

A HOLISTIC APPROACH TO EVICTION PREVENTION DURING THE COVID-19 PANDEMIC: CHALLENGES AND OPPORTUNITIES FOR THE FUTURE

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INTRODUCTION

In January 2021, the middle of the COVID-19 pandemic, Ms. T.¹ was given information from her community school coordinator about an after-

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1. To preserve the client's anonymity and privacy and to avoid sharing a client's story without their permission, we do not use the client's name or real initial. In addition, the narrative, while inspired by the experiences of one client, combines the experiences of multiple clients with some fictitious elements. For more discussion about using client stories for academic or other purposes, see Sara E. Gold, *Trauma: What Lurks Beneath the Surface*, 24 CLIN. L. REV. 201, 201 n.1 (2018).

school meeting to discuss her housing situation with law and social work students from the University of Maryland, Baltimore. With technological assistance from her twelve-year-old daughter, Ms. T. joined the Zoom meeting on her daughter's public school-issued Chromebook and met with two law students, a social work student, and a Spanish-speaking interpreter. Ms. T. tried to find a sliver of privacy in the two-bedroom apartment she shared with her four young children, an adult cousin, and the cousin's three children, who had moved in after they were evicted from their nearby apartment. Ms. T. knew that her lease prohibited extra occupants, but she could not refuse her family who had nowhere else to go. Through tears and in Spanish, Ms. T. confided in the students that early in the pandemic, she lost her job working in a restaurant kitchen. Since then, she had had a hard time making ends meet. She struggled to buy food and clothes for her children and hadn't paid any of her \$1000/month rent in six months. Ms. T. was terrified of being evicted. Even though she was living in an apartment with rodents that bit her two-year-old and forced her to sleep on the top mattress of a bunk bed with her children, Ms. T. had nowhere else to live. Ms. T. was emotionally and physically exhausted. Her stress and anxiety prevented her from sleeping and made her unable to eat. She witnessed the eviction of one of her neighbors and could not shake the recurring visions of the police throwing the family's furniture, clothes, food, and personal possessions outside. Ms. T. rarely left the apartment for fear of running into her landlord and did not read the few notices she admitted she had received. Every knock on the door made her heart race, her body tremble, and her palms sweat. She did not answer the door or the phone because she was afraid of who might be there and what they might do. As an undocumented immigrant, Ms. T. did not trust most people. She was afraid to ask for help.

Job loss, lack of childcare, illness, and other stressors caused by the COVID-19 pandemic have led to financial insecurity for many families. Renters were particularly vulnerable as they became unable to make rent payments and faced pressure from landlords, who also experienced significant financial strains. Communities of color faced both the disparate health impact of COVID-19 and a significant racial disparity in housing instability during the pandemic. The eviction process—falling behind on rent payments, receiving an eviction notice, court proceedings, and then eventual displacement—is a traumatic experience that is often layered on

top of previous traumas families living in poverty commonly experience. In addition to the negative mental health outcomes that result from an eviction, renters experiencing trauma frequently are unable to meaningfully participate in the traditional adversarial eviction process, further exacerbating negative outcomes for both the renter and the landlord.

Anticipating a wave of evictions when the nationwide and various state eviction moratoria were lifted, from August 2020 through May 2021, the University of Maryland (UMB) Carey School of Law collaborated with the UMB School of Social Work to administer the Eviction Prevention Project (EPP), an interprofessional response to acute housing needs of low-income renters in two of Maryland's largest jurisdictions. The EPP's holistic approach combined upstream and downstream legal, social work, and dispute resolution services to address the complex and varied needs of clients. Under faculty supervision, law students in four clinics of the Maryland Carey Law Clinical Law Program (Public Health Law, Medical-Legal Partnership, Fair Housing, and Mediation) and social work students provided legal and social services and support to improve short- and long-term outcomes for families facing housing crises due to COVID-19. The EPP included advice about dispute resolution process and encouraged pre-filing alternatives as a critical part of an integrated approach. The EPP built partnerships with local community mediation centers to facilitate and streamline referrals of appropriate cases, connecting clients with legal service providers to ensure representation beyond the academic year and with local housing departments to connect clients with financial resources. The EPP encountered challenges that present valuable information to inform future integrated service delivery efforts.

This Article describes the formation and work of the EPP, the model of holistic service delivery, and associated challenges and recommendations. Part I details the connection between health, trauma, and housing stability and describes the status of housing stability and eviction in Maryland. Part II details the formation, structure, and impact of the EPP. Part III outlines the challenges of the holistic, interprofessional, trauma-informed approach to eviction prevention, particularly within the context of clinical legal education, and shares recommendations for other programs seeking to perform similar work.

I. EVICTION AND ITS IMPACT ON MENTAL AND
PHYSICAL HEALTH, AND THE LEGAL NEED FOR HOUSING
STABILITY DURING THE COVID-19 PANDEMIC

Housing insecurity and lack of affordable low-income housing are not new problems in Maryland, nor many other areas across the country, but COVID-19 highlighted existing problems of poverty and inequity. In Baltimore City, approximately fifty-seven percent of renters are housing cost-burdened, meaning these households spend more than thirty percent of their income on housing.² In the wake of COVID-19, many of these families faced a wave of actual and threatened evictions and failure to pay rent (“FTPR”) filings, which will only increase as federal and most state and local eviction moratoria expire. Indeed, Maryland’s eviction moratorium expired on August 15, 2021, and the federal moratorium, initially issued by the Centers for Disease Control and Prevention (“CDC”) on September 4, 2020, was lifted by the U.S Supreme Court on August 26, 2021, in *Alabama Association of Realtors v. Department of Health and Human Services*.³

Even while the moratoria were in effect and providing some protection from eviction for many renters, their ever-looming expiration meant that many tenants were constantly under the threat of imminent home loss. Courts were given discretion to interpret the moratoria, resulting in inconsistent application across and within jurisdictions. The periodic lapses in extensions allowed for some court filings and eviction rulings. Because the moratoria covered only evictions for failure to pay rent, tenants still faced eviction for breach of lease or holding over, which is particularly relevant as the original terms of most leases (usually one year) had expired and, by definition, tenants were therefore “holding over.” Furthermore, tenants are unlikely to have legal representation in rent court. For example, a recent study of filings in Baltimore City District Court found that only one

2. STOUT RISIUS ROSS, LLC, THE ECONOMIC IMPACT OF AN EVICTION RIGHT TO COUNSEL IN BALTIMORE CITY 9 (2020), https://bmorerentersunited.org/wp-content/uploads/2020/05/Baltimore-RTC-Report_FINAL_5.8.2020.pdf [<https://perma.cc/44W6-ZYN7>] (prepared for the Public Justice Center).

3. *Ala. Ass’n of Realtors v. U.S. Dep’t of Health & Human Servs.*, 141 S. Ct. 2485, 2490 (2021) (per curiam). The CDC issued the initial federal eviction moratorium on September 4, 2020, and it was extended five times: December 27, 2020 (to January 31, 2021), January 29, 2021 (to March 31, 2021), March 29, 2021 (to June 30, 2021), June 24, 2021 (to July 31, 2021), and August 3, 2021 (to October 3, 2021), although the Supreme Court lifted the final extension on August 26, 2021. *Id.*

percent of tenants had legal counsel, while ninety-six percent of landlords had an attorney with them in court.⁴

A. *Understanding Eviction as a Social Determinant of Health*

Eviction, the threat of eviction, and housing instability are some of many non-medical factors that contribute to negative health outcomes for people. Upstream, non-medical social determinants of health include factors such as housing, neighborhood conditions, income, and education.⁵ Poor housing conditions such as dampness, mold, rodents, cockroaches, lead, and lack of heat correlate to health problems including asthma, headaches, wheezing, coughing, diarrhea, fever, stunted neurological development in children, high blood pressure, and even death.⁶

Beyond the physical health manifestations associated with unstable housing or poor housing conditions, research correlates eviction and the threat of eviction with increased rates of depression, anxiety, psychological distress and suicide, substance use, diminished quality of life, and child maltreatment,⁷ all of which can be short-lived or persist for years.⁸ In short, eviction and the threat of eviction can cause significant disruption to people's lives.

Research further shows that people of color and women experience the negative health effects stemming from an eviction for a longer period than White people and men. Of note, people of color and women have health effects that can last seven to eight years after an eviction.⁹ Inasmuch as communities of color are more likely to experience the threat of eviction,

4. STOUT RISIUS ROSS, *supra* note 2, at 10.

5. Paula Braveman & Laura Gottlieb, *The Social Determinants of Health: It's Time to Consider the Causes of the Causes*, 129 PUB. HEALTH REPS. (SUPP. 2) 19, 20 (2014); David R. Williams, Manuela V. Costa, Adebola O. Odunlami & Selina A. Mohammed, *Moving Upstream: How Interventions That Address the Social Determinants of Health Can Improve Health and Reduce Disparities*, 14 J. PUB. HEALTH MGMT. & PRAC. (NOV. SUPP.) S8, S9 (2008).

6. Mary Shaw, *Housing and Public Health*, 25 ANN. REV. PUB. HEALTH 397, 403–05 (2004).

7. Hugo Vásquez-Vera et al., *The Threat of Home Eviction and Its Effects on Health Through the Equity Lens: A Systemic Review*, 175 SOC. SCI. & MED. 199, 202, 205 (2017).

8. Megan E. Hatch & Jinhee Yun, *Losing Your Home Is Bad for Your Health: Short- and Medium-Term Health Effects of Eviction on Young Adults*, 31 HOUS. POL'Y DEBATE 469 (2020) (finding that evictions are negatively associated with health twelve months after an eviction, as well as seven to eight years later).

9. *Id.* at 470.

the eviction process is a social determinant that exacerbates health inequities within our communities.¹⁰

B. Understanding Eviction as a Traumatic Experience

The negative physical and mental health effects resulting from an eviction can, in part, be understood by recognizing that difficulty paying rent, eviction, homelessness, and poverty are traumatic experiences.¹¹ Traumatic experiences commonly cause a person to feel powerless, humiliated, guilty, shameful, betrayed, and/or silenced.¹² People enduring trauma report difficulties keeping jobs due to resultant instability and stress.¹³ For families with children facing eviction, the consequences can be even more serious as adversity experienced during the early years of life has profound effects on a child's brain development and, consequently, negative effects on adult behavior.¹⁴

The Adverse Childhood Experiences (ACEs) Study, a groundbreaking 1998 public health study by the CDC and Kaiser Permanente, found surprisingly high rates of childhood trauma based on exposure to emotional, physical, or sexual abuse; or household dysfunction.¹⁵ The ACEs Study and subsequent robust medical research demonstrate that children who experience multiple ACEs are at higher risk of negative adult health outcomes including obesity, diabetes, depression, suicide attempts, sexually transmitted infections, heart disease, cancer, stroke, alcoholism, drug use, homelessness, prostitution, criminal behavior, unemployment, high

10. Vázquez-Vera et al., *supra* note 7, at 206.

11. Gold, *supra* note 1, at 207–08 (first citing KATHRYN COLLINS ET AL., UNDERSTANDING THE IMPACT OF TRAUMA AND URBAN POVERTY ON FAMILY SYSTEMS 22 (2010); and then citing MD. COAL. OF FAMS. & FAM. INFORMED TRAUMA TREATMENT CTR., TRAUMA AND THE FAMILY 2 (2010)).

12. *Id.* at 209.

13. *Id.*

14. *Id.* at 210 (citing Jack P. Shonkoff & Andrew S. Garner, *The Lifelong Effects of Early Childhood Adversity and Toxic Stress*, 129 PEDIATRICS e232, e236 (2012)).

15. *Id.* at 209 (citing Vincent J. Felitti et al., *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACEs) Study*, 14 AM. J. PREVENTATIVE MED. 245 (1998)). “Seven categories of ACEs were identified in a questionnaire completed by approximately 9,500 adults at a large HMO in Southern California. The seven categories included psychological abuse; physical abuse; sexual abuse; violence against mother; living with household members who were substance abusers; living with household members who were mentally ill or suicidal; and living with household members who were ever imprisoned.” *Id.* at 210 n.36.

utilization of health and social services, and shortened lifespan.¹⁶ Additional studies have linked eviction or housing instability during adolescence to depression in young adulthood and a higher lifetime prevalence of mental health impairments.¹⁷ Coupled with other adverse experiences that often co-exist for families facing eviction, such as poverty, children experiencing eviction are at risk of “toxic stress,” which can have lasting impacts on mental health, physical health, and behaviors well into adulthood.¹⁸

Due to physiological changes in the brain, including the increased release of stress hormones, trauma also affects people’s reactions and manner of interacting with others, which could hinder their ability to meaningfully participate in the judicial eviction process. People experiencing trauma are known to experience physiological hyperarousal including irritability or outbursts of anger, difficulty concentrating, or inability to trust others.¹⁹ Because trauma causes people to avoid people, places, and things related to the trauma,²⁰ traditional interventions designed to resolve landlord-tenant disputes may not be accessible to many tenants.

C. *The Eviction Experience in Maryland*

1. How the Eviction Process Works in Maryland

Maryland’s eviction process requires a court order for a landlord to lawfully evict a tenant from a property. Under Maryland law, a landlord may seek a court order to evict a tenant for the following primary reasons: non-payment of rent,²¹ holding over past the agreed-upon lease term,²² breaching any provision of the lease,²³ and residing in the premises without a lease agreement.²⁴ In fiscal year 2019, landlord-tenant matters accounted

16. *Id.* at 211.

17. Hatch & Yun, *supra* note 8, at 471–72, 481.

18. Yael Cannon & Andrew Hsi, *Disrupting the Path from Childhood Trauma to Juvenile Justice: An Upstream Health and Justice Approach*, 43 *FORDHAM URB. L.J.* 425, 427 (2016).

19. *Id.*

20. Gold, *supra* note 1, at 210.

21. MD. CODE ANN., REAL PROP. § 8-401 (West 2021).

22. *Id.* § 8-402.

23. *Id.* § 8-402.1.

24. *Id.* § 14-132.

for 669,778 case filings, almost half of the overall civil court filings.²⁵ Among landlord-tenant matters, failure to pay rent filings comprise the largest case type.

The landlord must follow several specific steps to lawfully evict a tenant. For evictions based on FTPR, the eviction process begins with the landlord filing a written complaint in the state's District Court. Per new legislation taking effect in Maryland on October 1, 2021, the landlord must provide the tenant ten days' advance written notice prior to filing an eviction claim in court, which can be done by mail, posting on the door of the premises or, if requested by the tenant, by email, text, or electronic tenant portal.²⁶ After the landlord files the complaint, the court issues a summons indicating the date and time of the trial, which the county sheriff serves on the tenant by affixing a copy of the summons conspicuously on the property (generally the front door)²⁷ and by mailing it to the tenant's home address.²⁸

Next, a court hearing occurs, during which the tenant can raise defenses to the landlord's allegations, such as the landlord's lack of evidence (e.g., bookkeeping to prove the amount of rent owed), the landlord's lack of standing due to not having a rental license as required by local laws²⁹ or a lead certification as required by Maryland law,³⁰ the tenant's withholding of rent for legitimate reasons such as dangerous conditions in the property (e.g., lack of heat or water; rodent infestation; major problems with the walls, ceilings, or floors; or lead paint); discriminatory eviction; or retaliatory eviction. If the tenant is not present to raise any defenses, the court typically enters a default judgment in favor of the landlord.³¹

Upon entering a judgment of possession in favor of the landlord—either after hearing evidence from both sides or because the tenant did not

25. *Total Filings—Fiscal Year 2019*, MD. JUDICIARY DATA DASHBOARD, <https://datadashboard.mdcourts.gov/menus/4/sub-menu/7/activity> [https://perma.cc/H9W8-59H2].

26. Act of May 30, 2021, 2021 Md. Laws ch. 746, sec. 1, § 8-401 (H.B. 18). Prior to this legislation's effective date of October 1, 2021, landlords were not legally required to provide any notice to tenants before filing claims for repossession of residential property based on failure to pay rent. *See id.*

27. *See* REAL PROP. § 8-401(b)(4).

28. *Id.* § 8-401(b)(3).

29. Balt., Md., Council Bill No. 18-0185 (Apr. 30, 2018), https://dhcd.baltimorecity.gov/sites/default/files/Full_text_of_Council_Bill_18-0185.pdf [https://perma.cc/VE2F-FHDX]; PRINCE GEORGE'S CNTY., MD., CODE § 13-181 (2021).

30. REAL PROP. § 8-401.

31. MD. R. 3-509.

appear—the tenant has four days to vacate the premises, after which the landlord must then request the court sign an “Order for Warrant of Restitution” instructing the sheriff to evict the tenant. The landlord has sixty days from the date of the judgment to seek an Order for Warrant of Restitution from the court. The sheriff then removes the tenant and all furniture and personal belongings from the premises.³²

For evictions based on FTPR, the tenant has the right to redeem, known as “pay to stay,” where the tenant can prevent eviction by paying in cash, certified check, or money order to the landlord all rent, fees, and costs due prior to the execution of the eviction order.³³ A Maryland tenant with three prior eviction judgments for FTPR within the prior twelve months—or four prior eviction judgments in Baltimore City—loses the right to redeem.³⁴

In the long term, an eviction judgment adds difficulty and expense to tenants seeking to secure future housing, thereby perpetuating the cycle of poverty, housing insecurity, and related negative physical and mental health effects.³⁵ In Maryland, like most jurisdictions, a court-ordered eviction becomes publicly searchable record. Private companies collect and sell this information to landlords and property managers. When a tenant applies for a rental property, the landlord commonly purchases a “tenant screening report” that includes a rental applicant’s complete residential history, credit report, criminal record, civil litigation background, and more.³⁶ The screening report frequently fails to convey details surrounding the circumstances, including a finding in favor of the tenant.³⁷ As eviction moratoria are lifted and more FTPR eviction cases are filed in court, the Bureau of Consumer Financial Protection anticipates a rise in negative tenant screening reports, resulting in increased difficulty for low-income renters to obtain housing and recover from the pandemic.³⁸

32. REAL PROP. § 8-401(f)(1).

33. *Id.* § 8-401(d)(2).

34. *Id.* § 8-401(g)(2).

35. Allyson E. Gold, *No Home for Justice: How Eviction Perpetuates Health Inequity Among Low-Income and Minority Tenants*, 24 GEO. J. ON POVERTY L. & POL’Y 59, 69 (2016).

36. Bulletin 2021–03: Consumer Reporting of Rental Information, 86 Fed. Reg. 35,595 (July 7, 2021).

37. Gold, A., *supra* note 35, at 66.

38. Bulletin 2021–03, 86 Fed. Reg. at 35,598; Gold, A., *supra* note 35, at 66–67.

2. The Value of Legal Representation in Rent Court

The Sixth Amendment to the U.S. Constitution guarantees criminal defendants the right to the assistance of counsel.³⁹ Despite the potentially devastating consequences of many civil cases, defendants in civil matters do not enjoy the same right to counsel.⁴⁰ It is difficult to overstate the importance of legal representation for tenants facing eviction. Research shows that legal representation can radically change the outcome of eviction cases⁴¹ by decreasing rates of default judgments, preventing displacement through eviction, and limiting the collateral damage caused by eviction.⁴² In New York City, the first city to enact a right to counsel in eviction proceedings in 1987, eighty-four percent of represented tenants have remained in their homes since the right was enacted, and the eviction rate in relevant zip codes declined by more than thirty percent. Similarly, when a right to counsel was enacted in San Francisco, eviction filings declined by ten percent, and sixty-seven percent of represented tenants were able to stay in their homes.⁴³ Of note, Maryland recently became the second state in the country, after Washington State, to enact an access-to-counsel-in-evictions law. The law, which took effect October 1, 2021, and is dependent on a yet-to-be identified funding stream to be meaningful, mandates that all income-eligible renters will have access to free legal counsel in eviction cases by 2025.⁴⁴

Many tenants have valid legal defenses to eviction, and a lawyer can help tenants exercise these defenses and prevent displacement. Even when eviction is warranted, lawyers can help mitigate the worst impacts of eviction by negotiating a favorable move-out date, reducing or waiving back rent, retaining the tenant's housing subsidy, or sealing case records from public view. Widespread access to legal representation for tenants can also

39. U.S. CONST. amend. VI; *Gideon v. Wainwright*, 372 U.S. 335 (1963).

40. See, e.g., Hon. Jon D. Levy, *The World is Round: Why We Must Assure Equal Access to Civil Justice*, 62 ME. L. REV. 561 (2010).

41. Rebecca L. Sandefur, *Elements of Professional Expertise: Understanding Relational and Substantive Expertise through Lawyers' Impact*, 80 AM. SOCIO. REV. 909, 924 (2015).

42. See, e.g., STOUT RISIUS ROSS, *supra* note 2, at 23.

43. *Id.* at 30–32.

44. Act of May 30, 2021, 2021 Md. Laws ch. 746, sec. 1, subtit. 9.

reduce the number of eviction filings and the burden on the court system, as landlords may come to see eviction filing as a last resort.

*D. The Role of Mediation in Resolving
Eviction Disputes in Maryland*

Maryland features a robust alternative dispute resolution community. Spearheaded by the leadership of Chief Judge Robert M. Bell, and continued by Chief Judge Mary Ellen Barbera, the Maryland Judiciary supports the appropriate use of mediation⁴⁵ and other alternative dispute resolution (ADR) processes within the courts and communities. Founded in 1998,⁴⁶ the District Court ADR Office was established to “educate all stakeholders . . . on the uses and benefits of ADR, establish and maintain high quality ADR programs that empower litigants, encourage the use of ADR processes early on and throughout the litigation process, and ensure that the ADR services are appropriate and accessible.”⁴⁷ Currently the ADR Office manages a day-of trial and pre-trial mediation and settlement conference program throughout the District Courts of Maryland. The ADR services are provided through a roster of volunteer mediators and partnerships with community-based centers and university clinics.⁴⁸

Nationally, mediation is commonly used in housing and eviction matters, and Maryland is no exception. In 2016, the District Court ADR Office began a pilot ADR program for FTPR matters.⁴⁹ The successful pilot transitioned to a formal program in Baltimore City in 2017 and expanded to other parts of the state. In 2019, prior to COVID-19 shutdowns, ADR for

45. Maryland courts define mediation as “a process in which the parties work with one or more impartial mediators who, without providing legal advice, assist the parties in reaching their own voluntary agreement for the resolution of all or part of a dispute.” MD. R. 17-102(g).

46. MD. ADMIN. OFF. OF THE CTS., ALTERNATIVE DISPUTE RESOLUTION LANDSCAPE 6 (2014).

47. *ADR Office Mission Statement*, DIST. CT. OF MD., <https://mdcourts.gov/district/adr/aboutadr> [<https://perma.cc/5A8Q-YT7L>].

48. *ADR Programs Available by Docket Start Time*, DIST. CT. OF MD., <https://mdcourts.gov/sites/default/files/import/district/adr/pdfs/wherewhencanivolunteer.pdf> [<https://perma.cc/4C9X-4J6A>].

49. *See* CTR. FOR DISPUTE RESOL., UNIV. OF MD. FRANCIS KING CAREY SCH. OF L., REPORT ON THE 2016 RENT COURT ADR PILOT FOR THE DISTRICT COURT OF MARYLAND IN BALTIMORE CITY 5 (2017), <https://www.mdcourts.gov/sites/default/files/import/district/adr/pdfs/rentcourtreport.pdf> [<https://perma.cc/9WGP-HENF>] [hereinafter C-DRUM, 2016 REPORT].

FTPR matters was available in seven jurisdictions.⁵⁰ The successful program provided opportunities for landlords and tenants to work out their own solutions, often addressing their issues outside of the FTPR action.⁵¹

Upstream opportunities for parties to engage in mediation for housing matters exist statewide through Maryland's network of sixteen community mediation centers⁵² and the Mediation Clinic at the University of Maryland Francis King Carey School of Law.⁵³ These organizations provide pre-filing and pre-trial mediation and serve as designated ADR organizations⁵⁴ in partnership with the District Court ADR Office.

The national and state eviction moratoria and court closings impacted the availability of courts to resolve housing disputes. In Maryland, the District Court ADR Office paused all mediation for FTPR actions during the state and federal moratoria. States and municipalities turned to eviction prevention and diversion programs to create opportunities for landlords and tenants to address housing issues before filing and/or before trial.⁵⁵ Many of these programs included a mediation component.⁵⁶

50. FTPR mediation is available in Baltimore City and St. Mary's, Prince George's (Hyattsville), Harford, Carroll, Howard, and Washington Counties. E-mail from Shannon Baker, Deputy Dir. & Quality Assurance Dir., Dist. Ct. of Md. Alt. Disp. Resol. Off., to Toby Guerin (June 30, 2021) (on file with Professor Guerin).

51. See C-DRUM, 2016 REPORT, *supra* note 49, at 5–6 (“All of the written agreements addressed the issue of rent *and* at least one additional issue . . .”).

52. *Need Mediation?*, CMTY. MEDIATION OF MD., <https://mdmediation.org/need-mediation/> [<https://perma.cc/M5VS-94FP>].

53. *Mediation Theory and Practice Clinic*, UNIV. OF MD. FRANCIS KING CAREY SCH. OF L., <https://www.law.umaryland.edu/Faculty-and-Staff/Course-Catalog/course.asp?coursenum=533c> [<https://perma.cc/WGU8-AFML>].

54. MD. R. 17-102(b) (“ADR organization” means an entity, including an ADR unit of a court, that is designated by the court to select individuals with the applicable qualifications required by Rule 9-205 or the Rules in this Title to conduct a non-fee-for-service ADR ordered by the court.”).

55. Under its analysis, the Urban Institute identified forty-seven eviction prevention and diversion programs either created or adapted in response to the COVID-19 pandemic. MARK TRESKON, SOLOMON GREENE, OLIVIA FIOL & ANNE JUNOD, URBAN INSTITUTE, EVICTION PREVENTION AND DIVERSION PROGRAMS: EARLY LESSONS FROM THE PANDEMIC 7 (2021), https://www.urban.org/research/publication/eviction-prevention-and-diversion-programs-early-lessons-pandemic/view/full_report [<https://perma.cc/Y2NP-N27B>].

56. DEANNA PANTÍN PARRISH, HARVARD NEGOT. & MEDIATION CLINICAL PROGRAM, DESIGNING FOR HOUSING STABILITY 30 (2021), <https://hnmcp.law.harvard.edu/wp-content/uploads/2021/06/Deesigning-for-Housing-Stability.pdf> [<https://perma.cc/7LST-WAE3>] (over 64% of programs surveyed shared that mediation is available to parties experiencing housing instability); see also *Eviction Programs Across the United States*, RESOL. SYS. INST., https://docs.google.com/spreadsheets/d/1_hrJVO1CBWgOL1CYIfqXYtypc4pL_JEH7qedKnpZvg/edit#gid=0 (listing twenty-one states and twenty-six mediation eviction programs, 58% of which were established post-COVID-19 pandemic).

II. THE EVICTION PREVENTION PROJECT (EPP)

The Eviction Prevention Project (EPP) engaged four clinics within the University of Maryland Carey Clinical Law Program (Public Health Law, Medical-Legal Partnership, Mediation, and Fair Housing) and three programs at the School of Social Work (Office of Field Education, Law & Social Work Service Program, and Social Work Community Outreach Services) to develop an informal, interprofessional, and collaborative effort to provide legal and social services and supports to improve short- and long-term outcomes for families facing housing crises due to COVID-19.⁵⁷

A. An Interprofessional and Holistic Service Delivery Model

In January 2020, before the pandemic, faculty of the Public Health Law Clinic partnered with the Prince George's County Community Schools ("Community Schools") to provide brief legal advice sessions to families on housing issues—primarily poor conditions—and rent escrow. Most of the clients lived in substandard housing that did not satisfy county housing codes. The clients were almost all Central American, Spanish-speaking immigrants; mostly undocumented; and living with their families in vastly substandard housing with incongruously high monthly rental fees. Culturally, most of these tenants maintained strong ties and a sense of obligation to their community, meaning that many of them pooled resources and paid rent by having several families live together in small two- or three-bedroom apartments. As a rule, the clients were members of marginalized communities that lacked political capital. In March 2020, when schools closed due to the pandemic, the in-person client meetings ceased.

57. The EPP was inspired by the work of the Standing with Our Neighbors initiative of the Atlanta Volunteer Lawyers Foundation, which seeks to address housing instability as a primary cause of school transience by placing an attorney in at-risk schools to provide housing law assistance to families. *Standing with Our Neighbors*, ATLANTA VOLUNTEER LAWS. FOUND., <https://avlf.org/standing-with-our-neighbors/> [https://perma.cc/3ADN-RQXQ].

1. EPP Formation

Over the summer of 2020, it became clear housing problems would worsen due to the pandemic. Many of the families in Prince George's County were newly jobless and financially strained. Low-income tenants in Baltimore City, where the UMB campus sits, suffered the same fallout of the pandemic economy: job loss and a resulting lack of resources, increased poverty, and poor living conditions. While rent escrow had been a viable legal remedy for some tenants to compel a landlord to make repairs, rent escrow became useless for the many tenants who could no longer afford to pay rent. To proactively address their legal needs, law clinic faculty collaborated to address the anticipated wave of eviction filings. Maryland Carey Law's nationally ranked clinical program houses many valuable clinics, however, no general practice or landlord-tenant clinic existed at the time. The faculty in the collaborating clinics agreed to adjust their caseload and incorporate the EPP into their coursework, student supervision, and pedagogy.⁵⁸

The EPP operated under the basic premise that tenants faced with housing instability or homelessness often cope with other co-occurring conditions of poverty. Accordingly, the EPP developed an interdisciplinary and trauma-informed approach to address the "complex combination of financial, social, relational and health factors" that contributed to the inability to pay rent.⁵⁹ Most clients served by the EPP experienced decreasing already-scarce resources, negligible social and political capital, and looming legal action that would undoubtedly result in eviction and more financial and social instability. The EPP's interprofessional, team-based work focused on legal triage, direct legal representation, social service referrals and support, and policy research and advocacy.

58. Seed grant funds from the University of Maryland, Baltimore's Center for Interprofessional Education, provided supplemental compensation to faculty, funding for subject-matter legal training, purchasing of personal protective equipment, and aid to employ a research assistant to provide logistical support (e.g., communicating with community school coordinators, client scheduling, and client recordkeeping).

59. Deborah Thompson Eisenberg & Noam Ebner, *Disrupting the Eviction Crisis with Conflict Resolution Strategies*, 41 MITCHELL-HAMLIN J. PUB. POL'Y & PRAC. 125, 126 (2020) (quoting Marleke Holl et al., *Interventions to Prevent Tenant Evictions: A Systematic Review*, 24 HEALTH & SOC. CARE CMTY. 532, 533 (2016)).

2. The Structure of the EPP and its Work

During the summer of 2020, law and social work faculty designed the structure of the EPP to meet the needs of the clients and the limitations of COVID-19. The team-based approach combined law and social work students and faculty advisors, who met with tenants to deliver “quick hit” legal and social support: ascertain legal and social needs; advise about local and CDC eviction moratoria; equip clients with language for having conversations with landlords, negotiating a payment plan, or renegotiating a lease; provide sample landlord letters and court filings; and email CDC declarations (often in Spanish) for clients to sign electronically and send to landlords. Some clients were referred to mediation through the Mediation Clinic and its networks.

Students prepared “Know Your Rights” workshops and webinars for tenants to explain their legal rights and the eviction process under Maryland law and provide information about local mediation centers. When possible, clinical law students and faculty supervisors provided direct client representation.⁶⁰ Student attorneys and supervising faculty met with clients remotely to prepare for their cases. The EPP received permission from the University to appear in court with clients where students were comfortable doing so. In other instances, the EPP referred clients to legal services partners such as Maryland Legal Aid, Community Legal Services of Prince George’s County, or the Public Justice Center.

The EPP leveraged existing relationships with several community partners (Community Schools, a non-profit immigrant advocacy organization, public libraries, and health care clinics) to reach clients. The partnership with the Community Schools, and specifically the community school coordinators, allowed the EPP to reach families at risk for eviction that would otherwise have been difficult to reach for several reasons, including language barriers and a lack of trust for those outside the immigrant community.

For families with children in the Community Schools, the EPP held virtual brief legal advice sessions once a week via Zoom. The community school coordinators shared outreach materials with families within their

60. Law students supervised by faculty as part of a clinical law program are certified by student practice rule to represent clients in court. MD. R. 19-220.

individual schools and communicated with the EPP faculty for scheduling; the school system provided interpreters. The weekly sessions took place in two-hour blocks during which interprofessional teams of law and social work students, supervised by law and social work faculty, met with clients. The Zoom platform also allowed the law and social work students to observe the evidence of rodents and roaches, major structural issues, and mold and water damage (as described in the opening narrative, Ms. T. was sleeping on an old, metal loft bed without a mattress to stay off the floor, where the rats were most plentiful).

From October 2020 until May 2021, the EPP hosted twenty-two virtual brief-advice sessions for families with children attending the Community Schools, advising clients on legal issues such as FTPR and habitability complaints, and providing guidance on applying for rental assistance and resources for food and clothing, free medical care, transportation, and assistance with energy bills. During the first four months, the EPP typically staffed three student teams per session that served one client per hour (six clients total). Facing increased demand, in January 2021, the EPP increased to five student teams per session, serving ten clients per session. Preliminary data indicate that the EPP served a total of ninety-eight families from twenty-five different schools, represented five of these clients in District Court proceedings, referred at least two clients to outside legal services organizations, and referred four clients to community mediation centers.

Advancing the goals of clinical legal education, students working in the EPP saw firsthand the value of educating tenants about their rights. Students observed as panicked clients were reassured after receiving legal advice and resources. They also experienced the rewards of representing clients who would otherwise not have legal representation, thereby training a future pro bono bar. One law student wrote the following about their experience in their end-of-year reflection memo:

[The EPP] definitely has given me a whole new perspective on human nature. The clients I've had the pleasure to work with are some of the most resilient, strong, and kind individuals, despite all the adversity they have faced. Everyone deserves to have someone in their corner, and I

hope I can continue to be that person for my current and future clients.⁶¹

Many clients learned of their defenses, such as the state and federal moratoria, warranty of habitability, or right to cure unsubstantial breaches of lease agreements. For the EPP clients that benefited from direct representation, the presence of a knowledgeable advocate both reassured the tenant and assisted the judge. For clients experiencing trauma, representation by a lawyer may make the difference between going to court or failing to appear. For example, in one case handled by the EPP, law students represented a client in an FTPR eviction case where the client initially refused to attend the court hearing. Having been trained about the influence of trauma, the law students recognized that court and the threat of eviction were likely traumatic for the client. The law students further understood that the client's avoidant behavior was a common response to protect her from a traumatic experience. After several phone meetings with the client where the law students were able to build trust, the client agreed to attend the court hearing on the condition that the law students went with her as her student attorneys. With the student attorneys by her side, the client avoided a default judgment. Moreover, the court granted the student attorneys' request to delay the client's eviction by several weeks, giving the EPP social worker time to help the client find alternate housing.

In Baltimore City, clients were referred to the EPP by existing partners of social work colleagues, including libraries, community outreach organizations, and medical centers. Some clients also reached out to the EPP through its central phone number and email. Students contacted clients by phone and worked together in law and social work teams to provide needed advice and services. The EPP served thirty-two tenants in Baltimore City alone, representing one client in District Court, and referring three individuals to the community mediation center.

3. The Inclusion of Mediation

Mediation, when combined with legal and social services, can provide a more trauma-informed process to address housing disputes. Dispute

61. Parnia Vaghef, Law Student Reflection Paper (Apr. 13, 2021) (on file with Professor Gold).

resolution processes such as negotiation and mediation can provide quicker and more customized resolutions. The private nature and direct communication these processes provide can maintain dignity for the tenant.

Participants describe both procedural and outcome satisfaction with mediation.⁶² Eviction mediation programs create opportunities for landlords and tenants to reach agreements that avoid eviction and address issues beyond rental payments.⁶³ Mediation programs result in greater compliance with mediated settlement agreements and lower rates of return to court for enforcement.⁶⁴

The EPP integrated mediation into its options for tenants at all stages of the process. Whenever possible, students sought pre-filing and pre-trial options that not only address housing stability, but also maintain dignity for the tenant. Mediation Clinic students attended the “Know Your Rights” workshops and provided information about mediation and developed a presentation for other law students explaining the mediation process and how to talk with clients about mediation. Mediation Clinic faculty fielded questions from law and social work students regarding opportunities for mediation. The EPP developed partnerships with the community mediation

62. See Lorig Charkoudian, Deborah Thompson Eisenberg & Jamie L. Walter, *What Difference Does ADR Make?: Comparison of ADR and Trial Outcomes in Small Claims Court*, 35 CONFLICT RESOL. Q. 7 (2017) (finding that parties who participated in ADR reported significant immediate and long-term benefits as compared to parties who proceeded to trial without ADR, including: improved party attitudes and relationship with each other; increased sense of empowerment and voice; increased likelihood of parties taking responsibility for the dispute; increased party satisfaction with the judiciary; and decreased predicted probability of returning to court in the next year).

63. An evaluation of the Pilot Rent Court ADR Program in the District Court of Maryland for Baltimore City found that eighty-one percent of cases referred to mediation reach an agreement. C-DRUM, 2016 REPORT, *supra* note 49, at 34–35. Thirty percent of agreements addressed living conditions and thirty-five percent covered issues other than rent or living conditions. *Id.*

64.

In 2018, over half of all cases that settled through mediation resulted in a dismissal, i.e. the parties successfully completed the terms of the agreement. Only thirty-three percent of mediated settlements resulted in consent judgment against the defendant-tenant . . . and only twenty-five percent of mediated settlements resulted in an execution of the judgment. By contrast, ninety-two percent of non-settled cases that went to trial resulted in a judgment against the defendant-tenant, and the plaintiff-landlord was forced to execute the judgment in forty percent of those cases.

Karen Tokarz, Samuel Hoff Stragand, Michael Geigerman & Wolf Smith, *Addressing the Eviction Crisis and Housing Instability Through Mediation*, 63 WASH. U.J.L. & POL'Y 243, 258 (2020).

centers in the two counties so tenants could receive timely, free, and local mediation services.

4. Interprofessional and Policy Work

Because the EPP was an academic endeavor, project faculty also engaged students in interprofessional learning and collaboration, training on housing issues and landlord-tenant law, the rent court process, and ADR. Faculty trained students in the skills of interviewing and counseling clients and navigating issues of professional responsibility. One law student reflected at the end of her year working with the EPP:

[A]ll of my experiences working inter-professionally with social work students . . . and even other [law school] clinics has taught me to approach a client's issues/concerns holistically . . . we learned the scope of each other's work and set expectations for each other, allowing for a seamless and productive client experience. We shed the notions of hierarchy and power dynamics to make room for open dialogue and collaboration so we could provide the best advice and resources for our clients.⁶⁵

Another law student similarly commented:

It is super useful to be able to discuss these issues inter-professionally to better assess situations and help our clients. I will absolutely approach my future differently from these experiences. I have learned that a client's health is affected even more by the social determinants of health like economic instability, access to healthcare and education.⁶⁶

With the expertise and support of the School of Social Work and community partners, tenants received case management services and access to resource assistance related to housing, health care, clothing, rental payment, employment, and childcare.

65. Vaghef, *supra* note 61.

66. Dylan Sentman, Law Student Reflection Paper (Apr. 12, 2021) (on file with Professor Gold).

Students and faculty identified policy-level solutions related to eviction diversion, homelessness prevention, access to legal counsel, limiting public access to landlord-tenant court filings, and preventing serial eviction filings. Students prepared a national webinar,⁶⁷ a pathways document,⁶⁸ and six related fact sheets⁶⁹ for the Network for Public Health Law. Students also submitted written testimony and testified before 2021 Maryland General Assembly committee hearings and the Baltimore City Council on housing-related bills, including those related to eviction diversion, access to legal counsel for tenants, limiting public access to rent court filings, and centralized homelessness prevention in Baltimore City.

III. HOLISTIC SERVICE DELIVERY AND CHALLENGES

Implementing a holistic, collaborative, interprofessional approach to the complex issue of housing stability presents challenges in the best of times, and even more so during a pandemic. Programs seeking similar organizational structures may encounter similar challenges due to the nature of their interprofessional partnerships and multi-tiered processes.

67. Kerri McGowan Lowrey, *Housing Matters: Legal and Policy Approaches to Preventing Housing Instability*, NETWORK FOR PUB. HEALTH L. (Mar. 25, 2021), <https://www.networkforphl.org/resources/housing-matters-legal-and-policy-approaches-to-preventing-housing-instability/> [<https://perma.cc/9UQP-Z8NL>].

68. *Law and Policy Pathways to Preventing Housing Instability*, NETWORK FOR PUB. HEALTH L. (Apr. 7, 2021), <https://www.networkforphl.org/resources/law-and-policy-pathways-to-preventing-housing-instability/> [<https://perma.cc/FRC6-V7U6>].

69. *Legal Representation in Eviction Proceedings*, NETWORK FOR PUB. HEALTH L. (May 2021), <https://www.networkforphl.org/wp-content/uploads/2021/05/Fact-Sheet-RTC.pdf> [<https://perma.cc/SN36-PM29>]; *Community-Based Measures to Promote Housing Stability*, NETWORK FOR PUB. HEALTH L. (May 2021), <https://www.networkforphl.org/wp-content/uploads/2021/05/Fact-Sheet-Community-Based-Measures.pdf> [<https://perma.cc/QSN7-8WVZ>]; *Eviction Diversion and Prevention Programs*, NETWORK FOR PUB. HEALTH L. (May 2021), <https://www.networkforphl.org/wp-content/uploads/2021/05/Fact-Sheet-Eviction-Diversion.pdf> [<https://perma.cc/N24D-Q4P4>]; *Limiting Public Access to Eviction Records*, NETWORK FOR PUB. HEALTH L. (May 2021), <https://www.networkforphl.org/wp-content/uploads/2021/05/Fact-Sheet-Limiting-Public-Access-to-Eviction-Records.pdf> [<https://perma.cc/PCH2-ZMC3>]; *Deterring Serial Eviction Filing*, NETWORK FOR PUB. HEALTH L. (Apr. 2021), <https://www.networkforphl.org/wp-content/uploads/2021/05/Fact-Sheet-Deterring-Serial-Eviction-Filing.pdf> [<https://perma.cc/U2AK-FTCY>]; *The Public Health Implications of Housing Instability, Eviction, and Homelessness*, NETWORK FOR PUB. HEALTH L. (Apr. 2021), <https://www.networkforphl.org/wp-content/uploads/2021/04/Fact-Sheet-Public-Health-Implications-of-Housing-Instability-Eviction-and-Homelessness.pdf> [<https://perma.cc/87W3-6WC5>].

A. Challenges

The EPP collaborators identified six challenges during the project's first year that are instructive for the development and sustainability of interprofessional initiatives, especially in the context of clinical legal education.

1. Conflict of interest issues made efficient triage to mediation difficult.

The Clinical Law Program at Maryland Carey Law serves as one of the region's largest public interest law firms, providing more than 75,000 hours of free legal services annually. A single-firm approach means that although the Public Health Law, Medical-Legal Partnership, Fair Housing, and Mediation clinics operate separately, any attorney-client relationship established by any member of the firm applies to the entirety of the firm.⁷⁰

Students in the Mediation Clinic serve in the role of neutral mediator. In this role they do not provide legal advice and do not establish an attorney-client relationship with the parties in a mediation. Mediator ethical standards require a mediator to "avoid a conflict of interest or the appearance of a conflict of interest during and after a mediation."⁷¹ Furthermore, the mediator "shall make a reasonable inquiry to determine . . . a potential or actual conflict of interest for [the] mediator"⁷² and to complete the identification of a conflict "as soon as possible after being asked to conduct a mediation."⁷³ In most instances, this occurs during the mediation intake process or on the day of trial to identify any participant "who has been represented by the Maryland Carey Law Clinical Law Program or who has had a claim against Maryland Carey Law." The

70. MD. R. 19-301.10.

71. See MODEL STANDARDS OF CONDUCT FOR MEDIATORS Standard III(A) (AM. BAR. ASS'N, AM. BAR ASS'N & ASS'N FOR CONFLICT RESOL. 2005).

72. See *id.* Standard III(B).

73. See MD. STANDARDS OF CONDUCT FOR COURT-DESIGNATED MEDIATORS Standard III(B) (MD. 2020), <https://www.courts.state.md.us/sites/default/files/import/macro/pdfs/mdstandardsofconductforcourtdesignated.pdf> [https://perma.cc/KSW6-ZLLW].

Maryland Standards of Conduct for Mediators requires specific actions by the mediator when a conflict of interest occurs.⁷⁴

The single-firm structure of the Clinical Law Program simplified collaboration among the legal service providers within the EPP while simultaneously establishing a direct conflict of interest for the Mediation Clinic.⁷⁵ Therefore, instead of serving in the capacity of a neutral mediator, the Mediation Clinic provided information and outreach on the mediation process and established a mediation referral pipeline with local community mediation centers in the two jurisdictions.⁷⁶

This inability to refer clients to a known internal resource negatively impacted the use of mediation overall. Despite outreach to other EPP student attorneys and presentations about mediation at EPP programs, referrals to mediation remained low.⁷⁷ Furthermore, the need to shield mediators from attorney-client communication complicated data management and required limiting access of the Mediation Clinic students to shared EPP files and the development of alternative information tracking and sharing.

2. Lack of trust, assumptions, and prior negative experiences inhibited opportunities for informal negotiation.

The EPP sought to provide access to needed legal and social services and supports to improve short- and long-term outcomes for families facing housing instability. These efforts often involved direct communication and

74. "'Conflict of interest' means a past or present personal, professional, or financial relationship or circumstance that affects or that might reasonably be seen to affect the mediator's impartiality or the appearance of the mediator's impartiality." *Id.* at 3.

75. After analysis of the Maryland Rules of Professional Conduct and the Maryland Standards of Conduct for Mediators, it was determined that a direct conflict of interest existed such that the Mediation Clinic could not serve in the role of a neutral mediator in the same matter in which another member of a firm provided legal representation or advice. Thus, the Mediation Clinic could not provide mediation for the majority of housing disputes within the Eviction Prevention Program.

76. The Mediation Clinic students established relationships with each of the community mediation centers, developed referral forms and processes, and provided recommendations on matters appropriate for mediation. The EPP developed partnerships with the Prince George's County Community Collaborative Resolution Center serving Prince George's County and the Baltimore Community Mediation Center in Baltimore City.

77. The authors estimate that only seven formal referrals to mediation took place during the 2020–2021 EPP.

negotiation with property owners to facilitate a solution prior to litigation. In multiple instances, the law students faced challenges to direct communication with property owners.

Trust, impacted by prior party interactions, perceived and actual power imbalances, and assumptions about dispute resolution presented a challenge to negotiation. Tenants' lack of trust often results from prior conversations with property owners that resulted in unmet promises or the feeling of being ignored, dismissed, or disrespected. Even with legal representation, the earlier interactions presented a psychological barrier for the tenant to engage in direct negotiation. Similarly, landlords referenced lack of follow-through by tenants and unresponsiveness to previous attempts to communicate, citing them as reasons not to engage in negotiation or mediation.

COVID-19 furthermore created an ever-changing web of eviction moratoria, tenant protections, and rental assistance.⁷⁸ The combination of executive, administrative, and judicial actions affected the power dynamic among the tenants and property owners and impacted willingness to negotiate.⁷⁹ With stress levels high, trust low, and a lack of experience with non-adversarial dispute resolution, interactions between landlords and tenants were frequently contentious, and attempts to engage in informal negotiation or mediation were unsuccessful.

3. Participation by social workers implicates mandated reporting requirements.

To provide additional support to clients who had trouble meeting their basic needs due to the pandemic, the EPP included a social work student, working alongside law students, in every virtual meeting with clients. The law students typically educated and advised the clients about legal rights and protections against eviction, and the social work students provided

78. For a listing of COVID-19 proclamations and orders issued by Governor Larry Hogan, see *COVID-19 Pandemic: Orders and Guidance*, OFFICE OF GOV. LARRY HOGAN, <https://governor.maryland.gov/covid-19-pandemic-orders-and-guidance/> [https://perma.cc/QN79-V287], and for a summary of executive and judicial actions in Maryland, see *COVID-19 Housing Policy Scorecard, Maryland*, EVICTION LAB, <https://evictionlab.org/covid-policy-scorecard/md/> [https://perma.cc/R7C2-QH9X]. The final order impacting eviction matters expired on August 15, 2021.

79. The moratoria on eviction and court closures and delays created a disincentive for tenants to enter into settlement agreements. The same circumstances contributed to uncertainty among landlords of court enforceability of settlement agreements.

resources for food, clothing, and rental assistance, and offered other non-legal support. While the interprofessional model worked well in addressing a client's needs holistically and providing legal and social services in one meeting rather than multiple meetings or referrals, it created the possibility of mandated reporting for the social workers.

Whereas lawyers and student attorneys are required to keep almost all conversations with clients confidential,⁸⁰ Maryland, like most states, mandates that social workers acting in their professional capacity report to local authorities any suspicions of child abuse or neglect.⁸¹ While rare, the possibility existed that a client, seeking help regarding living conditions, could share information that would trigger the social worker's obligation to report suspected "substantial risk of harm."⁸² Since the EPP sought to create a safe and supportive environment for tenants, many of whom were undocumented, to seek advice about their legal rights, facilitating trust and ensuring client confidentiality was critical. To avoid creating an unintended mandated reporting situation that would require the EPP social worker to breach client confidentiality and invite local authorities into the client's life to investigate a report, the EPP implemented several safeguards. First, the EPP administrator reviewed the basic referral information in advance of each session to anticipate any cases that that might raise mandated reporter issues. Second, the social work student informed the client at the beginning of each session of their legal obligation to report any suspicions of child abuse or neglect and advised every client that at any time they could speak to the legal side of the team alone. Even with these protocols in place, the risk of mandated reporting was not eliminated. The team acknowledged the challenges of communicating the reporting obligation in an understandable way while not undermining rapport-building and trust.

4. An academic setting limits the volume of cases an eviction prevention program can handle.

While operating an eviction prevention program in an academic setting has many advantages, including access to students eager for client

80. MD. R. 19-301.6; MODEL RULES OF PRO. CONDUCT r. 1.6 (AM. BAR ASS'N 2020).

81. MD. CODE ANN., FAM. LAW §§ 5-701, -704 (West 2021).

82. *Id.* § 5-701(s).

interaction, the presence of multiple professions, and ability for research and policy advocacy, the EPP managed barriers unique to an academic setting as well. The different academic calendars for the Schools of Law and Social Work impacted scheduling and availability of students and faculty and prevented the EPP from continuing during the summer. The nature of the clinical pedagogical model, which focuses on quality, professional, reflective learning for students, limits the number of cases managed by each student or student team. The academic calendar and need for student supervision required the EPP to limit the number of clients served, so client demand surpassed the program's ability to provide services.

5. Informal collaborations hinder sustainability and ownership.

The EPP was organized as an informal collaboration of interprofessional academic clinics. By necessity, it was created in rapid response to an emergent housing crisis. Faculty from each legal and social work clinic allocated their own time, their students' time, and resources on top of existing clinical obligations. As competing priorities emerged, the burden of client service often fell upon a few individuals, which presented a challenge for team cohesiveness and sustainability. Because individual clinics were ultimately charged with management of their own cases, centralized efforts to collect project data (e.g., number of clients served, services provided, client outcomes) proved difficult. Furthermore, the ad hoc nature of the work meant that each clinic met at a different time and served different pedagogical and client-service objectives. Assembling all students participating in EPP for unified instruction or training proved impossible. As a result, EPP faculty resorted to creating asynchronous instructional modules (e.g., mediation, representing clients in rent court) and relied upon individual faculty to assign the modules. It remained unclear how many students engaged with this content. Furthermore, different clinics had competing obligations, and grant funding of certain clinics disallowed direct client work, resulting in some faculty engaging in EPP-related case management and client work during off hours. Working with clients experiencing trauma is difficult for service providers under the most supportive of models; the added stress for EPP organizers created by a lack of "ownership" and project cohesion makes this model ripe for burnout and may impact sustainability.

6. Trauma influences the attorney-client relationship and clients' ability to meaningfully participate in the legal eviction process.

Barriers caused by trauma impede the ability of clients to meaningfully participate in dispute resolution due to issues such as lack of trust, loss of control, avoidance, and impulse control. As a coping mechanism, individuals may seek to avoid encountering information related to the trauma. These actions, such as not opening mail containing rent, eviction, or court notices; failure to appear at court hearings; and avoiding contact with landlord, create missed opportunities to negotiate pre-trial resolutions. Clients experiencing trauma may confuse facts or events, become angry, or lose their composure when interacting with their landlord or a rental assistance program, damaging ties with someone who might assist, or miss meetings, resulting in a perception of unreliability or untrustworthiness by landlords, judges, rental assistance agencies, and even their own lawyers.

For example, Ms. T., the client whose narrative opens this Article, sought help at a virtual brief advice session after her cousin's eviction. The cousin claimed to be unaware of any court hearing or notice. A search of court records by the law students later revealed a court hearing where the cousin failed to appear, resulting in a default judgment. Because the law students were trained in trauma-informed lawyering, rather than blaming the cousin for failing to appear, they recognized the cousin's actions as a common response to avoid something traumatic. The law students were able to proceed to interact with the client without feeling frustration or conveying judgment, further facilitating the client's trust and candid communication. Effective lawyering requires an understanding of the prevalence and influence of trauma to facilitate the client's meaningful engagement in, and satisfaction with, the lawyer-client relationship.

In another case, law students negotiated a lease termination agreement with a client's landlord. When the landlord did not receive the rental assistance payments as agreed, he contacted the law students, who tried to reach the client. The client did not return the law students' phone call, emails, or letter. With no direction from the client, the law students were unable to appease the landlord, who later declared the lease termination agreement invalid and initiated legal action to recover back rent, late fees, and future rent. While this client may have not returned the students' calls

as a coping mechanism to avoid the trauma of the housing dispute, the landlord may project this client's behavior on tenants generally. Such interactions and mindsets may impact the landlord's willingness to engage in alternate dispute resolution with other similarly situated tenants and limit the EPP's ability to achieve positive outcomes for clients.

B. Suggestions and Recommendations

Organizations and institutions pursuing a holistic, interprofessional, trauma-informed approach to housing stability may face similar challenges to service delivery. The EPP collaborators identified a series of suggestions and recommendations for similarly situated programs and providers.

1. Maximize the role of mediation.

The first year of the EPP resulted in few referrals to mediation. A review of the EPP intake calls indicated the potential for students to identify and refer more matters to the community mediation referral partners. In hindsight, the disconnect in referrals likely stemmed from a lack of awareness about mediation by the law students and the limited visibility of the Mediation Clinic students. Programs integrating a mediation or other dispute resolution component should seek opportunities to integrate mediation and mediators whenever possible.

Moving forward, the EPP will continue to provide information about mediation during the "Know Your Rights" sessions, and Mediation Clinic students will join the weekly virtual sessions and share information about mediation at the beginning of each session. The students will remain on the virtual session to answer questions and make immediate referrals, when appropriate. Mediation Clinic faculty can work with the other clinical faculty to emphasize the broader role of attorneys as problem-solvers and the role of pre-trial and pre-filing interventions to achieve client outcomes. Mediation Clinics can identify opportunities to increase awareness about mediation, such as workshops about the process of mediation and data about the impact of mediation in housing issues, mediation simulations designed to raise understanding of the mediation process, and role play attorney-client conversations explaining mediation. A routine review of the client

intakes may identify opportunities for mediation referrals that may be overlooked during the initial attorney-client conversation.

2. Implement pre-screening procedures.

Conflicts and competing professional standards of conduct presented by interprofessional teams and multiple clinics should be anticipated and remedied during program development. Screening tools to flag issues in advance of client meetings, shielding client information, and common understanding of professional standards can help address ethical and professional conflicts. A screening question about safety concerns could help assess decisions regarding the inclusion of a social worker. Similarly, a pre-meeting screening tool could ask the client or the community partner to note any upcoming court dates or more complex or longer-term legal needs so students can prioritize client needs more quickly. Once identified, these clients can be placed in a different track and scheduled for a longer meeting. Developing different tracks based on case complexity and need promotes effective and efficient use of time so that clients with more complex issues receive more in-depth case development.

3. Develop creative solutions that ensure continuity of client service.

Developing any kind of interprofessional program within a law school clinic that serves clients with year-round needs requires advance planning for case management and intake during the summer months and other school breaks when students are not available. The challenge is particularly acute when providing services to stabilize housing. Academia-based eviction prevention programs should consider continuity of operations solutions such a staff attorney or clinical law fellows to handle cases year-round; partnering with local law firms to provide financial or in-kind support to maintain legal services to clients;⁸³ operating a summer semester

83. While these programs are not within the context of a law school clinic, the Atlanta Volunteer Lawyers Foundation has been operating a Standing with Our Neighbors program since 2016, where it

clinic where law students continue to represent clients under faculty supervision; and discontinuing operations for the summer by closing to new intakes and referring existing cases to partner legal service organizations or law firm pro bono practices.

4. Ensure curricular formality with dedicated leadership.

An interprofessional academic client-service program, such as an eviction prevention program, requires curricular formality—its own dedicated faculty, students, time, and resources. In short, such a program must be someone’s priority. Even an informal collaboration model benefits from a leader to organize the initiative, maintain communication, and ensure meaningful data collection. In academic settings, faculty will always have competing priorities and pedagogical demands making the logistics of program administration difficult. While critical to meet an emergency need, the ad hoc EPP model, where clinical faculty added eviction to their existing caseload and curriculum, is not sustainable. For this reason, the ideal model involves a dedicated housing clinic or a full-time staff attorney responsible for the logistics of inter- and intra-clinic collaboration and continuity of client work beyond the academic calendar.

5. Develop best practices for interprofessional collaboration.

Bringing different professions together to support a common goal can be effective and rewarding, but the formula does present challenges. Participating professions must set aside time in the planning and implementation to anticipate, identify, and address challenges that exist.

embeds staff attorneys and community advocates in high-need Atlanta schools to stabilize housing. The program now partners with nine law firms that have enabled it to grow. *Standing with Our Neighbors*, *supra* note 57. In addition, the law firm of Covington & Burling partners with the Neighborhood Legal Services Program (NLSP), a legal services organization that serves disadvantaged communities in Washington D.C., by sending staff attorneys, paralegals, and administrative staff to do six-month rotations at NLSP. See Lydia Kotowski, *An Enduring Legacy: The Partnership Between Covington & Burling and the Neighborhood Legal Services Program*, WASH. COUNCIL OF LAWS. (Sept. 3, 2019), <https://wclawyers.org/covington-nlsp/> [<https://perma.cc/EYQ8-KMEY>]. Partnerships with private law firms may present conflict-of-interest issues requiring resolution, as law firms may be unable to represent clients if a member of that firm represented a clinic client with adverse interests. MODEL RULES OF PROFESSIONAL CONDUCT r. 1.7, 1.9, 1.10 (AM. BAR ASS’N 2020).

Establishing regular check-in times, consistent record keeping, agreed-upon use of technology, and awareness of professional codes and standards of practice are all keys to successful interprofessional teams. Faculty can use the Interprofessional Education Collaborative's core competencies for collaborative practice as a guide for interprofessional pedagogy and practice.⁸⁴

6. Provide trauma-informed services.

Knowledge about trauma and its impact on client behavior is essential to meaningful advocacy in housing matters and a key component of the EPP. The faculty intentionally integrated trauma-informed practices such as avoiding conveying judgment, transparency, and road-mapping. These and other trauma-informed practices are designed to minimize client anxiety, facilitate trust, and decrease feelings of powerlessness. Faculty working with clients experiencing trauma can increase efficacy of representation by allowing sufficient time in meetings and on phone calls to respond to client questions, following through on tasks such as timely returning phone calls, and providing regular case updates.⁸⁵

CONCLUSION

While the EPP was developed to respond to particularly acute needs driven by the COVID-19 pandemic, the clients served by the program faced more deeply entrenched issues correlated with living in poverty. Their problems relating to self-help; illegal evictions; lack of knowledge about the legal eviction process; poor living conditions, including rodent infestations, lack of water and electricity; and basic need for food, clothing, and medical care pre-dated COVID-19 and will continue after the pandemic ends. Interprofessional, clinical law-based programs like the EPP can help address the many injustices of poverty while training a generation of legal and other

84. See INTERPROF. EDUC. COLLABORATIVE, CORE COMPETENCIES FOR INTERPROFESSIONAL COLLABORATIVE PRACTICE 11 (2016), <https://ipec.memberclicks.net/assets/2016-Update.pdf> [<https://perma.cc/RU6Y-UGHL>] (detailing four core competencies for interprofessional teams and identifying four primary interprofessional areas: values/ethics for interprofessional practice, roles and responsibilities, interprofessional communication, and teams and teamwork).

85. Gold, *supra* note 1, at 234–43.

professionals dedicated to continuing the work. Applying lessons learned by the EPP can help ensure that other such programs maximize their impact in the community.

As of the end of the fall semester 2021, the EPP had served approximately 170 clients and represented four of those in court. As housing instability and impacts of COVID-19 continue, the need for the EPP remains. Maryland Carey Law committed to maintaining the EPP into the 2021-2022 academic year. The success of the program's pilot year helped secure private and public funds needed to support a dedicated staff attorney to manage the EPP, supervise students, increase direct client representation, and enhance clinical instruction.