lawyering is becoming increasingly widespread on both sides of the bar and, to defense lawyers, can differentially enable and constrain the deployment of expertise. Appearance attorneys, Ashley says, typically do not do trials and are far more likely to settle than lawyers employed directly by the firms retained by landlords to litigate an eviction. "You can push him a bit more," she explains to me, referring to the landlord's lawyer. What we may

understand to be relational expertise, therefore, is refracted through multiple institutional lenses, through both an understanding how the court's institutionalized informality generates additional bargaining chips (or constraints) by necessitating that appearance attorneys handle negotiations. To negotiate a settlement for her client, Ashley must keep track of time relative to the opportunities it affords her to help her client achieve a soft landing.

In sum, Ashley negotiates with the following facts in mind: her client faces a non-payment of rent-based eviction, cannot pay back rent, and, by her own diagnosis, neither has a good case for trial nor the possibility of a jury trial. This is a bad case by any definition and one where the deal on the table provides her client with a "soft landing"—back rent waived, a sealed record, and some time to move. This typification exists both in relation to pattern recognition (or normal typification), but also an understanding of how institutional factors shape the terrain on which she negotiates. Ashley is hustling to close this deal because when the court takes its lunch break, she risks losing a bargaining partner with whom she feels she can work effectively at a critical juncture in her client's case.

Managing evidence in settlement negotiations

Not only must lawyers manage their clients and "the other stuff" as a core element of their expertise, but they must also build cases *in situ* by strategically managing evidence. While lawyers do prepare cases in advance, institutionalized informality invites a degree of ambiguity and unpredictability that lawyers are able to exploit by reinterpreting and remarking cases throughout the negotiation process. The notion of evidence in eviction lawsuits is far from straightforward[xvi] and lawyers' management of evidence's slippery nature becomes consequential in terms of how that legal expertise shapes case outcomes. In negotiation, a case's

most mundane elements rest on a tenant's ability to provide evidence that the court deems admissible[xvii] *and* landlords' lawyers find compelling.[xviii] Of course, the audience and forum where evidence will be deployed in the service of making a case varies, variation shaped by institutional elements like master calendar courts and jury demands. Lawyers must therefore use evidence to construct cases that advance their clients' interests and preserve their own professional relationships within the unique affordances of the institutional configurations characterizing eviction case processing in Los Angeles.

An extended observation from my ethnographic fieldwork illustrates this point. In this case, a landlord wants to evict a tenant because a tenant's dog allegedly attacked him. Mia, the defense lawyer, is trying to substantiate her client's account that the landlord drunkenly provoked the dog to Brian, the landlord's lawyer.

> Mia, the defense lawyer, says that there is photographic evidence. Brian, the landlord's lawyer, looks interested. She thumbs through photographs, gets to the end, and flips back through before settling on a pair of photographs. She puts them down on the table. Brian points to a photograph that's slightly out of focus, shot in the dark (or dusk) showing the front of a car with a puddle or stain on the concrete in front of it. "What does that show," he asks? Mia responds that the landlord parks his car wherever he wants and that this photograph, taken the night of the incident, was taken from where the dog typically lies down, unleashed in front of the residence. This is right in front of my clients' unit, she explains, and says that the landlord went out of his way to harass the dog. She also shows him a record of an arrest for a DUI, stemming from an unrelated incident. "The night of the incident," Mia says, "your client was drunk and provoked the dog by kicking

it or kicking his legs in its direction." Do you have the hospital records that prove my client was drunk, asks Brian? "No, but one of my client's sons witnessed the event," responds Mia. "You're going to call a child [to testify]," respond Brian. No, says Mia, his sons are 20 and 22.

Brian calls his client the "victim of an attack from a dangerous animal" and says that the tenant deserves to be evicted because he "brought in a stray and didn't tell his landlord about it." Mia, on the other hand, deploys ambiguous photographic evidence in conjunction with the "threat" of further testimony and a documented history of DUIs to creatively counteract the landlord's claims, which are her burden to problematize. In a sense, she deploys evidence to show Brian that his case is not nearly as cut-and-dry as he thinks it is, at least in front of a jury: Mia can present evidence and introduce witnesses that will erode the foundation of Brian's client's claims against her client.

Furthermore, what Mia knows—and Brian confirms—is that Brian is unprepared, having not had the time to scrutinize his clients accounting and evaluate the evidence. The reasons for this are both institutional: as mentioned above, landlords' lawyers run volume practices that rely on tenant default (otherwise there would simply be too much litigation for most firms to handle) and, for this reason, she can probably count on knowing the case as well as if not better than her opponent.[xix] And, since settlements are mandatory and eviction cases are bifurcated, she also knows that institutionalized informality affords her time to manage evidence towards telling an "accountable story" that chips away at the foundation of the landlord's case.

Yet, lawyers' expert knowledge exists against an additional institutional backdrop: backlog only becomes an asset in negotiation settings because of variation in how firms charge clients and collect fees (see also Nelson et al. 2021b). Whereas defense lawyers provide their

services for free or at fixed, comparatively low cost (and in most cases never expect to recoup most of these costs), plaintiffs lawyers' typically charge their clients by the court session or, in some cases, hourly. A full day of court (consisting of two sessions), therefore, may be quite expensive for a landlord, let alone a prolonged negotiation across multiple sessions and days. What defense lawyers know as a foundational element of their expertise is that, by making negotiations mandatory, courts institutionalize added costs for landlords. As a result, defense lawyers have opportunities to transform negotiation trajectories based on distinctly non-legal considerations.[xx] In court, I frequently observed landlords express (sometimes via their lawyers) a desire to avoid prolonged negotiations by settling; in many cases, these were landlords who began their court date not particularly interested in settling.

While some lawyers exploit backlog to solve problems created by volume-based practice's workflows, others use this institutionalized window of time—mandatory settlement negotiation—to draw on emergent evidence to meaningfully reconstruct cases *in situ*. In a different field note, Glenda is negotiating a case that, she believes will result in a "pay-and-stay" for her client. An unresolved issue, however, concerns whether the tenant will pay for damaging her garage door. Glenda's client denies the damage, claiming that she took the screws off the hinges so that she could lift the door, but that she did not back a van into the garage door as her landlord alleges. Lonny, the landlord's lawyer, hands Glenda a stack of photos.

> "Okay, but what is the damage?" Glenda asks? (I look at the photos too and observe that something large has made a sizable hole in the garage door.) Glenda says that the damage to the garage door is unclear because it doesn't show who is responsible for making the hole in-question. Glenda's client implies that her upstairs neighborhood is responsible for the damage and that the neighbor had

damaged the doors previously. The landlord begins to interrupt her court-appointed interpreter and her lawyer and begins to berate Glenda, claiming that the van that did this belongs to somebody in "your unit." Glenda's client says that she's going to call her husband and ask for a photograph that proves her side of the story and Glenda walks away to give Lonny and the landlord some space.

When they reconvene, the resulting photograph is time stamped and shows the upstairs neighbor in a white van in front of the garage door. Glenda's client had roommates, but they had moved out before the time stamp. "That's just her interpretation or whatever," says the landlord. After another break, Glenda shows Lonny the photograph again. She clarifies that it's clear that the tenant and her ex-roommates are not responsible for the damage. While her client admitted having taken the screws off the garage, she should not be held financially accountable for this damage. Lonny seems to agree, and they draft a stipulation agreement that reinstates the tenancy in exchange for Glenda's client paying the back rent and a few hundred dollars to replace the damage to the garage door hinges.

It is unclear what might have happened in this case had Glenda not questioned Lonny's client's photograph. What is clear, however, is that negotiation offered Glenda an opportunity to interrogate evidence before a trial setting, which here provides her the avenue to re-construct her client's case and re-orient the case towards settlement. Doing so shaped negotiation trajectories by radically transforming a "bad case" into a compelling one. Prior to this point, a "pay and stay" seemingly hinged on Glenda's client paying for a new garage door that she could not afford. Glenda's interpretation of evidence provided her an opening to complicate and, ultimately,

disprove the most important case fact against her client. Shortly after this interaction, both sides drafted and signed a settlement allowing Glenda's client to stay in her home.

The bifurcated litigation process created by master calendar courts becomes a useful institutional context for defense lawyers whose clients can win at trial. When lawyers feel like they have good trial cases, settlement negotiations offer opportunities to maximize leverage while raising the material stakes for landlords. As discussed above, negotiation is a pre-trial setting for lawyers to litigate cases, revealing evidence that might have otherwise gone unnoticed. In these instances, if negotiations fail, then lawyers know that they have a good chance of prevailing at trial. When trial is not an option, as in Ashley's negotiation in the previous section, lawyers know that they cannot exploit the institutionalized inefficiency in eviction case processing afforded by bifurcated litigation. Strategy may similarly vary if either party's lawyers' firms' fee structures are not conducive to "running up the meter." Regardless, however, knowledge of institutional considerations is an essential background context on which lawyers situationally deploy their expertise in court.

Part of a defense lawyer's expertise, as one lawyer explained to me, is pattern recognition. Lawyers understand cases according to a baseline of previous cases, as well as those of their colleagues, which is a longstanding finding in the sociology of law. I argue, however, that an essential complement to pattern recognition is an understanding of how institutional configurations have created a reality, a "law in action" that rarely resembles a "law on book." In some cases, institutional contexts allow eviction defense lawyers to buy time and to find leverage in cases that do not initially offer many litigation options. In others, these contexts comprise constraints, to which lawyers must orient their strategy or risk compromising their clients'

housing interests. Navigating this terrain in its institutionalized predictability and uncertainty becomes a core competency of legal expertise in eviction defense.

The institutional origins of interactional failure

Presenting a case of interactional failure, of failed negotiation, illuminates how tacit knowledge of institutional configurations shapes the content of expert knowledge and the situational context of its deployment. In this observation from my fieldnotes, Sasha, the defense lawyer, negotiates with Marshall, a landlord's lawyer who is a relative novice, having experience as a civil litigator, but not in LA eviction hub courts.

> Sasha explains to me that she's dealing with four new personalities, all lawyers with whom she has no prior experience. A lawyer she is working with today is doing his first UD as a favor to a friend. This is not ideal, she explains. Sasha is further inconvenienced by the fact that her co-attorney called out sick a few hours ago, leaving her with all his cases and no time to prepare. Two of the firm's lawyers were on their way to help but were currently indisposed finishing cases in the Santa Monica courthouse and the office, respectively, and delayed.
>
> At the tail end of the morning session, Sasha is reviewing a witness list with opposing counsel when two landlords' lawyers from earlier returned to where we were seated and hovered over us. Did you take someone over me?" asks an older lawyer named Marshall. Because of his thick accent, it's unclear whether he is being sarcastic or serious. I'm ready, he says. Okay, says Sasha. I'll meet you downstairs. I'll wait for you, he says. He impatiently explains that he has to appear for a case in Ventura in the afternoon. Yeah, I'll meet you downstairs, says

Sasha, as she returns to negotiating the stip. As she does so, Nick, a familiar face and landlord's lawyer, walks over. He towers over the table, puts his cane on a chair, and playfully asks if it's his turn yet. Sasha smiles and says she'll be with him when she's done.

Shortly after, the firm's other lawyers arrive and Sasha briefs them about the situation, handing each a small stack of clients' case files. Once Sasha sits back down and begins to review her own files, Marshall returns, looking irate as he walks over. He asks her what happened. I've been waiting, he says. I have to go to Ventura. I need to leave. Sasha asks him to be patient and says that she will be down soon. He yells at her and accuses her of being unprofessional, asking why she keeps dealing with other clients and lawyers when all he needs her to do is to come downstairs and talk to the judge. If you really have to leave, counters Sasha, then we will have to continue the case regardless. This only makes him angrier.

As this situation unfolds, Sasha's colleague, Dana, walks over and tells Marshall that she'll walk downstairs and work with him. Who are you, he asks? I work for [The Firm], Dana says. Marshall raises his voice and rants to nobody in particular, they've all got 10 cases and I have to go right now. Come on. Please. He says that this is ridiculous, and he needs to leave now. Dana calmly defuses the situation and ushers him out of the cafeteria. I can't hear what they are saying, but he is clearly not happy about the situation. Sasha turns to me, raises her eyebrows, and says, "Everybody is such an asshole today." She explains that she

likes working with the repeat players so much more than these one-time and newer lawyers. These aren't even my cases, she says with a sigh.

Neither Marshall nor Nick is particularly content with the current situation; each is frustrated with the pace of negotiation. Unlike Marshall, however, Nick understands the institutional context as part of doing business.

First, as institutionalized informality, settlement negotiations in LA eviction lawsuits occupy a distinct stage, between notice and trial stages, and firms hire lawyers or contract appearance attorneys to do this particular task as distinct from other functions like managing office intake and trial litigation. Second, lawyers for landlords and tenants both manage volume practices, meaning that they are juggling multiple cases at any given time, and, while lawyers prepare for cases, uncertainty is characteristic of legal work (Flood 1991). Finally, bifurcated litigation divides lawyers' attentions and slows negotiation in ways that induce landlords to settle due to differences in fee structures between landlords' and tenants' lawyers' firms. These are distinctly institutional elements of lawyers' expert knowledge, comprising the background context that shapes how lawyers practically negotiate eviction settlements in court.

IV. Discussion

In this chapter, I showed how institutional configurations shift the terrain on which the LASC system processes eviction lawsuits, which shapes both eviction defense lawyers' expertise and how they strategically use it in negotiation settings. This study contributes to literature on professional expertise by showing how legal expertise is not only influenced by social configurations (e.g., Anteby and Holm 2021), but also by institutional ones. Specifically, two

factors—institutionalized informality and bifurcated litigation—are endemic to eviction case processing in LA because of organizational policy, rather than derived directly from substantive or procedural law on the books. These institutional configurations have not only transformed the context of eviction case processing in the Los Angeles Superior Court system, but also the content of lawyers' expertise litigating these cases. To understand how lawyers shape case outcomes, therefore, we must account for how legal *and* institutional factors matter, paying particular attention to how the latter affect professional practice *in situ*.

The insights from this study are not limited to research on law; other professions and practical expressions of expertise are affected by institutional factors. Doctors, for example, practice medicine within complicated regulatory environments and bureaucracies like hospitals whose organization may be more influenced by compliance and management-considerations than by what we typically understand to be the core competencies of the medical profession. How doctors do their jobs may be shaped by budgetary constraints (Reich 2014) and the spatial organization of hospitals (Kellogg 2011), not to mention by idiosyncrasies in medical school training environments (Fox 1957, 1980; Becker et al. 1961/1976). Teachers operate in a similar environment, where work occurs within organizations putatively committed both to their own reproduction and to using pedagogy to affect student learning outcomes (e.g., Cicourel et al. 1974; Meyer and Rowan 1978). Enactments of pedagogical expertise, therefore, may reflect institutional configurations from organizational recoupling (Hallett 2010) to punitive discipline (Ferguson 2000), which powerfully shape how teachers understand and do their jobs.

Instead of viewing professional expertise as relatively autonomous (occasionally affected by social network configurations and outside interference depending on the problem area those experts are tasked with solving) (Abbott 1988; Eyal et al. 2010), I show that both the content of

legal expertise and the contexts of its deployment are shaped by institutional factors that are not connected to the substantive or relational dimensions of expertise elaborated in recent research (Sandefur 2015). Like other civil justice settings in the LASC system, eviction case processing reflects bureaucrats' pragmatic adaptation to budgetary woes and organizational concerns over case backlog as much as it does laws on the books resulting in a situation where *pro per* litigants and novice lawyers alike may struggle to access "the law in action."

Legal expertise's content and context in eviction cases and other areas of "poverty law" are consequential insofar as extant research agrees that litigants with lawyers fare far better than those without (Engler 2009; Ellen et al. 2021). Studying sites like clinics, courts and law offices reveals the contours of eviction's institutional life as a lawsuit and the processes by which landlords, tenants, lawyers, and court personnel collectively produce case outcomes. While doing so, I quickly observed that negotiation occupies a disproportionate amount of many eviction defense lawyers' work.

One powerful function of defense lawyers in eviction proceedings is to hold courts accountable to their commitments to equally allocating justice to landlords *and* tenants. To do so, they use institutionalized informal elements to their advantage, helping clients find justice in courts designed to streamline their displacement. This finding powerfully supports a growing movement nationwide movement to provide a right to legal counsel for tenants facing eviction and in other areas of civil litigation (e.g., Pastore 2008). In some ways, these policies adequately address the complex institutional terrain of eviction case processing. New York offers tenants below a certain income threshold lawyers and case navigators (Sandefur and Clarke 2016). Philadelphia offers lawyers alongside of pre-court diversion opportunities (Rushing 2022). In LA, lawyers and community-based organizations theoretically offer integrated services for

tenants at risk of and facing eviction even as funding and staffing concerns remain significant barriers to the state actually being able to enact these policies as rights. Yet, these types of programs are vital steps towards ultimately achieving Civil Gideon in ways that take seriously how lawyers shapes clients' outcomes.

My research, however, challenges predominant iterations of RTC policy for tenants facing eviction. Since trials are few and defaults are many, much eviction defense work can be described as negotiation. By providing lawyers for negotiations occurring throughout eviction's institutional life RTC and eviction prevention policies can both decrease defaults and limit trials *without curtailing tenants' due process rights*. But because of the complex substantive and institutional terrain characteristic of eviction law, eviction defense lawyers are the key to this equation, and policymakers must provide them early and consistently enough for their expertise to make a difference. For these reasons, understanding the content and context of legal expertise offers pathways forward not only in terms of designing more effective eviction prevention and RTC policies, but also towards creating a more humane civil justice system, one that manages social problems by allocating justice fairly instead of reproducing inequalities in litigants' lives.

Chapter 6: Eviction and Perpetual Housing Crisis in Los Angeles County

I. The Institutional Determinants of Access to and Practice of Justice

In this dissertation, I explain how institutional factors shape litigants' access to and lawyers' practice of civil justice in Los Angeles County eviction cases. Whereas literature understands law and legal processes as autonomous constructs that may be challenged, but are primarily worked within to enact legal change, the history of eviction case processing in California reveals that budgetary constraints, political advocacy, and social movement resistance powerfully shape the provision of justice on the ground. The resulting institutional configurations shape tenants' *access* to justice, lawyers' *practice* of justice, and *outcomes* of justice systems. Against portrayals of justice systems as government bureaucracies that hold power over ordinary people by making them wait, perform, or jump through procedural hoops, my research reveals the opposite. Rather than a punishment, the legal process in eviction proceedings represents a possibility for tenants to defend their right to home against their landlords' right to property. Though the most common outcome of eviction is default, if tenants can respond to landlords' lawsuits in time, lawyers can exploit institutionalized backlog to help their clients achieve good outcomes or "soft landings." Though the justice system is substantively and procedurally biased against tenant-defendants, tenants who avoid default and retain lawyers can use the legal process (and threat of continuing to use it) to defend their housing interests in an uncompromising housing market.

As I show historically in my first chapter, external forces shape the institutional configurations that comprise eviction case processing in the civil justice system. Rather than internal processes such as the statewide Judicial Council ordering top-down uniform court

reorganization in each of its 58 courthouses, budgetary pressures at all levels of government, tensions between local and statewide court leadership, and social movement pressure from advocates re-organized the civil justice system in variable ways throughout California. These shifting configurations typically create trade-offs in litigants' access to justice, which I understand as physical *and* legal. Ultimately, economic crisis, political budgetary dynamics, and social movement pressures created a regional network of eviction courts, known as "the hub." While hubbing ultimately destroyed the physically accessible neighborhood-based court system, it increased tenants access to legal justice by concentrating them in a handful of courts that were easily accessible to lawyers. When advocates resisted the hub on the grounds that it limited tenants' access to physical justice, the LASC system expanded and limited their access to legal justice because firms could not cover 11 courthouses in a county that is larger than two states. Thus, I show how institutional factors shape litigants' *access to justice*.

In Los Angeles, tenants enjoy some of the strongest tenant protections while having access to a robust and growing eviction defense industry. And yet, as I show ethnographically in chapter four, the hub system and the style of case processing that it enables shape eviction case outcomes, primarily default. Tenants must navigate interpretive disjuncture when they are served with an eviction lawsuit, oftentimes understanding their cases differently from the formal law. This becomes a problem when they are unable to find legal support in time. The reason is that evictions are processed as "special summary proceedings," an accelerated style of processing that gives them only five days to orient their understanding of the situation, self, and troubleshooting institutions to those of the formal law *and* find legal support. As a result, the most common outcome in the LASC system is default, representing a procedural injustice that

disproportionately affects low-income communities of color. Thus, I show how institutional factors shape litigants' *legal outcomes*.

Finally, institutional configurations also shape the practice of justice. As I show ethnographically in chapter 5, knowing how to litigate in relation to the summary eviction process, the LASC's hub court system, and institutionalized backlog resulting from the master calendar court configuration all become core competencies in eviction defense lawyers' expertise. Complementing theorization of substantive and relational forms of expertise, institutional elements of expertise comprise a hidden curriculum of institutionalized informality, which lawyers must know how to navigate to help clients achieve good outcomes and "soft landings." This knowledge is more than merely substantive; it's also practical. Lawyers know how to buy time using institutionalized backlog, using this to build cases, leverage, and incentives for landlords to settle cases. Institutional configurations generate imbalances between parties, even beyond the traditional represented-unrepresented dichotomy. Thus eviction defense lawyers' expertise is distinct from expertise cultivated by other civil lawyers and even housing-related litigators, and vice versa. What defense lawyers know that laypeople do not is that the legal process becomes a possibility to achieve justice in a system designed to deliver anything but for tenants facing eviction.

States do flex their power by making ordinary people wait (Auyero 2012), perform (Kohler-Haussman 2018), and navigate undue administrative burden (Herd and Moynihan 2018), but these are not problems that tenants face when they try to troubleshoot eviction. For tenants, the problem is accessing a system designed to withhold participation, not by burden and frustration, but by exclusion. Perhaps if tenants had access to the civil justice system, then they would be burdened by these institutional factors; instead of a punishment, however, tenants who

avoid default learn that the process is ultimately a possibility to fight back against displacement by landlords backed by state bureaucracy. In this way, the eviction process can be wielded as a weapon of the weak (Scott 1985), but only with the assistance of experts whose expertise embodies knowledge of the institutional configurations comprising the system and its processes. Following this case, sociologists might look at other bureaucratic settings—whether legal, medical, or educational—where physical and procedural access are fraught, likely shaping outcomes that belie the underlying nature of the relationship between people, social action, and organizational outcomes.

Finally, this study contributes to a growing field of research on the content, context, and capability of professional expertise. Analyzing eviction defense lawyers' expertise reveals both lawyers' importance in litigation outcomes and why tenants rarely win without them. Whereas predominant images of expertise tend to focus on its substantive and interactional elements (e.g., Sandefur 2015; reviews in Carr 2010; Eyal 2013), book smarts and interactional competency explain only part of what makes lawyering an indispensable mechanism connecting litigants and case outcomes. Rather, lawyers embody these elements of expertise in terms of how each is expressed institutionally, in the legal relations constituting "the law on the book" and the social relations constituting "the law in action" (Pound 1910). Lawyers "do" law: they counsel, advise, retain, negotiate, and try cases while explicitly and tacitly orienting action to this institutional background. As with any set of tacit expectations (e.g., Bourdieu 1984/2010, 1987; Bourdieu and Passeron 1979), however, success in the LASC system is contingent on the extent to which lawyers or *pro per* litigants know and act in accordance with the formal and informal elements institutionalized into eviction case processing.

In an influential Law and Society essay, Galanter (1974) posits that "repeat players" win cases because of inherent advantages based on familiarity with particular litigation, judges, or courtrooms. Eviction courts complicate this view of legal expertise, however, because, when tenants are represented, there is a high probability that both parties will be represented by so-called "repeat players." Instead of mere familiarity with a setting, its rules, and its regulars, eviction defense lawyers (and plaintiff's lawyers, too) know how to practice law within the formal and informal rules of a particular institutional configuration. As I found during fieldwork, eviction defense lawyers' expertise, whether substantive or relational, is only as effective as their mastery of the context in which they deploy it. This expertise is not transposable, insofar as eviction's institutional life is highly variable (Nelson et al. 2021b), and suggests that, despite increased policy momentum, efforts to "teach" tenants how to represent themselves alone at court and/or empower paraprofessionals to litigate eviction are unlikely to make much of a difference in terms of closing eviction's longstanding access to justice gap.

II. Eviction and the Sociology of (In)Justice

This case also calls into question the sociological conception of justice. The legal processes that I observed as an ethnographer were shockingly mundane, institutionalized to the point where it was often unclear what might be unjust about eviction. The law on the books (literally inscribed in California's Code of Civil Procedure) is not coded in ways that are racialized and gendered; the law in action may be unevenly administered but it is hardly unfair procedurally. The law as written and administered is just in the sense that it is fair and applied mostly in an equal manner. So, why is eviction unjust? Can there be just evictions? Is eviction's

injustice that its outcome, the "lockout" moment, is unequally distributed in the population? Is it the fact that eviction may make families increasingly housing unstable or homeless?

Rather than injustice embodying a liberal legal ideal of "disparate impact" or statistical "disproportionate representation," studying eviction's institutional life reveals that injustice is embedded in the processes that routinely, quietly, and reliably produce racially disparate outcomes. Despite evergreen claims of dysfunction from politicians and activists, LASC eviction courts do what they were designed to do: landlords receive a quick time-to-disposition, mass default enables courts to manage overloaded dockets while collect filing fees, and the institutionalization of settlement disincentivizes trials that would further crowd dockets, increase landlords' expenses, and strain court budgets. To invoke Garfinkel (1967), there are sometimes good organizational reasons for (morally) bad organizational outcomes.

I contend that eviction represents a fundamental injustice because a civil justice system that delivers "anything but" is unjust. An unjust civil justice system unequally distributes outcomes that are themselves distinctly racialized and gendered, but the civil justice system and its eviction process are key mechanisms reproducing inequality in tenants' lives. Eviction's injustice is not only limited to the unequal distribution of its outcomes, but it is also reflected in the broader universe of power relations structuring justice systems and the rights and laws that a system's users are entitled to based on any number of role identities (e.g., citizen, litigant, or defendant). It follows, then, that any justice system that legitimizes and regularly enacts residential and cultural displacement in a world where ordinary people lack a rights to housing and legal counsel is unjust. And compounding these injustices is the legal process itself: accelerated and curtailed summary proceedings, few jury trials, and even fewer opportunities for tenants to access due process rights at court are indubitably characteristic of "justice denied."

Rather than locating injustice in the unequal outcomes produced by putatively just institutions, my research inverts this formula. From an equity perspective, the legal eviction process represents an important problem. First, the legal eviction process was designed for and is biased towards landlords, legitimized by the state through its courts, and enforced through its law enforcement institutions. Second, tenants lack comparable troubleshooting institutions or modes of recourse when landlords breach their ends of leases. Third, as I showed in chapter 4, even tenants with cases open with regulatory housing bureaucracies oftentimes find themselves in eviction court. Finally, the mundane state violence embodied by the eviction process is unjust because it so often amounts to dispossession without representation.

III. Eviction's Individual Life: Right to Rents and/or Right to Housing?

In conclusion, I will put my dissertation findings to work to show how they might inform policy discourse on eviction prevention. Thinking about the policy ramifications of the ethnographic research means engaging with the dilemmas encountered throughout fieldwork, particularly through the empirical puzzles that consume ethnographic analysis, and the implications that broader insights have for both current and expanded policy imaginaries. As critics of ethnographic research note, this work must be inherently relational, avoiding individualistic assumptions of social action, and accounting for the wealth of *collective* action that is oftentimes rendered invisible in ethnographic research (e.g., Burawoy 2017). Eviction's individual life offers two important policy prescriptions, but as I will show, leaves the question of civil justice unaddressed.

Guaranteeing Landlords' Right to Rents

In the conclusion of *Evicted* (2016), Matthew Desmond offers a sweeping vision a policy intervention that could address the dilemmas that he encountered in fieldwork. For Desmond, to guarantee housing stability, the federal government must create a universal housing voucher program, subsidizing the rents of, at the very least, all low-income tenants. While housing voucher programs are more politically popular than alternatives like social and public housing construction, researchers have identified that, in practice, the program cannot alone be panacea to urban housing crises. This is, in part, because the demand for vouchers far exceeds the supply, administration at the local level is both inconsistent and burdensome, and landlords regularly practice "source of income discrimination" and "reverse selection" steering practices without consequences (Rosen 2014, 2020; Kurwa 2015). Still, the promise of a universal voucher program is tantalizing in a country where housing subsidies are popular within the contemporary policy imagination. Thus, vouchers present a powerful policy possibility, an intervention that could help tenants avoid letting "the rent eat first."

The more significant issue, however, is that public housing authorities and subsidized housing landlords *still evict tenants in the civil justice system* (e.g., Harrison et al. 2021; Preston and Reina 2021; Gromis, Hendrickson, and Desmond 2022). Vouchers do not prevent eviction. Sometimes, evictions from subsidized housing are a function of punitive federal laws attached to public and subsidized housing tenancy (King 2010; Kurwa 2020). These may be unique from the problems in private market tenancies. Most of the cases that I witnessed in Los Angeles, however, involved a similar set of problems that tenants in the private housing market faced: non-payment of rent, unauthorized occupants (such as adult children) and pets, and other lease breaches. Housing vouchers do not prevent landlords, whether the state or a landlord renting to a tenant with a housing subsidy, from evicting tenants. And voucher tenants who face eviction are

at a particular disadvantage in negotiations because losing at trial ensures that they will never again receive a housing voucher. What vouchers do, instead, is guarantee *landlords' rents.* Therefore, vouchers and direct cash transfers to help subsidize indigent tenants' rents are only as effective as landlords' and public housing authorities' willingness to accept them.

Guaranteeing Tenants' Right to Housing

Another policy solution is to guarantee tenants' a right to housing in some form or fashion, which may include radically expanding tenant protection policies that are oriented towards protecting tenants' housing tenure like vacancy decontrolled rent stabilization or vacancy-controlled rent control policies (Pastor, Carter, and Abood 2018). Sociologists and advocates have likewise thought about how to actualize housing as a "human right" (Pattillo 2013) from decommodifying residential property altogether to subsidizing the construction of social housing in the model of co-operatively owned or public housing. The gradual, historical policy shift from affordable housing construction to subsidization, however, has resulted in very little affordable housing development since the mid-20th century. Thus, in addition to radically expanding tenants' rights at every level of government, drastically increasing the supply of "affordable," below market, and heavily subsidized forms of housing is vital to mitigate a nationwide rent burden epidemic.

Even a decade ago, social housing policies seemed more of a fancy, than feasible, despite their popularity in places like Austria and Singapore (Schwartz 2010/2021). Now, however, intensifying housing affordability crises in coastal housing markets has resulted in legislative proposals such as California Assemblymember Alex Lee's Social Housing Act (AB 2053, 2022) that would fund social housing construction at different income levels throughout California cities. This may be a replicable model in other places given the high costs of building housing in

the United States, the government's willingness to subsidize affordable construction, and the lack of economic incentives for private developers to build affordable and below market rate housing. Mass social and public housing construction socializes property ownership and is one powerful, and perhaps the surest way of making eviction extinct.

IV. Eviction's Institutional Life: Accessing Physical and Legal Justice

Prescribing policy from eviction's individual life presents two interventions that would likely go a long way in reducing rent burden and keeping tenants housed. While guaranteeing landlords' rights to rents and tenants' rights to housing may increase tenants' housing stability and address eviction's fundamental causes, however, it leaves behind the problem of civil justice denied for tenants facing eviction. Regardless of one's own definition of justice, whatever happens in Los Angeles eviction courts is anything but. In this section, I'll review the most pressing challenges that I observed ethnographically and connect them to policy discourse among civil justice advocates. First, eviction is an atypical form of civil litigation, and the resulting summary process makes default a likely outcome for tenant-defendants. Second, tenants in eviction proceedings are routinely denied due process. Third, tenants in eviction proceedings do not possess a constitutional right to legal counsel.

Supply, Demand, and Rectifying Procedural Injustice

As discussed in chapter 4, eviction proceedings are rife with procedural injustice, manifesting most brutally in the fact that nearly half of tenants in California facing eviction default. This is because summary evictions proceed so quickly that tenants rarely have time to

respond to landlords' lawsuits, let alone retain counsel and defend themselves at court. In the first place, advocates must change the institutional configuration that makes default likely: the special summary proceeding.

A radical proposal is abolition, which could be practically accomplished by amending California's Code of Civil Procedure to remove eviction's summary exception and order courts to process evictions like any other limited or unlimited civil jurisdiction lawsuit. A less radical proposal comes from proponents of so-called "demand-side reform," which understands litigants as consumers and focuses intervention on case processing's institutional elements (Steinberg 2015). These include affording tenants extended filing timelines that would allow them to navigate interpretive disjuncture and avoid default, simplifying and standardizing formal legal proceedings, waiving all tenants' filing fees, continuing COVID-era virtual access to hearings, allowing e-filing throughout the eviction process, limiting the number of court dates by streamlining inefficient dockets and processing styles, improving courthouse-based training regimens for *pro per* litigants, and institutionalizing professionally-refereed mediation as an antecedent to filing, among many others. Furthermore, courts *must* get on the same page as regulatory bureaucracies like housing departments, public housing authorities, rent boards, and building and safety departments, preventing landlords who are being actively cited or investigated by these agencies from being able to file retaliatory evictions against tenants.

On one hand, these demand-side reforms could reform eviction's institutional life and give tenants a fighting chance at court. On the other, however, the summary process may be beyond reform. Ramsey Mason (2022) analyzing *Lindsey v. Normet* (1972), an eviction lawsuit heard by the Supreme Court, describes myriad, longstanding aspects of the summary eviction process that existed then and now. In particular, overcrowded dockets and short hearings

undercut tenants' due process rights by denying them the opportunity to use the rights at their disposal and making it likely that they will not understand settlement terms, a problem exacerbated by a lack of available lawyers (Ibid.). Summers (2022) goes a step farther in suggesting that settlements represent a form of "civil probation," which erode tenants' due process rights and extend landlords' control by giving them discretion in re-filing cases if they determine tenants breach settlement terms (see also Feldman 2022). While their diagnoses and prescriptions vary, these legal analyses make it clear that it not enough to reform the eviction process and the institutions through which it is enacted.

Another significant policy dilemma emerges from the reality that tenants' best chances of prevailing in court come when they are represented by a lawyer. While advocates and researchers may disagree about how and when legal representation helps tenants achieve good outcomes (e.g., Engler 2009), consensus among researchers and practitioners is that lawyers are essential in eviction court. Extant research identifies lawyers' primary effect in achieving beneficial outcomes for their clients at trial, but my findings suggest that providing legal representation at trial is too little, too late. Instead, I show that legal expertise shapes outcomes throughout the legal eviction process: from helping tenants navigate interpretive disjuncture in tenants' rights clinics during the notice stage to negotiating settlements before and during trial. Advocates refer to the set of solutions that increase tenants access to material justice in these ways as "supply side" reforms, rightfully noting that indigent litigants' demand for free and affordable legal services far exceeds the supply of lawyers able to represent them (Chen and Cummings 2013).

Many advocates see a "civil right to counsel" (RTC) for tenants facing eviction and indigent litigants throughout the civil justice spectrum as a panacea for housing affordability and

eviction crises (Engler 2009; Pastore 2008). This is because, while criminal litigants are constitutionally guaranteed the provision of a lawyer if they cannot afford one (*Gideon v Wainwright*, 1963), civil litigants are not. As Justice Hugo L. Black declared in *Gideon*,

> Not only these precedents but also reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth (372 U.S. 335 [1963]).

In eviction proceedings, tenants are not only at risk of losing their homes, but also of experiencing eviction's myriad devastating consequences, suggesting that Black's concerns are applicable to areas of civil litigation like eviction. Could providing counsel to tenants facing eviction overcome the institutional biases that advantage landlords at court?

The answer is yes, but… As RTC advocates are realizing in high and low resource jurisdictions alike, it is particularly difficult to recruit and fund the requisite number of lawyers to staff "Civil Gideon" in eviction proceedings. This is a longstanding problem. Lawyers that represent tenants are among the most overworked and undercompensated members of the bar, doing work that has the effect of grinding down even the most dedicated lawyers over time (e.g., Katz 1982). Thus, perhaps the most pressing question facing RTC advocates is how to address a shortfall of lawyers to avoid codifying a right that defense firms cannot staff. Furthermore, legislatures would have to provide the funding on a consistent enough basis that RTC can be more than a series of programs, modeling the type of consistency that public defenders have been able to provide for criminal litigants. This is not to comment on the quality of criminal defense counsel (e.g., Clair 2020), but whatever Civil Gideon emerges, it must be staffed and funded to ensure that a codified right maintains its programmatic flesh. This could involve a massive

infusion of funds into a long-defunded Legal Services Corporation or the development of alternative civil justice delivery institutions at the federal, state, or local levels.

In reality, short of abolishing eviction and its summary proceeding, policymakers must enact a synthesis between demand and supply side interventions. On one hand, courts and legal assistance must become more accessible, physically accessible to tenants with disabilities or tenants who rely on public transportation, and information on how to legally troubleshoot must be distributed equitably so that tenants know what to do before and during eviction proceedings no matter where they live. This involves sustained investment making the civil justice system more physically and legally accessible while investing in eviction prevention infrastructure like community-based organizations in renter-majority communities, and other areas facing acute displacement pressures. It also involves providing tenants with lawyers to help them achieve good outcomes and soft landings at court by using their expertise to actualize tenants' rights and protections in litigation. Mitigating the procedural inequality of eviction proceedings is impossible without attending to these dual, intertwined elements.

IV. Coalition, Legislation, Litigation

The playbook for enacting these changes is deceptively simple. The first step is coalition. Whether radical or marginal, change does not happen in a vacuum; tenants' rights and renter protections exist because of the coalitions comprising social movements. From coalitions emerge causes, campaigns, and capacity to raise the awareness necessary to generate formal, official changes to state bureaucracies. Even when rights and protections fail, these movements defend tenants from eviction with blockades and other forms of civil disobedience, forming an essential

frontline group of activists and organizations to do the mundane work of eviction defense and prevention, while advocating for legislative and legal changes.

These changes oftentimes occur because of legislation that codifies protections, appropriates funding to administer them, and empowers authorities to regulate them. In lieu of social movement pressure from housing coalitions, however, active and influential real estate, building trades, and landlords' lobbies easily defeat legislation that could provide the legislative scaffolding necessary to protect tenants' housing security and prevent evictions. Coalitions of housing activists, lawyers, and affordable housing providers are slowly starting to turn the tide (e.g., Tobias 2018; Dreier 2019), particularly in a post-COVID-19 era where intertwined housing supply, housing affordability, and homelessness crises are rapidly intensifying throughout cities in the United States (Covert 2022). Perhaps this may be the moment when housing justice becomes a legislative reality.

Finally, coalition and legislation require litigation to expand and codify the rights that protect tenants facing eviction and tenants more generally. While attempts to conjure Civil Gideon at the federal level have not been successful, a robust and growing nationwide movement may yet succeed (e.g., The Times Editorial Board 2019; Eckholm and Lovett 2014). Lawyers working with tenants and tenant advocacy organizations, however, must continue to search for compelling cases that will someday form the bases for meaningful constitutional rights to legal counsel, housing, and shelter, among many, many others at the federal level. Eviction has been a social problem longer than academic sociology has been a field, but through coalition, legislation, and litigation, a world without eviction may someday be possible.

Appendix A: Interview Schedule for Defense Lawyers

Section 1:

Biography

-How did you become interested in practicing law?

-Were you involved in this type of work before you became interested in practicing law?

-How did you become interested in practicing landlord-tenant law, in particular?

-What types of experiences were formative to your becoming the attorney you are today?

Job Description

-How did you get to your current job position?

-How has the work that you do as an attorney changed during this transition?

-How has the field changed since you started practicing landlord-tenant law?

-How have aspects of your work as an attorney changed since you started doing this work?

-How do you understand the differences between how you and your staff attorneys do and, say, what an attorney from [a comparatively different firm] does?

The Other Side

-Who are some attorneys that you respect from the defense bar and what about them and their practice do you respect them?

-Who are some attorneys that you respect from the plaintiff's bar and what about them and their practice do you respect?

Section 2:

Information about Law Firm

-How does your law firm work?
-Where does your funding come from?
-Does that funding constrain how you can operate?

-How do you typically recruit attorneys?

-How do clients find out about you and your law office?

-What are the criteria that you use to vet clients?

-How did you develop these criteria?

-What makes a good client or good case?

Preparation and Strategy

-From your time as an attorney, once you have retained a client, what happens next?

-How do you determine the best strategy with which to approach a case?

-How do you reconcile your expertise with clients' expectations?

-Do you always have to agree on an ideal outcome?

-Has this changed over time? What do you do now that you did not do then?

-How do you train attorneys for today's courtroom?

-What do you say now that you did not have to consider when you were at their level?

-How have the other side's strategies changed and how has it changed how you approach cases?

Court: Settlement Negotiation

-Could you please walk me through what a typical court date looks like?

-What are your strategies for settlement negotiations?

-What factors affect how you negotiate? How do:

-particularities of the Tenant-Defendant's case from TD's perspective matter?

-relationships with the attorney on the other side?

-the courthouses or local contexts that you're in matter?

-the likelihood of going to a trial (bench v jury)?

-Do your strategies vary based on whether a tenant-defendant has counsel? How so?

-How closely do you adhere to your clients' initial expectations as negotiations unfold?

-Do clients change their minds? What factors affect whether they do so?

-What types of evidence do you consider convincing at this stage?

-Does presentation matter?

-How do you know who to believe when presented with new evidence?

-How does the presentation of evidence affect how you negotiate?

-Do you automatically include sealing the record in your offer? If not, then what affects the likelihood that you'll stipulate to seal the record?

-What is a "normal" case for you? A "good" case? A "bad" case?

-If you reach a settlement, then what do you do next?

Court: Next Steps

-If you are unable to settle, then what happens next?

-If you go to trial, then how does your strategy change from the settlement negotiation stage?

-How does this vary depending on whether you have a jury trial or bench trial?

-Do different judges/courthouses call for different strategies?

-How do you manage clients and witnesses during the trial stage? Does this vary by trial type?

-What affects your likelihood of settling at the trial stage? Or, not settling?

-What does it *feel* like to be in a trial? Does that change bench v. jury?

-How has this feeling changed over time?

Section 3

-Do you think that UD law benefits landlords or tenants? Why?

-Has the landscape of eviction defense changed significantly since you were a staff attorney?

-How has your perception of eviction defense or UD law changed as a result of your experience?

-Have any particular experiences contributed towards this change?

-Do you think that recent policies at local, statewide, or federal levels have changed the way that you litigate cases?

-What efforts—legislative or otherwise—do you think are important and how could they affect the work that you do (for better or for worse)?

-If you could change the law, then what would you do? Why?

-How is the work that you do as it is connected to policy efforts in housing and other areas?

-What do you think that people should know about your experience representing landlords in court that isn't represented in the media?

Appendix B: Interview Schedule for Plaintiffs' Lawyers

Section 1:

Biography

-How did you become interested in practicing law?

-What types of experiences were formative to your becoming the attorney you are today?

-How did you become interested in practicing landlord-tenant law, in particular?

-How has the field changed since you started practicing landlord-tenant law?

-What inspired you to start your own firm?

Job Description

-How would you describe yourself as an attorney?

-How would you describe your work as an attorney in unlawful detainer cases?

-How have aspects of your work as an attorney changed since you started doing this type of work?

-How do you understand the differences between your work as an attorney and, say, what an attorney from [a comparatively different firm] does?

The Other Side

-Who are some attorneys that you respect from the plaintiff's bar and what about them and their practice do you respect them?

-Who are some attorneys that you respect from the defense bar and what about them and their practice do you respect?

Section 2:

Recruitment and Retention

-How do clients find out about you and your law office?

-What are the criteria that you use to vet clients?

-How did you develop these criteria?

-What makes a good client or good case?

-Do different types of clients call for different litigation strategies?

Preparation and Strategy

-Once you have retained a client, what happens next?

-How do you determine the best strategy with which to approach a case?

-How do you reconcile your expertise with clients' expectations?

-Do you always have to agree on an ideal outcome?

-Are more pragmatic outcomes or worse-case scenarios factored into the equation?

-Has this changed over time? What do you do now that you did not do then?

-What are you able to anticipate happening in court based on your initial preparation?

Court: Settlement Negotiation

-Could you please walk me through what a typical court date looks like?

-What are your strategies for settlement negotiations?

-What factors affect how you negotiate? How do:

-particularities of the Tenant-Defendant's case from TD's perspective matter?

-relationships with the attorney on the other side?

-the courthouses or local contexts that you're in matter?

-the likelihood of going to a trial
-bench trial vs. jury trial?

-Do your strategies vary based on whether a tenant-defendant has counsel? How so?

-How closely do you adhere to your clients' initial expectations as negotiations unfold?

-Do clients change their minds? What factors affect whether they do so?

-What types of evidence do you consider convincing at this stage?

-Does presentation matter?

-How do you know who to believe when presented with new evidence?

-How does the presentation of evidence affect how you negotiate?

-Do you automatically include sealing the record in your offer? If not, then what affects the likelihood that you'll stipulate to seal the record?

-What is a "normal" case for you? A "good" case? A "bad" case?

-If you reach a settlement, then what do you do next?

Court: Next Steps

-If you are unable to settle, then what happens next?

-If you go to trial, then how does your strategy change from the settlement negotiation stage?

-How does this vary depending on whether you have a jury trial or bench trial?

-Do different judges/courthouses call for different strategies?

-Do you remain open to settlement throughout a trial?

-What affects your likelihood of settling? Or, not settling?

Section 3

-How has the field changed since you started practicing landlord-tenant law?

-How has your perception of unlawful detainer law changed as a result of your experience?

-Have any particular experiences contributed towards this change?

-What are your thoughts on the state of the law?

-Do you think that recent orders such as hubbing and laws such as the Shriver Act or the Costa Hawkins Act have changed the way that you litigate cases?

-How do you think a Costa Hawkins repeal might affect these dynamics?

-How do you think that these changes affect the work that landlords do? Have they presented you with any challenges?

-Do you think the law affects relationships between landlords and tenants?

-If you could change the law, then what would you do? Why?

-What do you think that people should know about your experience representing landlords in court that isn't represented in the media?

References:

Abbott, Andrew. 1986. “Jurisdictional Conflicts: A New Approach to the Development of the Legal Professions.” *American Bar Foundation Research Journal*. 11(2):187-224.

Abbott, Andrew. 1988. *The System of Professions: An Essay on the Division of Expert Labor*. Chicago, IL: The University of Chicago Press.

Abbott, Edith and Katherine Kiesling. 1935. “Evictions During the Chicago Rent Moratorium Established by the Relief Agencies, 1931-33.” *Social Service Review*. 9(1):34-57.

The Alliance of California Judges. 2011. *Restoring Balance: Rescuing the California Trial Courts*. Sacramento, CA: Alliance of California Judges.

Anderson, Elijah. 1990. *Streetwise: Race, Class, and Change in an Urban Community*. Chicago, IL: The University of Chicago Press.

Anon. 1999. “No More Delay on Unified Court: [Home Edition].” *Los Angeles Times; Los Angeles, Calif.*, September 29, 8.

Anon. 2000. “SOUTHERN CALIFORNIA / A News Summary; The Local Review / DEVELOPMENTS IN LOS ANGELES COUNTY; Superior Court to Merge with Municipal Courts: [Home Edition].” *Los Angeles Times; Los Angeles, Calif.*, January 15, 4.

Anon. 2010. “Rebuilding the Courts; Funds Designated for Construction Have Been Diverted to Day-to-Day Operations. That Must Stop.” *Los Angeles Times; Los Angeles, Calif.*, February 10, A.16.

Anon. 2013. “And What about the Courts?” *Los Angeles Times; Los Angeles, Calif.*, January 16, A.12.

Anteby, Michel and Aubrey L. Holm. 2021. “Translating Expertise Across Work Contexts: U.S. Puppeteers move from Stage to Screen.” *American Sociological Review*. 86(2):310-340.

Aron, Hillel. 2014. “How ‘Superman of Renters’ Daniel Bramzon Revolutionized L.A.’s Eviction-Defense Industry.” *LA Weekly*. December 10, 2014.

Auyero, Javier. 2012. *Patients of the State: The Politics of Waiting in Argentina.* Durham, NC: Duke University Press.

Bachelard, Gaston. [1958] 2014. *The Poetics of Space*. New York: Penguin Books.

Barley, Stephen R. 1996. "Technicians in the workplace: Ethnographic evidence for bringing work into organization studies." *Administrative Science Quarterly*, 41(3):404-441.

Beasley, Joseph W. 1972. "Landlord-Tenant Law: Plotting the Death of Summary Proceeding Statute – A Test for Ripeness." *University of Florida Law Review*. 25(1):220-226.

Becker, Howard S. 1997 [1963]. *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.

Becker, Howard S., Blanche Geer, Everett C. Hughes, and Anselm L. Strauss. [1961] 1976. *Boys In White: Student Culture in Medical School*. New York: Routledge.

Berry, Steve. 2002. "Los Angeles; 77 County Court Workers Laid Off Amid Deficit; Heavier Job Losses Had Been Expected. Cuts Come in Response to $57-Million Shortfall.: [HOME EDITION]." *Los Angeles Times; Los Angeles, Calif.*, November 5, B.4.

Bezdek, Barbara. 1992. "Silence in the Court: Participation and Subordination of Poor Tenants' Voices in Legal Process." *Hofstra Law Review*. 20(3):553-608.

Fusco, Anthony J. Jr., Nancy B. Collins, and Julian R. Birnbaum. 1979. "Chicago's Eviction Court: A Tenant's Court of No Resort Judicial Resolution." *Urban Law Annual* 17:93–132.

Blue Ribbon Citizens' Committee on Slum Housing. 1997. *The Slum Housing Problem in Los Angeles and the Department of Building and Safety*.

Rushing, Ellie. 2022. "Low-income tenants facing eviction can now get free legal representation in 2 Philly zip codes." *The Philadelphia Inquirer.* Retrieved May 19, 2022 (https://www.inquirer.com/real-estate/housing/philadelphia-evictions-free-legal-representation-rental-assistance-20220131.html)

Bourdieu, Pierre. [1984] 2010. *Distinction: A Social Critique of the Judgement of Taste*. Trans. Richard Nice. New York: Routledge.

Bourdieu, Pierre. 1987. "The Force of Law: Toward a Sociology of the Juridical Field." *Hastings Law Journal*. 38:805-53.

Bourdieu, Pierre and Jean-Claude Passeron. 1979. *The Inheritors: French Students and Their Relation to Culture*. Trans. Richard Kind. Chicago, IL: The University of Chicago Press.

Branson-Potts, Hailey. 2013a. "L.A. County Courts Plan Will Hurt Poor Tenants, Advocates Say." *Los Angeles Times*, February 28. Retrieved November 8, 2017 (http://articles.latimes.com/2013/feb/28/local/la-me-court-hubbing-20130301).

Branson-Potts, Hailey. 2013b. "Court 'hub' Plan Is Assailed; Just Five of the 26 L.A. County Courthouses That Handle Evictions Will Continue to Do So." *Los Angeles Times; Los Angeles, Calif.*, March 1, AA.1.

Branson-Potts, Hailey. 2013c. "CALIFORNIA; Plan to Shut Courthouses Draws Protest; L.A. County's Top Judge Laments the Looming Closures and Layoffs but Says Budget Cuts Leave No Choice." *Los Angeles Times; Los Angeles, Calif.*, March 15, AA.3.

Branson-Potts, Hailey. 2013d. "CALIFORNIA; Court Cuts Stir Fears for at-Risk Youths; Loss of Kenyon Juvenile Center Will Harm Efforts to Head off More Serious Offenses, Activists Say." *Los Angeles Times; Los Angeles, Calif.*, April 22, AA.3.

Branson-Potts, Hailey. 2013e. "A Longer Day in Court; Expect Delays for a Variety of Civil Cases in L.A. County with the Elimination of More than 500 Jobs." *Los Angeles Times; Los Angeles, Calif.*, June 13, A.1.

Breckenridge, Sophonisba P. and Edith Abbott. 1910. "Chicago's Housing Problem: Families in Furnished Rooms." *American Journal of Sociology*. 16(3):289-308.

Burawoy, Michael. 2017. "On Desmond: The Limits of Spontaneous Sociology." *Theory and Society* 46(4):261–84.

Carr, E. Summerson. 2010. "Enactments of Expertise." *Annual Review of Anthropology*. 39: 17-32.

Casey. Edward S. 1993. *Getting Back into Place: Toward a Renewed Understanding of the Place-World*. Bloomington, IN: Indiana University Press.

Casey, Edward S. 1997. *The Fate of Place: A Philosophical History*. Berkeley, CA: University of California Press.

Charron-Chénier, Raphaël and Louise Seamster. 2021. "Racialized Debts: Racial Exclusion from Credit Tools and Information Networks." *Critical Sociology*. 47(6):977-992.

Chen, Alan K. and Scott L. Cummings. 2013. *Public Interest Lawyering: A Contemporary Perspective*. Frederick, MD. Aspen Publishing

Cicourel, Aaron V., Kenneth H. Jennings, Sybillyn H.M. Jennings, Kenneth C. W. Leiter, Robert Mackay, Hugh Mehan, and David R. Roth. 1974. *Language Use and School Performance*. New York: Academic Press, Inc.

Clair, Matthew. 2020. *Privilege and Punishment: How Race and Class Matter in Criminal Court*. Princeton, NJ: Princeton University Press.

Collins, Harry M. and Robert Evans. 2007. *Rethinking Expertise*. Chicago, IL: The University of Chicago Press.

Collinson, Robert and Davin Reed. 2018. "The Effects of Evictions on Low-Income Households." *Working Paper*.

Covert, Bryce. 2022. "How the Pandemic Threw Fuel on a Growing Housing Movement. *The Nation*. Retrieved on May 19, 2022 (https://www.thenation.com/article/society/housing-homelessness-pandemic/)

Crowell, Amber R. and Janine Nkosi. 2020. "Evicted in the Central Valley: The Avoidable Crisis and Systemic Injustice of Housing Displacement." *Boom California*. Retrieved on March 2, 2021 (https://boomcalifornia.org/2020/11/29/evicted-in-the-central-valley-the-avoidable-crisis-and-systemic-injustice-of-housing-displacement/)

Cummings, Scott L. 2018. *Blue and Green: The Drive for Justice at America's Port*. Cambridge, MA: The MIT Press.

Cunningham, H. Stuart. 1978. "Some Organizational Aspects of Calendar Management." *The Justice System Journal*. 4(2):233-244.

Danet, Brenda, Kenneth B. Hoffman, and Nicole C. Kermish. 1980. "Obstacles to the Study of Lawyer-Client Interaction: The Biography of a Failure." *Law & Society Review*. 14(4):905-922.

DeLuca, Stefanie and Eva Rosen. 2022. "Housing Insecurity Among the Poor Today." *Annual Review of Sociology*. 48:20-29.

Desmond, Matthew. 2012a. "Disposable Ties and the Urban Poor." *American Journal of Sociology*. 117(5):1295–1335.

Desmond, Matthew. 2012b. "Eviction and the Reproduction of Urban Poverty." *American Journal of Sociology*. 118(1):88–133.

Desmond, Matthew. 2016. *Evicted: Poverty and Profit in the American City*. New York: Crown.

Desmond, Matthew and Nicol Valdez. 2012. "Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women." *American Sociological Review*. 78(1):117-141.

Desmond, Matthew and Weihua An. 2015. "Neighborhood and Network Disadvantage among Urban Renters." *Sociological Science* 2:329–50.

Desmond, Matthew, and Rachel Tolbert Kimbro. 2015. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces* 94(1):295–324.

Desmond, Matthew, and Tracey Shollenberger. 2015. "Forced Displacement from Rental Housing: Prevalence and Neighborhood Consequences." *Demography* 52(5):1751–72.

Desmond, Matthew and Carl Gershenson. 2016. "Housing and Employment Insecurity among the Working Poor." *Social Problems* 63(1):46–67.

Dolan, Maura. 2006. "Judgments about a Chief Justice; Ronald George Has Been Reshaping the State's Courts for a Decade. Some L.A. Jurists Say He Wields Too Much Power.: [HOME EDITION]." *Los Angeles Times; Los Angeles, Calif.*, December 3, B.1.

Dolan, Maura. 2011a. "Dissident Judges Challenge Chief Justice's Power; Alliance Argues Trial Courts Should Get a Say in Policies, Spending, Media, Other Issues." *Los Angeles Times; Los Angeles, Calif.*, March 15, AA.1.

Dolan, Maura. 2011b. "Judges Dissent on State Cuts; Jurists Clash with a Court Bureaucracy That They Say Gets More than Its Share." *Los Angeles Times; Los Angeles, Calif.*, July 23, AA.1.

Dolan, Maura. 2012. "CALIFORNIA; Agency That Runs Courts 'dysfunctional,' Report Says; The Study Could Undermine Chief Justice's Attempts to Roll Back Budget Cuts." *Los Angeles Times; Los Angeles, Calif.*, May 30, AA.3.

Dolan, Maura. 2013. "A Lament in a History Lesson; State's Chief Justice Cites Gideon Case in Decrying Court Closures." *Los Angeles Times; Los Angeles, Calif.*, March 12, AA.1.

Dolan, Maura, and Victoria Kim. 2011. "Budget Cuts to Worsen Court Delays; Extended Waits for Suits to Reach Court, Longer Custody Fights and Lengthy Traffic Ticket Battles Are Seen." *Los Angeles Times; Los Angeles, Calif.*, July 20, A.1.

Dreier, Peter. 2019. "How California's Tenants Won Statewide Rent Control." *The American Prospect*. Retrieved May 19, 2022 (https://prospect.org/infrastructure/housing/how-californias-tenants-won-statewide-rent-control/)

Eckholm, Erik and Ian Lovett. 2014. "A Push for Legal Aid in Civil Cases Finds Its Advocates." *The New York Times*. Retrieved May 19, 2022 (https://www.nytimes.com/2014/11/22/us/a-push-for-legal-aid-in-civil-cases-finds-its-advocates.html)

Edelman, Lauren B. 1992. "Legal Ambiguity and Symbolic Structures: Organizational Mediation of Civil Rights Law." *American Journal of Sociology*. 97(6):1531-1576.

Edelman, Lauren B, Christopher Uggen, and Howard S. Erlanger. 1999. "The Endogeneity of Legal Regulation." *American Journal of Sociology*. 105(2):406-454.

Eldridge, David L. 2001. "The Making of a Courtroom: Landlord□Tenant Trials in Philadelphia's Municipal Court." PhD dissertation, Department of Social Work. University of Pennsylvania.

Ellen, Ingrid Gould, Katherine O'Regan, Sophia House, and Ryan Brenner. 2021. "Do Lawyers Matter? Early Evidence on Eviction Patterns After the Rollout of Universal Access to Counsel in New York City." *Housing Policy Debate*. 31(3-5):540-561.

Emerson, Robert M. 2015. *Everyday Troubles: The Micro-Politics of Interpersonal Conflict.* Chicago, IL: The University of Chicago Press.

Emerson, Robert M., Rachel I. Fretz, and Linda L. Shaw. [1995] 2011. *Writing Ethnographic Fieldnotes*. Chicago, IL: The Chicago University Press.

Engler, Russell. 2009. "Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel is Most Needed." *Fordham Urban Law Journal*. 37(1):37-92

Engler, Russell and Craig S. Bloomgarden. 1983. "Summary Process Actions in Boston Housing Court." Available at SSRN: https://ssrn.com/abstract=969782.

Epstein, Norman L. 1979. "The Los Angeles Landlord-Tenant Court." *Urban Law Annual*. 17:161-176.

Epstein, Steven. 1996. *Impure Science: AIDS, Activism, and the Politics of Knowledge*. Berkeley, CA: University of California Press.

Ewick, Patricia and Susan S. Silbey. 1998. *The Common Place of Law: Stories from Everyday Life*. Chicago, IL: The University of Chicago Press.

Eyal, Gil, Brendan Hart, Emine Onculer, Neta Oren, and Natasha Rossi. 2010. *The Autism Matrix: The Social Origins of the Autism Epidemic.* Malden, MA: Polity Press.

Eyal, Gil. 2013. "For a Sociology of Expertise: The Social Origins of the Autism Epidemic." *American Journal of Sociology*. 118(4): 863-907.

Fears, Darryl. 1999. "Unified Court Plan Blocked; Reform: Superior Court Judges Reject Proposal to Join Their System with Municipal Court. Backers of the Merger Had Said It Would Save Money and Provide More Secure Facilities.: [Home Edition]." *Los Angeles Times; Los Angeles, Calif.*, June 9, 3.

Feeley, Malcolm M. 1979. *The Process is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation.

Feldman, Celia. 2022. "Renting While Poor: How Rent Escrow Violates Tenants' Due Process Rights." *University of Baltimore Law Review*. 51(2):247-274.

Ferguson, Ann Arnett. 2000. *Bad Boys: Public Schools in the Making of Black Masculinity*. Ann Arbor, MI: University of Michigan Press.

Flood, John. 1991. "Doing Business: The Management of Uncertainty in Lawyers' Work." *Law & Society Review*. 25(1): 41-72.

Flood, John. 1994. “Shark Tanks, Sweatshops, and the Lawyer as Hero? Fact as Fiction.” *Journal of Law and Society*. 21(3):396-405.

Fox, Renée C. 1975. “Training for Uncertainty,” in *The Student-Physician: Introductory Studies in the Sociology of Medical Education*. Robert K. Merton, George G. Reader, and Patricia Kendall, Eds. Cambridge, MA: Harvard University Press.

Fox, Renée C. 1980. “The Evolution of Medical Uncertainty.” *The Milbank Memorial Fund Quarterly. Health and Society*. 58(1):1-49.

Friendly, Henry J. 1975. “Some Kind of Hearing.” *University of Pennsylvania Law Review*. 123: 1267-1317.

Galanter, Marc. 1974. “Why the ‘Haves’ Come Out Ahead: Speculations on the Limits of Legal Change.” *Law & Society Review*. 9(1):95-160.

Gilad, Sharon. 2014. “Beyond Endogeneity: How Firms and Regulators Co-Construct the Meaning of Regulation,” *Law & Policy*. 36(2): 134–164.

Gans, Herbert J. 1962. *The Urban Villagers: Group and Class in the Life of Italian-Americans*. New York: The Free Press.

Garboden, Philip ME, and Eva Rosen. 2019. “Serial Filing: How Landlords Use the Threat of Eviction.” *City & Community* 18(2):638–61.

García, Ivis and Keuntae Kim. 2021. “‘Many of Us Have Been Previously Evicted’: Exploring the Relationship Between Homelessness and Evictions Among Families Participating in the Rapid Rehousing Program in Salt Lake County, Utah.” *Housing Policy Debate*. 31(3-5):582-600.

Garfinkel, Harold. 1967. *Studies in Ethnomethodology*. Malden, MA: Polity Press.

George, Alexander L. and Andrew Bennett. 2004. *Case Studies and Theory Development in the Social Sciences*. Cambridge, MA: The MIT Press.

Gieryn, Thomas F. 2000. “A Space for Place in Sociology.” *Annual Review of Sociology*. 26:463-496.

Goffman, Erving. 1952. “On Cooling the Mark Out: Some Aspects of Adaptation to Failure.” *Psychiatry: Interpersonal and Biological Processes*. 15(4):451-463.

Goodwin, Charles. 1994. “Professional Vision.” *American Anthropologist*. 96(3): 606-633.

Gorman, Anna. 2001. “THE LAW; Courting Retirees to Return to Judicial Duties; Experienced Jurists Who Want to Work Part Time Are in Demand to Help Fill Vacancies and Ease

Heavy Caseloads.: [Home Edition].” *Los Angeles Times; Los Angeles, Calif.*, September 7, B.2.

Gorman, Anna. 2002. “Courts Face Closures, Job Cuts; County: Hundreds of Employees Could Get Layoff Notices amid Plans to Close 29 Courtrooms.: [HOME EDITION].” *Los Angeles Times; Los Angeles, Calif.*, August 27, B.1.

Greenberg, Deena, Carl Gershenson, and Matthew Desmond. 2016. “The Disparate Impact of Eviction.” *Harvard Civil Rights-Civil Liberties Law Review* 51:115-158.

Greiner, D. James, Cassandra Wolos Pattanayak, and Jonathan Hennessy. 2013. “The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future.” *Harvard Law Review*. 126(4):901-989.

Gromis, Ashley and Matthew Desmond. 2021. “Estimating the Prevalence of Eviction in the United States: New Data from the 2017 American Housing Survey.” *Cityscape*. 23(2):279-289.

Gromis, Ashley, James R. Hendrickson, and Matthew Desmond. 2022. “Eviction from Public Housing in the United States.” *Cities*. DOI: https://doi.org/10.1016/j.cities.2022.103749

Gromis, Ashley, Ian Fellows, James R. Hendrickson, Lavar Edmonds, Lillian Leung, Adam Porton, and Matthew Desmond. 2022. “Estimating Eviction Prevalence Across the United States.” *Proceedings of the National Academy of Sciences*. DOI: https://doi.org/10.1073/pnas.2116169119

Guccione, Jean. 2003. “Court Workers May Face Furloughs to Cut Costs; Judges, Commissioners and the Executive Officer Would Be Exempt from Courthouse Closings. Union Officials Seek Other Options.: [HOME EDITION].” *Los Angeles Times; Los Angeles, Calif.*, April 4, B.4.

Guccione, Jean, and Ann W. O’Neill. 2000. “L.A. Court Managers Get Raises Behind Closed Doors; Spending: Under Funding Law, Process Is No Longer Public. Judge Defends Pay Increases, Which Average 13%.: [Home Edition].” *Los Angeles Times; Los Angeles, Calif.*, May 23, A.1.

Hall, Rebecca. 1991. *Eviction Prevention as Homelessness Prevention: The Need for Access to Legal Representation for Low□Income Tenants*, Berkeley, CA: East Bay Community Law Center.

Hallett, Tim. 2010. “The Myth Incarnate: Recoupling Processes, Turmoil, and Inhabited Institutions in an Urban Elementary School.” *American Sociological Review*. 75(1):52–74.

Halper, Evan, and Carl Ingram. 2003. “The State; Jurist Fears Effects of Budget Cuts on Courts; The State’s Chief Justice Tells Legislature That Civil and Family Law Services Will

Suffer and That More Courthouses May Close.: [HOME EDITION].” *Los Angeles Times; Los Angeles, Calif.*, March 26, B.6.

Hannaford-Agor, Paula and Nicole Mott. 2003. “Research on Self-Represented Litigation: Preliminary Results and Methodological Considerations.” *Justice System Journal.* 24(2):163-181.

Harney, Thomas C. 1970. “Unlawful Detainer: Synopsis of California Law and Constitutional Considerations.” *Southern California Law Review*. 44(3):768-810.

Harrison, Austin, Dan Immergluck, Jeff Ernsthausen, and Stephanie Earl. 2021. “Housing Stability, Evictions, and Subsidized Rental Properties: Evidence from Metro Atlanta, Georgia.” *Housing Policy Debate*. 31(3-5):411-424.

Hartman, Chester, and David Robinson. 2003. “Evictions: The Hidden Housing Problem.” *Housing Policy Debate*. 14(4):461–501.

Hatch, Megan E. and Jinhee Yun. 2021. “Losing Your Home Is Bad for Your Health: Short- and Medium-Term Health Effects of Eviction on Young Adults.” *Housing Policy Debate*. 31(3-5):469-489.

Hennessy-Fiske, Molly. 2009. “CALIFORNIA; Child Support Modifications Surge in State; Rise in Unemployment Brings Bigger Caseloads for Courts and Service Offices. ‘Can We Handle It? No,’ Official Says.” *Los Angeles Times; Los Angeles, Calif.*, May 3, A.41.

Hepburn, Peter, Renee Louis, and Matthew Desmond. 2020. “Racial and Gender Disparities among Evicted Americans.” *Sociological Science*. 7:649–62.

Herd, Pamela and Donald P. Moynihan. 2018. *Administrative Burden: Policymaking by Other Means*. New York: The Russell Sage Foundation.

Hill, Elizabeth G. 1992. “Trial Court Funding ‘Realignment.” *1992-93 Budget: Perspectives and Issues*. Sacramento, CA: Legislative Analyst’s Office. 137-152.

Hirsch, Jennifer S. and Shamus Khan. 2020. *Sexual Citizens: A Landmark Study of Sex, Power, and Assault on Campus*. New York: W.W. Norton & Company.

Hoke, Morgan K. and Courtney E. Boen. 2021. “The Health Impacts of Eviction: Evidence from the National Longitudinal Study of Adolescent to Adult Health.” *Social Science & Medicine*. DOI: https://doi.org/10.1016/j.socscimed.2021.113742

Humphries, John Eric, Nicole Mader, Daniel Tannenbaum, and Winnie van Dijk. 2019. “Does Eviction Cause Poverty? Quasi-Experimental Evidence from Cook County, IL. *Working Paper*.

Ibarra, Peter R. and John I. Kitsuse. 1993. "Vernacular Constituents of Moral Discourse: An Interactionist Proposal for the Study of Social Problems," in *Reconsidering Social Constructionism: Debates in Social Problems Theory*. James A. Holstein and Gale Miller, Eds. New York: Routledge.

Ibarra, Peter R., Margarethe Kusenbach, Kyle Nelson, and Jack Katz. 2022. "Theaters of Neighborhood Life: Recapturing Goffman's Dramaturgy for Urban Ethnography." *Working Paper.*

Inglis, Aimee and Dean Preston. 2018. *California Evictions are Fast and Frequent*. San Francisco, CA: Tenants Together. Retrieved May 19, 2022 (https://www.tenantstogether.org/tt-report-california-evictions-are-fast-frequent-and-underreported)

Jarvis, Kelly L., Charlene E. Zil, Timothy Ho, Theresa Herrera Allen, and Lisa M. Lucas. 2017. *Evaluation of the Sargent Shriver Civil Counsel Act (AB590)*. Portland, OR: NPC Research.

Jerolmack, Colin and Shamus Khan. 2014. "Talk is Cheap: Ethnography and the Attitudinal Fallacy. *Sociological Methods & Research*. 43(2):178-209.

Katz, Jack. 1982. *Poor People's Lawyers in Transition*. New Brunswick, NJ: Rutgers University Press.

Kellogg, Katherine C. 2009. "Operating Room: Relational Spaces and Microinstitutional Change in Surgery." *American Journal of Sociology*. 115(3):657-711.

Kellogg, Katherine C. 2011. *Challenging Operations: Medical Reform and Resistance in Surgery*. Chicago, IL: The University of Chicago Press.

King, Tiffany Lethabo. 2010. "One Strike Evictions, State Space and the Production of Abject Black Female Bodies." *Critical Sociology* 36(1):45–64.

Kim, Victoria. 2009. "L.A. County Judge Warns of Effects of Big Budget Cuts; He Wants to Tap a Revenue Bond to Pay for Operating Expenses." *Los Angeles Times; Los Angeles, Calif.*, November 11, A.8.

Kim, Victoria. 2010a. "CALIFORNIA; Court Cutbacks Will Hurt Local Economy, Study Says; The Direct and Indirect Costs over Four Years Could Hit $30 Billion If Budget Gaps in L.A. County System Persist." *Los Angeles Times; Los Angeles, Calif.*, January 6, A.5.

Kim, Victoria. 2010b. "CALIFORNIA; State Judges Oppose Fund-Diversion Plan; L.A. County's Court Leader Wants to Use Construction Money to Offset Budget Cuts." *Los Angeles Times; Los Angeles, Calif.*, February 16, AA.3.

Kleysteuber, Rudy. 2006. "Tenant Screening Thirty Years Later: A Statutory Proposal to Protect Public Records Note." *Yale Law Journal* 116(6):1344–88.

Kohler-Haussman, Issa. 2013. "Misdemeanor Justice: Control without Conviction." *American Journal of Sociology*. 119(2):351-393.

Kohler-Haussman, Issa. 2018. *Misdemeanorland: Criminal Courts and Social Control in an Age of Broken Windows Policing*. Princeton, NJ: Princeton University Press.

Kurwa, Rahim. 2015. "Deconcentration without Integration: Examining the Social Outcomes of Housing Choice Voucher Movement in Los Angeles County." *City & Community* 14(4):364–91.

Kurwa, Rahim. 2020. "The New Man in the House Rules: How the Regulation of Housing Vouchers Turns Personal Bonds into Eviction Liabilities." *Housing Policy Debate*. 30(6):926-949.

Lahey, Mary Ann, Bruce A. Christenson, and Robert J. Rossi. 2000. *Analysis of Trial Court Unification in California: Final Report.* Retrieved on May 19, 2022 (https://www.courts.ca.gov/documents/928rept.pdf)

Lamont, Michèle, and Ann Swidler. 2014. "Methodological Pluralism and the Possibilities and Limits of Interviewing". *Qualitative Sociology*. 37(2):153-171.

Larson, Eric. 2006. "Case Characteristics and Defendant Tenant Default in a Housing Court." *Journal of Empirical Legal Studies*. 3(1):121-144.

Lazerson, Mark H. 1982, "In the Halls of Justice, the Only Justice is in the Halls," in *The Politics of Informal Justice, Volume 1.: The American Experience*. Richard L. Abel, Ed. New York: Academic Press, pp. 119-163.

Leifheit, Kathryn M., Gabriel L. Schwartz, Craig E. Pollack. Maureen M. Black, Kathryn J. Edin, Keri Althoff, and Jacky M. Jennings. 2020. "Eviction in early childhood and neighborhood poverty, food security, and obesity in later childhood and adolescence: Evidence from a longitudinal birth cohort." *Social Science & Medicine – Population Health*. DOI: https://doi.org/10.1016/j.ssmph.2020.100575

Leifheit, Kathryn M., Sanriya L. Linton, Julia Raifman, Gabriel L. Schwartz, Emily A. Benfer, Frederick J. Zimmerman, and Craig Evan Pollack. 2021. "Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality." *American Journal of Epidemiology*. 190(12):2503-2510.

Lens, Michael C., Kyle Nelson, Ashley Gromis, and Yiwen Kuai. 2020. "The Neighborhood Context of Eviction in Southern California." *City & Community* 19(4):912-932.

Leung, Lillian, Peter Hepburn, and Matthew Desmond. 2021. "Serial Eviction Filing: Civil Courts, Property Management, and the Threat of Displacement." *Social Forces*. 100(1):316-344.

Levenson, Zachary. 2022. *Delivery as Dispossession: Land Occupation and Eviction in the Postapartheid City*. New York: Oxford University Press.

Lipsky, Michael. [1980] 2010. *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: The Russell Sage Foundation.

Los Angeles City Clerk. 2013. "Los Angeles City Council File: 13-0002-S31." Retrieved May 19, 2022 (http://clkrep.lacity.org/onlinedocs/2013/13-0002-s31_rpt_cla_4-15-13.pdf)

Los Angeles City Clerk. 2013. "Los Angeles City Council File: 13-0002-S66." Retrieved May 19, 2022 (http://clkrep.lacity.org/onlinedocs/2013/13-0002-S66_rpt_reir_5-17-13.pdf)

Los Angeles Superior Court. 2022. *Los Angeles Superior Court Local Rules*. Accessed on May 19, 2022 (https://www.lacourt.org/courtrules/ui/index.aspx?tab=2)

Low, Setha M. 2009. "Towards an Anthropological Theory of Space and Place." *Semiotica*, 2009(175):21-37.

Mahoney, James. 2012. "The Logic of Process Tracing Tests in the Social Sciences." *Sociological Methods & Research.* 41(4):570-597.

Maynard, Douglas W. 1984. *Inside Plea Bargaining: The Language of Negotiation*. New York: Plenum Press.

McCarthy, Daniel J. 1985. "Housing Courts Bibliography." *Urban Law Annual*. 17:371-398.

McGreevy, Patrick, and Maura Dolan. 2014. "Budget Plan Assailed by Chief Jurist; 'We Are Rationing Justice,' Tani Cantil-Sakauye Says of Gov. Jerry Brown's Spending Proposal." *Los Angeles Times; Los Angeles, Calif.*, January 15, AA.1.

Medina, Richard M., Kara Byrne, Simon Brewer, and Emily A. Nicolosi. 2020. "Housing Inequalities: Eviction Patterns in Salt Lake County, Utah." *Cities*. DOI: https://doi.org/10.1016/j.cities.2020.102804

Merry, Sally Engle. 1990. *Getting Justice and Getting Even: Legal Consciousness Among Working-Class Americans*. Chicago, IL: The University of Chicago Press.

Mertz, Elizabeth. 2007. *The Language of Law School: Learning to "Think Like a Lawyer."* New York: Oxford University Press.

Meyer, John W. and Brian Rowan. 1978. “The Structure of Educational Organizations,” in *Environments and Organizations*. Marshall W. Meyer, Ed. San Francisco, CA: Jossey-Bass.

Milligan, Melinda J. 1998. “Interactional Past and Potential: The Social Construction of Place Attachment.” *Symbolic Interaction*. 21(1):1-33.

Milligan, Melinda J. 2003. “Displacement and Identity Discontinuity: The Role of Nostalgia in Establishing New Identity Categories.” *Symbolic Interaction*. 26(3):381-403.

Mosier, Marilyn Miller and Richard A. Soble. 1973. “Modern Legislation, Metropolitan Court, Miniscule Results: A Study of Detroit’s Landlord-Tenant Court.” *University of Michigan Journal of Law Reform*. 7(1):8-70.

Murphy, Alexandra K., Colin Jerolmack, and DeAnna Smith. 2021. “Ethnography, Data Transparency, and the Information Age.” *Annual Review of Sociology*. 47:41-61.

National Coalition for a Civil Right to Counsel. 2022. Interactive Status Map. Accessed on May 19, 2022 (http://civilrighttocounsel.org/map)

Nelson, Kyle. 2021. “The Microfoundations of Bureaucratic Outcomes: Causes and Consequences of Interpretive Disjuncture in Eviction Cases.” *Social Problems*. 68(1):152-167.

Nelson, Kyle and Michael C. Lens. Forthcoming. “Understanding Eviction,” in *The Sociology of Housing: An Edited Volume*. Brian J. McCabe and Eva Rosen, Eds. Chicago, IL: The Chicago University Press.

Nelson, Kyle and Joel Montano. 2022. “Losing by Default.” *Working Paper*.

Nelson, Kyle, Ashley Gromis, Yiwen Kuai, and Michael C. Lens. 2021. “Spatial Concentration and Spillover: Eviction Dynamics in Neighborhoods of Los Angeles, 2005-2015.” *Housing Policy Debate*. 31(3-5):670-695.

Nelson, Kyle, Philip Garboden, Brian J. McCabe, and Eva Rosen. 2021. “Evictions: The Comparative Analysis Problem.” *Housing Policy Debate*. 31(3-5):696-716.

Ortman, William. 2020. “When Plea Bargaining Became Normal.” *Boston University Law Review* 100(4):1435-1500.

Padgett, John F. 1985. “The Emergent Organization of Plea Bargaining.” *American Journal of Sociology*. 90(4):753-800.

Paik, Leslie. 2021. *Trapped in a Maze: How Social Control Institutions Drive Family Poverty and Inequality*. Berkeley, CA: University of California Press.

Pastor, Manuel, Vanessa Carter, and Maya Abood. 2018. *Rent Matters: What are the Impacts of Rent Stabilization Measures*. Los Angeles, CA: USC Equity Research Institute. Retrieved on May 19, 2022 (https://dornsife.usc.edu/pere/rent-matters)

Pastore, Clare. 2008. "A Civil Right to Counsel: Closer to Reality." *Loyola of Los Angeles Law Review*. 42(4):1065-1086.

Pattillo, Mary. 2013. "Housing: Commodity versus Right." *Annual Review of Sociology*. 39:509-531.

Pound, Roscoe. 1910. "Law in Books and Law in Action." *American Law Review*. 44(1):12-36.

Powell, Walter W. and Paul J. DiMaggio, eds. 1991. *The New Institutionalism in Organizational Analysis*. Chicago, IL: The University of Chicago Press.

Preston, Gregory and Vincent J. Reina. 2021. "Sheltered from Eviction? A Framework for Understanding the Relationship Between Subsidized Housing Programs and Eviction." *Housing Policy Debate*. 31(3-5):785-817.

Purser, Gretchen. 2016. "The Circle of Dispossession: Evicting the Urban Poor in Baltimore." *Critical Sociology*. 42(3):393-415.

Puygrenier, Lucas. 2022. "Bureaucracy and the Politics of Time in State-Business Relations: Waiting to Recruit Migrant Labour in Mauritius." *Theory and Society*. DOI: https://doi.org/10.1007/s11186-022-09479-z

Ramsey Mason, Kathryn. 2021. "Housing Injustice and the Summary Eviction Process: Beyond *Lindsey v. Normet*." *Oklahoma Law Review*. Available at SSRN: https://ssrn.com/abstract=3949677.

Ray, Victor. 2019. "A Theory of Racialized Organizations." *American Sociological Review*. 84(1):26-53.

Reosti, Anna. 2021. "The Costs of Seeking Shelter for Renters with Discrediting Background Records." *City & Community*. 20(3):235-259.

Riis, Jacob A. [1890] 1997. *How the Other Half Lives: Studies among the Tenements of New York*. New York: Penguin Classics.

Rosen, Eva. 2014. "Rigging the Rules of the Game: How Landlords Geographically Sort Low-Income Renters." *City & Community*. 13(4):310-340.

Rosen, Eva. 2020. *The Voucher Promise: "Section 8" and the Fate of an American Neighborhood*. Princeton, NJ: Princeton University Press.

Rugh, Jacob S. 2021. "From Crisis to Progress: Housing and Latino Youth Since 2000." *The ANNALS of the American Academy of Political and Social Science*. 696(1):46-78.

Sandefur, Rebecca L. 2007. "The Importance of Doing Nothing: Everyday Problems and Responses of Inaction," in *Transforming Lives: Law and Social Process*. Eds. Pascoe Pleasence, Alexy Buck, and Nigel J. Balmer. Belfast, UK: Legal Services Commission, pp. 112-132.

Sandefur, Rebecca L. 2008. "Access to Civil Justice and Race, Class, and Gender Inequality." *Annual Review of Sociology*. 34:339-358.

Sandefur, Rebecca L. 2010. "The Impact of Counsel: An Analysis of Empirical Evidence." *Seattle Journal for Social Justice*. 9(1):51-95.

Sandefur, Rebecca L. 2014. "Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study." Available at SSRN: https://ssrn.com/abstract=2478040.

Sandefur, Rebecca L. 2015. "Elements of Professional Expertise: Understanding Relational and Substantive Expertise through Lawyers' Impact." *American Sociological Review* 80(5):909–33.

Sandefur, Rebecca L. 2016. "What We Know and Need to Know About the Legal Needs of the Public." *South Carolina Law Review*. 67(2):443-460.

Sandefur, Rebecca L. 2019. "Access to What?" *Dædalus: Journal of the American Academy of Arts & Science*. 148(1):49-55.

Sandefur, Rebecca L. 2021. "Access to Justice," in *Research Handbook on Modern Legal Realism.* Shauhin Talesh, Elizabeth Mertz, and Heinz Klug, eds. Northampton, MA: Edward Elgar Publishing, Inc., pp. 324-335.

Sandefur, Rebecca L. and Thomas M. Clarke. 2016. "Designing the Competition: A Future of Roles Beyond Lawyers? The Case of the USA." *Hastings Law Journal*. 67(5):1467-1492.

Schegloff, Emmanuel A. 2006. "Interaction: The Infrastructure for Social Institutions, the Natural Ecological Niche for Language, and the Arena in which Culture is Enacted," in Nicholas J. Enfield and Stephen C. Levinson (Eds.), *Roots of Human Sociality: Culture, Cognition, and Interaction*. New York: Bloomsbury, pp. 70-96.

Schwartz, Alex F. [2010] 2021. *Housing Policy in the United States*. New York: Routledge.

Schwartz, Gabriel L, Kathryn M. Leifheit, Lisa F. Berkman, Jarvis T. Chen, and Mariana C. Arcaya. 2021. "Health Selection into Eviction: Adverse Birth Outcomes and Children's Risk of Eviction Through Age 5 Years." *American Journal of Epidemiology*. 190(7):1260-1269.

Scott, James C. 1985. *Weapons of the Weak: Everyday Forms of Peasant Resistance.* New Haven, CT: Yale University Press.

Seim, Josh. 2021. "Participant Observation, Observant Participation, and Hybrid Ethnography." Sociological Methods & Research. DOI: https://doi.org/10.1177/0049124120986209

Seron, Carroll, Gregg Van Ryzin, Martin Frankel, and Jean Kovath. 2001. "The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment." *Law & Society Review*. 35(2): 419-434.

Sipes, Larry L. 2002. *Committed to Justice: The Rise of Judicial Administration in California*. San Francisco, CA: Administrative Office of the California Courts.

Spector, Mary B. 2000. "Tenants' Rights, Procedural Wrongs: The Summary Eviction and the Need for Reform." *The Wayne Law Review*. 46(1):135-210.

Spector, Malcolm and John I. Kitsuse. [1977] 2017. *Constructing Social Problems*. New York: Routledge.

Steinberg, Jessica K. 2015. "Demand Side Reform in the Poor People's Courts." *Connecticut Law Review*. 47(3):741-807.

Stern, Michael L. 2012. "Fewer Courts, Less Justice." *Los Angeles Times; Los Angeles, Calif.*, December 10, A.17.

Stout, Noelle. 2019. *Dispossessed: How Predatory Bureaucracy Foreclosed on the American Middle Class*. Berkeley, CA: University of California Press.

Stuart, Forest. 2016. *Down, Out, and Under Arrest: Policing and Everyday Life in Skid Row*. Chicago, IL: The University of Chicago Press.

Suchman, Mark C. and Lauren B. Edelman. 1996. "Legal Rational Myths: The New Institutionalism and the Law and Society Tradition." *Law & Social Inquiry.* 21(4):903-941.

Sudnow, David. 1965. "Normal Crimes: Sociological Features of the Penal Code in a Public Defender Office." *Social Problems*. 12(3):255-76.

Summers, Nicole. 2022. "Civil Probation" *Stanford Law Review*, Available at SSRN: https://ssrn.com/abstract=3897493.

Tavory, Iddo and Stefan Timmermans. 2014. *Abductive Analysis: Theorizing Qualitative Research*. Chicago, IL: The University of Chicago Press.

The Times Editorial Board. 2019. "Editorial: Better access to legal representation is crucial—even in civil cases." *The Los Angeles Times*. Retrieved on May 19, 2022 (https://www.latimes.com/opinion/editorials/la-ed-civil-gideon-20190420-story.html)

Timmermans, Stefan. 2006. *Postmortem: How Medical Examiners Explain Suspicious Deaths*. Chicago, IL: The University of Chicago Press.

Tobias, Jimmy. 2018. "Meet the Rising New Housing Movement That Wants to Create Homes for All." *The Nation*. Retrieved on May 19, 2022 (https://www.thenation.com/article/archive/the-way-home/)

Tsai, Jack, Minda Huang, John R. Blosnich, and Eric B. Elbogen. 2021. "Evictions and Tenant-Landlord Relationships During the 2020-2021 Eviction Moratorium in the US." *American Journal of Community Psychology*. DOI: https://doi.org/10.1002/ajcp.12581

Van Cleve, Nicole Gonzalez. 2016. *Crook County: Racism and Injustice in America's Largest Criminal Court*. Stanford, CA: Stanford Law Books.

Vaughan, Diane. 1990. *Uncoupling: Turning Points in Intimate Relationships*. New York: Vintage Books.

Wagner-Pacifici, Robin. 2010. "Theorizing the Restlessness of Events." *American Journal of Sociology*. 115(5):1351-1386.

Watson, David. 2004. "Much of Caseload from Closed Courthouses Will Move to Vacant Courtrooms, Superior Court Says." *Metropolitan News-Enterprise*. Retrieved May 19, 2022 (http://www.metnews.com/articles/2004/clos042304.htm).

Weber, Max. [1922/1978] 2013. *Economy and Society: Volumes 1 and 2*. Guenther Roth and Claus Wittich, eds. Berkeley, CA: University of California Press.

Weinstein, Roy and Steven Porter. 2009. *Economic Impact on the County of Los Angeles and the State of California of Funding Cutbacks Affecting the Los Angeles Superior Court.* Los Angeles, CA: Micronomics, Inc.

Weiss, Robert S. 1994. *Learning from Strangers: The Art and Method of Qualitative Interview Studies*. New York: The Free Press.

Williams, Carol J. 2009. "Legal Aid Expands for the Middle Class; Among the Resources Are Online Services, Self-Help Centers and Group Sessions." *Los Angeles Times; Los Angeles, Calif.*, March 10, A.6.

Willman, Martha L. 1993. "Judges to Craft Merger Details for Local Courts Judiciary: Combining Administrative Functions Is Expected to Streamline Operations and Save Money.: [Home Edition]." *Los Angeles Times (Pre-1997 Fulltext); Los Angeles, Calif.*, March 4, 1.

William E. Morris Institute for Justice. 2005. *Injustice in No time: The Experience of Tenants in Maricopa Housing Court*. Phoenix, AZ: William E. Morris Institute for Justice.

Cases Cited:

Gideon v Wainwright, 372 U.S. 335 (1963)

Service Employees International Union, Local 721 v. Los Angeles County Superior Court, (2013)

Miles v. Wesley, 801 F3d 1060 (2015)

Lindsey v. Normet, 405 US 56 (1972)

Legislation Cited:

California State Assembly Bill 1197 (1988)

California State Assembly Bill 1297 (1991)

California State Assembly Bill 1344 (1992)

California State Assembly Bill 2819 (2017)

California State Assembly Bill 1482 (2019)

California State Assembly Bill 2053 (2022)

California State Senate Bill 1407 (2008)

U.S. Const. Amend. XIV, § 1

[i] I surrounded the word voluntary in quotation marks because forced moves cannot, by definition, be truly voluntary.

[ii] This statistic reflects unpublished data that are on file with the author.

[iii] Law schools also standardize different elements of legal expertise into curricula. Law school curricula teach both legal and social interactional competencies (Mertz 2007). Thus, lawyers are socialized into professional norms while acquiring substantive knowledge required for practice.

[iv] Flood (1991) notes that, at face value, these interactional strategies seem more suited to a con's practice of "cooling the mark out" (Goffman 1952) than to cultural images of legal practice (e.g., Flood 1994).

[v] Data collected on clients who were represented by legal aid organizations in Los Angeles County between March 2012-October 2015 shows that 78% of lawsuits were based on nonpayment of rent allegations; allegations were unknown or missing in 10% of cases and just 2% of cases were based on other lease violations (Jarvis et al. 2017:210). Hartman and Robinson (2003) and Engler (2009) cite research showing similar trends time and nationwide.

[vi] In May 2014, the Lincoln Heights clinic moved to Westlake, west of Downtown Los Angeles and with similar demographics to Lincoln Heights.

[vii] To make the case for physical repairs, advocates and journalists frequently alluded to the case of a juror who died in the Long Beach Courthouse because paramedics could not reach them in time (Kim 2010b). The paramedics struggles were due to the fact that the courthouse's main elevator did not connect the first and fifth floors of the building.

[viii] These discoveries infuriated members of the Alliance of California Judges, a previously marginal group, whose membership grew and publicly protested the Judicial Council's power and authority (Dolan 2011a), advocating instead for a return of autonomy to the county-level and a "re-prioritization" of the state's trial courts (The Alliance of California Judges 2011).

[ix] Attorneys use the acronym RSO and the phrase rent control interchangeably.

[x] New legislation such as AB 1482 (2019) passing at the state level changed this situation dramatically by extending basic tenant protections including a rent increase cap and just cause eviction protections to the entire state. It's unclear to me, however, how this will change the eviction landscape in a practical way since my fieldwork concluded before its passing. In theory, however, tenants will benefit from added protections, even though tenants are rarely aware of their rights and how to apply them in their defense while facing an eviction, in part, due to the summary nature of legal proceedings in California (Nelson 2021).

[xi] While I am explaining how tenants who actively troubleshoot eviction cases default, I note here that some proportion of tenants default because they ignore communications from courts or move proactively after receiving a notice and never respond, among other causes. Since the

LASC system does not systematically track data on eviction outcomes (or provide these data voluntarily to academics, advocates, and journalists via California Public Records Act Requests), I do not have access to data on the proportions of default by precise cause. Furthermore, observing clinics does not afford me opportunities to determine why tenants who do not attend clinics and/or "do nothing" (Sandefur 2007) default.

[xii] The term "due process" originates in the 14th amendment of the US Constitution, "…nor shall any state deprive any person of life, liberty, or property, without due process of law" (U.S. Const. amend. XIV, § 1). Its meaning, generally denoting legal fairness, is amorphous, leading a prominent judge named William Friendly (1975) to articulate elements of *procedural* due process as including: "an unbiased tribunal;" "notice of the proposed action and the grounds asserted for it;" opportunity to present reasons why the proposed action should not be taken; "the right to present evidence, including the right to call witnesses;" "the right to know opposing evidence;" "the right to cross-examine adverse witnesses;" "a decision based exclusively on the evidence presented;" "opportunity to be represented by counsel;" "requirement that the tribunal prepare a record of the evidence presented;" and "requirement that the tribunal prepare written findings of fact and reasons for its decision." By these standards, the legal eviction process is an unconstitutional travesty.

[xiii] It's important to note that this data set does not include data from all 58 county superior court systems in California. The largest number of counties represented was 43 and the smallest was 33. Large counties with over 5,000 eviction filings annually such as Los Angeles and San Diego did not report data at all, and counties such as Riverside San Bernardino only submitted data for

a handful of years. Thus, the largest counties (and cities) consistently covered in the dataset include Alameda (Oakland), Fresno (Fresno), Kern (Bakersfield), Orange (Anaheim), and Santa Clara (San Jose). Despite its flaws, this dataset is the largest-scale representation of eviction case outcomes in California to date.

[xiv] I created this estimate by tabulating the number of cases represented by eligible law firms in 2018. Since the estimate did not include private lawyers who are not affiliated with an eviction defense firm, I asked lawyers and advocates to estimate this number, which explains the upper half of the range in the estimate.

[xv] In the interest of full disclosure, I am a member of the steering committee for the Renters' Right to Counsel Coalition (RTC-LA) in Los Angeles. The RTC-LA Coalition developed the Stay Housed LA program, which currently provides tenants in LA City *and* County with access to defense lawyers and community organizers to assist them in navigating eviction. The fieldwork that I draw on for this chapter pre-dates my involvement in RTC-LA, though these ethnographic experiences were vital to encouraging my advocacy.

[xvi] Evidence's ambiguity typically depends a litigants' role within an eviction lawsuit (and the power relations that each entails). On one hand, there are case facts derived from landlords' accountings of conflict. On the other, clients' lived experiences of housing trouble most of the time reflect the allegations against them in neither tone nor content. The difference between the two accounts is lies in each's legitimacy in the eyes of bureaucracy tasked with processing the case, namely that a landlord's forms the basis for a lawsuit that a tenant must respond to or lose

their case. Whereas a landlord only has to "prove" their facts down the line (in a default "prove up" hearing or at trial), the burden of proof is on tenants. For this reason, evidence becomes important for tenants far earlier than it does for landlords, and an important bargaining chip throughout settlement negotiations.

[xvii] I observed interactions between *pro per* litigants (litigants representing themselves without lawyers) and judges throughout my fieldwork that confirms this perspective. For example, a judge intervened on a case involving a landlord and tenant, neither of whom had lawyers, where the parties could not agree to a settlement: "The judge reviews each section of the negotiation with the landlord and a young Black man who is here on behalf of his elderly parents, the tenants. The man is arguing that the landlord 'doesn't make repairs' and tries to show the photos depicting this neglect to the judge. The judge tells him that from his vantage point he thinks that the landlord 'just wants the building,' but that the man should give the photos to the landlord so that the tenants will not be held accountable for any worsening conditions. The judge advises them to go outside and hash it out." The judge doesn't deny that the conditions in the unit are unacceptable, but rather that the evidence should be used to make sure that the tenants are not financially culpable for subsequent property damage and neglect. Since the landlord is not interested in allowing the tenants to remain in their unit, the evidence means little to the ongoing trajectory of negotiations.

[xviii] For example, in a case where a tenant's defense to a non-payment of rent or nuisance-based eviction is that the unit is uninhabitable, the only evidence that counts is photographic evidence of the specific property defects, written requests for repairs, inspection reports, or formal letters

of sanction against landlords by housing bureaucracies. Most commonly, tenants have scant traces of evidence that their verbal requests for repairs were ignored: a cryptic text conversation with a building manager, out-of-focus photographs of property defects, a hazy memory of an inspection report's content, or objects like bags full of dead vermin and evidence of their waste. One judge in my fieldnotes went as far as to include the following warning in his opening speech to the courtroom: "no live or dead insects upstairs [where negotiations occur]." While these traces make sense as adequate proof to tenants, lawyers in my fieldnotes articulated a somewhat consistent responses to what they perceived to be inadequate evidentiary claims: "we probably will not be able to prove anything illegal occurred."

[xix] To be fair, however, eviction defense lawyers run volume-based practices, too, and may similarly be unaware of case particulars until the court date.

[xx] In interviews, landlords' lawyers frequently described how expensive evictions were to litigate now versus then; where they once cost hundreds of dollars, taking a case through a trial judgment can cost a landlord over $15,000.