# DALLAS COURT OBSERVATION PROJECT

## Summer 2022 Findings

**CHILD POVERTY ACTION LAB**

## CONTEXT

**Eviction has a devastating impact on families:** involuntary displacement leads to greater material hardship, poorer health and avoidable healthcare costs for children and their mothers, negative impacts on children's academic achievement, and greater depression and parental stress. Eviction disproportionately impacts communities of color, and the likelihood of receiving an eviction judgment is highest for mothers with children.

**Through August 2022, 28,845 evictions have been filed in Dallas County, an average of 119 per day.** This represents a 223% increase over the same time period in 2021 and a 203% increase over the same time period in 2020. Evictions have been on the rise since the end of the CDC Eviction Moratorium in August 2021, and Dallas County realized its highest one-month filing total in at least five years in August 2022, with 4,355 evictions filed.

## PROJECT BACKGROUND

In spring 2021, the Child Poverty Action Lab (CPAL) launched a court observation project to collect, analyze, and share eviction-related data not otherwise reported publicly. Eviction docket court observation has been ongoing since, with the purpose of (1) improving local understanding of how eviction unfolds, (2) uncovering barriers/challenges for tenants and landlords, and (3) identifying ways to better support tenants and landlords upstream of an eviction hearing. Observation first began in Dallas County Justice of the Peace Court 1-1 and expanded to Dallas County Justice of the Peace Courts 3-1 and 5-1 in 2022.
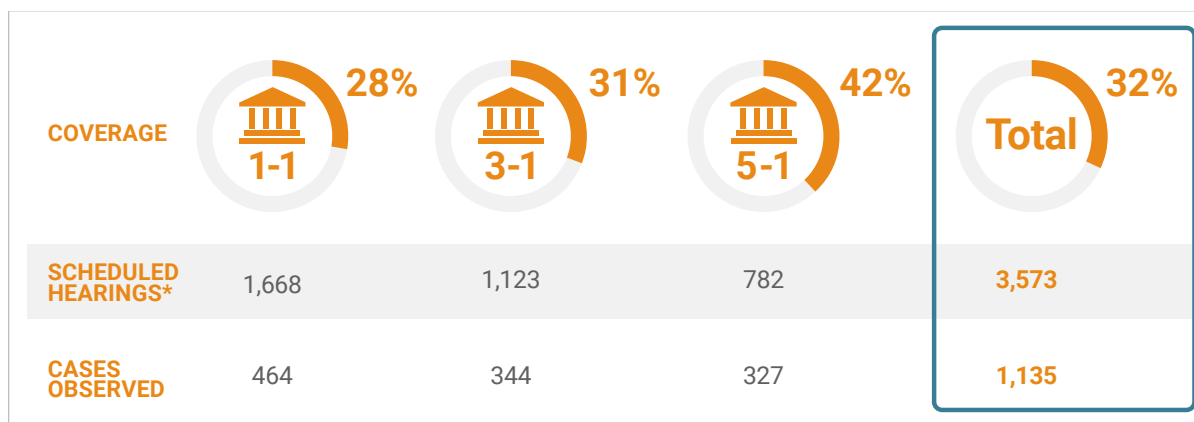
## COURT OBSERVATION PROTOCOL

The court observation project is powered by volunteer observers who attend eviction dockets in-person, take notes as eviction cases are heard, and then enter the data digitally for CPAL analysis. Since late 2021, volunteer observers have all been SMU Dedman School of Law students, primarily in their second or third year of law school, volunteering as part of a class requirement or to fulfill public service hours. CPAL staff on-board volunteer observers through a two-part training: the first is an introductory online session to explain the eviction process, and the second is an onsite session at a Justice of the Peace court focused on data collection through observation.

Once trained, volunteers sign-up for dockets to observe using a digital scheduler. Volunteers select dockets to observe based on their availability, so observed cases do not represent a random selection. During docket observations, volunteers take notes on cases heard using a paper template and then enter the data afterwards into a Google Form created and managed by CPAL. Before analysis and reporting, CPAL reviews and cleans the data, as needed.

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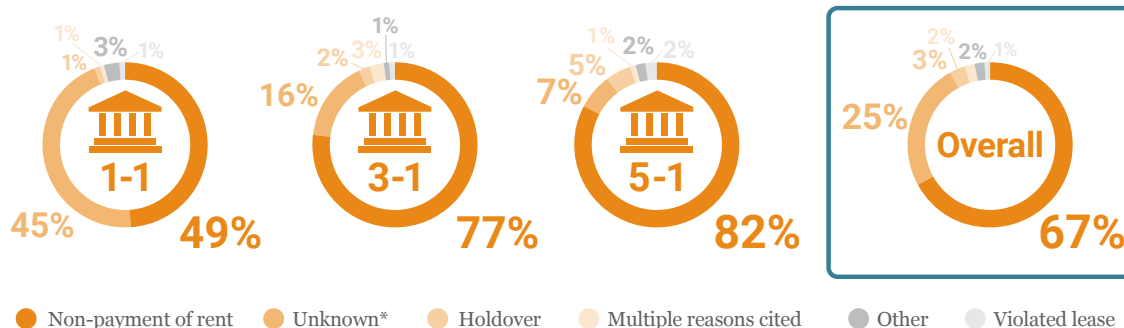
CHILD
POVERTY
ACTION
LAB

# SUMMER 2022 FINDINGS

From June 1, 2022 through August 5, 2022, nine SMU Law student volunteers observed 1,135 cases: 464 in Justice of the Peace Court 1-1, 344 in Justice of the Peace Court 3-1, and 327 in Justice of the Peace Court 5-1. The 1,135 observed cases represent 32% coverage of all initially scheduled hearings in 1-1, 3-1, and 5-1.

| | 1-1 | 3-1 | 5-1 | Total |
|---|---|---|---|---|
| **COVERAGE** | 28% | 31% | 42% | 32% |
| **SCHEDULED HEARINGS*** | 1,668 | 1,123 | 782 | **3,573** |
| **CASES OBSERVED** | 464 | 344 | 327 | **1,135** |

*The 'scheduled hearings' indicator was calculated based on the hearing date set at the time of the eviction filing. If a hearing date was subsequently rescheduled for a date later than August 5, then the case is still included here in the 'scheduled hearings' count. Some scheduled hearings may have been dismissed in advance of the docket, so 'coverage' here is likely an underrepresentation of cases observed relative to the number of cases heard during a docket.

## Across the 1,135 observed cases, we found:

**Most eviction cases were due to nonpayment of rent.**



1-1: 1% 1% 3% 1% — 45% — 49%
3-1: 2% 3% 1% 1% — 16% — 77%
5-1: 1% 2% 2% 5% 7% — 82%
Overall: 2% 3% 2% 1% — 25% — 67%

- ● Non-payment of rent
- ● Unknown*
- ● Holdover
- ● Multiple reasons cited
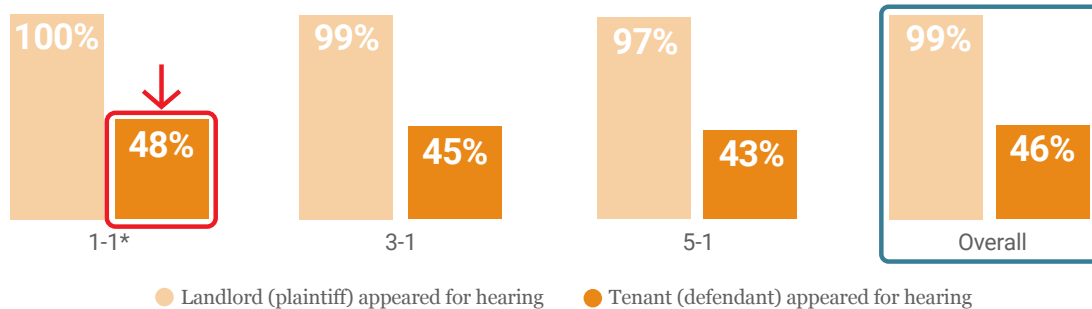- ● Other
- ● Violated lease

*The reason for an eviction case might be unknown if a default judgment was awarded to a landlord and the facts of the case were not discussed. Reasons are rounded to the nearest whole number, so totals may not equal 100%.

**?**

**Why this matters:** *In Dallas County, millions of dollars for rent relief have been available throughout the pandemic. Eviction cases due to nonpayment of rent might have been remedied had the renter and landlord been aware of and able to easily access rent relief programs.*

**Landlords or their representatives almost always appeared for the hearing, but tenants appeared less than half the time.**



| | 1-1* | 3-1 | 5-1 | Overall |
|---|---|---|---|---|
| Landlord (plaintiff) appeared for hearing | 100% | 99% | 97% | 99% |
| Tenant (defendant) appeared for hearing | 48% | 45% | 43% | 46% |

● Landlord (plaintiff) appeared for hearing   ● Tenant (defendant) appeared for hearing
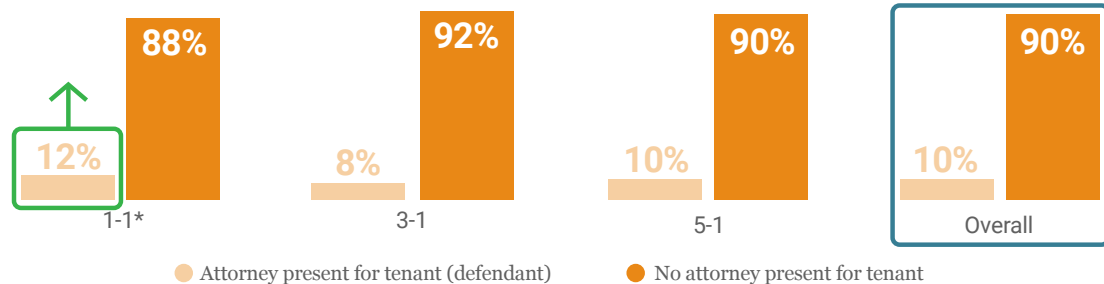
*In fall 2021, volunteers observed in Justice of the Peace Court 1-1. The arrow here shows change from fall 2021 data collection. E.g., in summer 2022, tenants appeared 48% of the time in JP 1-1, but in fall 2021, tenants appeared 59% of the time.

**Why this matters:** *When a tenant does not appear for an eviction hearing, a default judgment is usually awarded to the landlord, without consideration of the facts of the case. Tenants may not appear in court because they must go to work, lack transportation, are unclear about how eviction cases proceed, or have already determined to move out.*

**Tenants rarely had legal representation.**



| | 1-1* | 3-1 | 5-1 | Overall |
|---|---|---|---|---|
| Attorney present for tenant (defendant) | 12% | 8% | 10% | 10% |
| No attorney present for tenant | 88% | 92% | 90% | 90% |

● Attorney present for tenant (defendant)   ● No attorney present for tenant

*In fall 2021 in JP 1-1, tenants had legal representation 8% of the time.

**Why this matters:** *Unlike criminal cases, defendants in civil cases generally do not have a right to counsel and are not assigned a public defender to represent them in court. As a result, very few tenants in eviction cases have legal representation and must defend themselves. Renters with legal representation in eviction hearings are much more likely to win their case and remain housed. Attorneys may also help renters negotiate terms with their landlords, keep eviction judgments off their records, and navigate other housing supports, like rent relief.*

A written Notice to Vacate is the legal first step to initiate an eviction, but a Notice to Vacate was confirmed in 33% of all observed hearings.

**30%** 1-1*
**5%** 3-1
**68%** 5-1
**33%** Overall

● Notice to Vacate confirmed
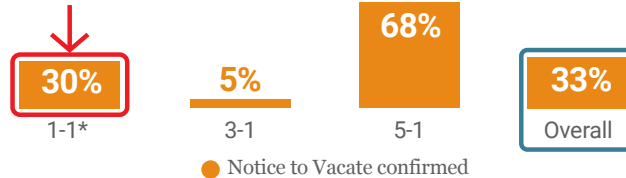
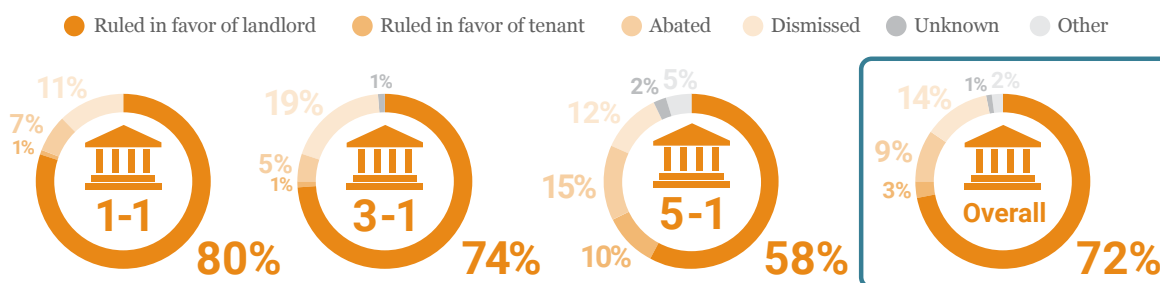*In fall 2021 in JP 1-1, a Notice to Vacate was confirmed 40% of the time.

**Why this matters:** *Unless a lease agreement states otherwise, Texas law requires a landlord to give a renter at least three days to move out, and the landlord must provide this notice (called a Notice to Vacate) in writing. An eviction cannot be filed in court before providing a Notice to Vacate.[1] If a Notice to Vacate was not properly administered, then the renter may have recourse to have the case dismissed. If the Notice to Vacate is not confirmed during an eviction hearing, then there may be a missed opportunity to dismiss the eviction suit.*

### Across all cases, the average length of time for each hearing was less than 5 minutes.

**Average length of time per hearing** (all cases heard during docket)

1-1: **4:03**  3-1: **3:08**  5-1: **4:49**  Overall: **3:59**

Average hearing length calculated by (1) counting the number of cases observed in each docket, including default judgments, (2) calculating the total time of the docket (end time - start time), (3) calculating the average length of each hearing by dividing docket time by number of cases observed, and then (4) calculating a weighted average across all observed dockets. Because not all cases in a single docket may have been observed, average length of time here is likely conservative – i.e., average length of time per hearing is likely an overestimate.

### Across all observed cases, the judge ruled in favor of the landlord in 72% of cases and in favor of the tenant in 3% of cases.

● Ruled in favor of landlord  ● Ruled in favor of tenant  ● Abated  ● Dismissed  ● Unknown  ● Other

**1-1** 80%  11% 7% 1%
**3-1** 74%  19% 5% 1% 1%
**5-1** 58%  2% 5% 12% 15% 10%
**Overall** 72%  14% 9% 3% 1% 2%

Outcomes are rounded to the nearest whole number, so totals may not equal 100%.

**Why this matters:** *Evicted low-income renters face a host of consequences: eviction increases the risk of homelessness, elevates long-term residential instability, and increases emergency room use.[2] Eviction is also a matter of public record and can appear on public consumer reports (even if a renter won an eviction case), so evicted renters have a harder time finding a new place to live. Rent or court fees may also go to collections, negatively impacting a renter's credit score.[3]*

[1] Texas State Law Library, **The Eviction Process**
[2] Collinson and Reed, **The Effects of Evictions on Low-Income Households**
[3] Texas Law Help, **Impact of Eviction on Credit and Future Housing**

**However, appearing in court and having legal representation matters for outcomes. When tenants appeared for their hearings, cases were decided in favor of the landlord 57% of the time.**

Case outcomes when tenant/defendant appeared versus when tenant/defendant did not appear (across all observations)
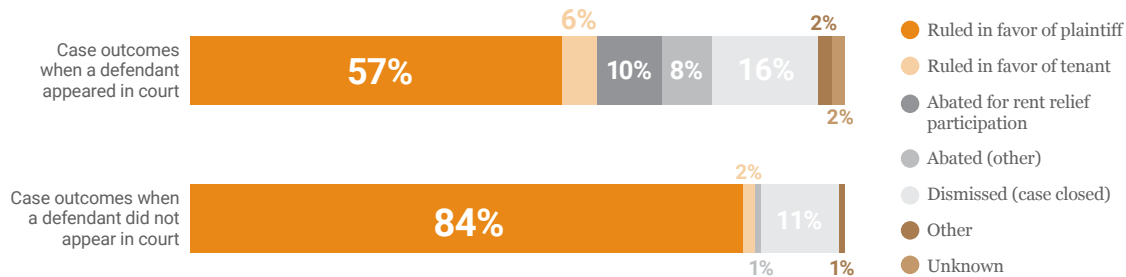


**When tenants had legal representation, cases were decided in favor of the landlord 10% of the time.**

Case outcomes when tenant/defendant had legal representation versus when tenant/defendant did not have legal representation (across all observations)
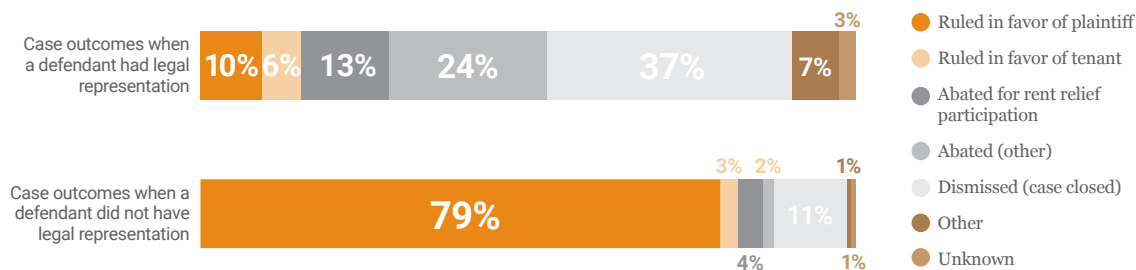


*ABOUT CPAL*

*CPAL is a Dallas-based nonprofit organization committed to cutting child poverty in Dallas, Texas in half within a generation by (1) generating relevant data insights to break big problems into small, actionable ones, (2) facilitating cross-sector, collective action based on data insights, and (3) applying principles of human-centered design to solve problems in partnership with communities. One of CPAL's five areas of focus is housing, and CPAL's long-term aspiration is to ensure all Dallas families have access to stable housing without worry of an involuntary move.*