

Legal Aid and Social Policy: Managing a Political Economy of Scarcity

By
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Civil legal systems structure Americans' relationship to the welfare state, offering grounds for contesting denials of benefits and preventing material harms like eviction. I draw on data from interviews with legal aid providers and tenant organizers to show how civil legal resources facilitate access to the safety net, and I argue that yoking legal aid and social policy is a strategy for managing a political economy that systematically undersupplies essential resources and protections. Notwithstanding the democratic ideal of social and civil rights as self-reinforcing and mutually constitutive, the relationship between social policy and civil legal aid underscores how these domains operate as substitutes rather than complements. Politically induced scarcity makes it necessary to leverage legal mechanisms to protect vulnerable Americans. Such necessity implicates acute democratic deficits that are most aptly addressed through fundamental changes to existing power relations.

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When the COVID-19 pandemic struck in early 2020, it intensified economic precarity among the most vulnerable Americans (Grinstein-Weiss et al. 2021; Hardy, Hokayem, and Roll 2021; Kochhar and Sechopoulos 2022). People living in or near poverty struggled to remain healthy, safe, housed, and financially stable. The problems exacerbated by the pandemic spanned a wide gamut of domains. Unemployment skyrocketed, evictions were poised to surge, and public benefits were often difficult to access. Such material needs generated legal needs. Colossal backlogs

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in processing applications for unemployment compensation, Medicaid, and other crucial assistance programs drove people to seek legal help in obtaining and retaining vital benefits. Threats of eviction—before, during, and after federal and state eviction moratoria—brought renters to the doors of legal services organizations. Ron Flagg, the president of the Legal Services Corporation (LSC), the largest funder of civil legal assistance in the country, reported “substantial increases in the number of people who qualify for civil legal aid and a surge in the [problems] facing those people” (Kaplan 2021).

Accelerated demand for civil legal assistance during the pandemic underscores the close tethering of material and legal needs, particularly in the lives of low-income Americans. Consider unemployment. In the U.S., reduced income due to job loss makes a person more vulnerable to “the experiences of rights problems” that create a need for legal services (Pleasence and Balmer 2010, 475).¹ For instance, becoming unemployed can lead to difficulties navigating complex welfare bureaucracies, cause delays in paying debtors, instigate tensions with landlords, aggravate immigrants’ challenges with documentation status, and much more. These and other connections between economic and legal needs are neither new nor surprising. Marshall (1950) seminally articulated civil rights (largely secured through law to ensure things like “the right to conclude valid contracts, and the right to justice”), social rights (guaranteeing a “modicum of economic welfare and security”), and political rights (including democratic participation and “the exercise of political power”) as the triumvirate of democratic citizenship. Marshall (1950, 11) argued that this trio of rights denoted “full membership” in the political community. Other influential thinkers have advanced distinct but aligned philosophies about the nexus between civil rights, social welfare, and political standing. King (1967) powerfully asserted that “the problems of racial injustice and economic injustice cannot be solved without a radical redistribution of political and economic power.” In this way, King incisively linked encroachments on civil rights (racial injustice) and the deprivation of social rights (economic injustice) to a call for political rights (power).

While Marshall, King, and others offered archetypes of interconnected and self-reinforcing rights (social, civil, political), this article lays out a reality that diverges starkly from that ideal. I show that instead of the civil, social, and political domains fortifying one another to create mutual underpinnings for a robust democratic citizenship, they operate as substitutes. As public resources dry up and the welfare state weakens, social rights are attenuated. Such an outcome is especially likely when the political power of those most reliant on the welfare state is limited. With few avenues for material help and constrained political wherewithal, marginalized denizens and those who support them (e.g., social service providers) turn to civil legal institutions (e.g., courts, legal aid agencies) for redress. In this way, yoking legal aid and social policy is a means of averting destitution in the face of enfeebled political and social rights.

This article draws on in-depth qualitative interviews with legal services providers and tenant organizers to elaborate the political-economic processes linking civil legal aid and social policy benefits and to articulate the logic of codelivery. I find that the codelivery of legal assistance and social welfare benefits is a strategy

for managing economic scarcity produced by political institutions (e.g., legislatures, executive agencies, policies). Although this tactic provides crucial supports for Americans facing profound precarity, it nonetheless fails to address the systemic deficiencies that necessitate legal intervention in the first place. Since law is not designed as a tool for meeting social needs, legal aid does not bridge the gaps left by an anemic welfare state. Though civil legal aid is an imperative complement to a robust social safety net, it is not a suitable substitute for it. Even more, widescale reliance on legal mechanisms to ensure access to basic material resources exposes a distorted political economy characterized by acute democratic deficits. In the absence of fundamental changes to existing power relations, the codelivery of legal aid and social policy to manage economic deprivation will remain a necessary but inadequate means of satisfying—that is, taking less apt but more available legal paths rather than more appropriate but less feasible legislative or executive paths. Alternatively, leveraging legal aid and social policy to build power among racially and economically marginalized communities holds promise for a more transformational path forward.

A Brief History of Legal Aid and Social Policy

Legal scholars have long grappled with the relationship(s) between law and the welfare state (for examples, see Davis 1995; Horowitz [1977] 2010; Lens 2009, 2012, 2015; Posner 1995; Simon 1986). Still, too many bureaucrats, policymakers, and scholars continue to conceptualize legal institutions and social policy as discrete and minimally overlapping domains. Such thinking is belied by the tangible ties between the welfare state and the civil legal system in the lives of economically and racially marginalized Americans (Michener 2017; Michener, SoRelle, and Thurston 2022). The U.S. has an adversarial legal culture that places a strong emphasis on procedural rights (Kagan 2002). As a result, the resources and protections of the welfare state are often secured and defended through legal claims (Davis 1995; Lens 2009, 2012, 2015; Lens et al. 2013; Rhode 2004). Later in this article, I present qualitative evidence demonstrating such dynamics in closer detail. First, however, I offer a brief history of legal aid that emphasizes the foundational interconnections between civil legal assistance and the provision of social needs.

The practice of offering legal services to those in dire economic need goes back at least as far as the 1860s. During this early period of the development of legal services, federal, state, and even local governments invested limited and narrowly targeted resources into supporting people living in poverty (Katz 1996). In that context, “women’s organizations pioneered the provision of legal aid in major cities such as New York, Boston, Chicago, and Philadelphia” (Batlan 2015, 4). These early women’s organizations focused primarily on low-income white women. They addressed issues ranging from wage claims to domestic/family problems and “defined legal assistance broadly, to include multiple kinds of advice as well as the provision of material aid” (Batlan 2015, 4). Essentially, in its

formative years, legal aid was gendered assistance that bridged social needs and legal needs. However, by the late 19th and early 20th century, legal aid became dominated by men. Male lawyers sought to professionalize the trade by severing the relationship between legal work and social work and treating legal services for people living in poverty as “something more akin to the private practice of law” (Batlan 2015, 5). Despite this effort to weaken the links between legal aid and other systems of social assistance, the connection between the two persisted.

The 1960s represented another key watershed moment. The civil rights movement, President Lyndon Johnson’s War on Poverty, and other converging forces produced a surge of lawyers intent on advancing antipoverty reform through the law (Davis 1995). The welfare rights litigators who led this work “envisioned a constitutional ‘right to live’ that would require the federal government to guarantee a minimum standard of living to all citizens. They also intended to bring welfare administration . . . within the general legal confines of the federal constitution” (Davis 1995, 2). The precedents that resulted from this effort were pivotal. Perhaps most salient was *Goldberg v. Kelly* (1970), the groundbreaking Supreme Court decision that recognized the reality of “brutal need” in the face of the revocation of welfare benefits and required a full hearing before benefits could be terminated (Davis 1995; Lens 2009; White 1990). This decision further inscribed a durable relationship between the welfare state and the civil legal system.

By 1974, the centrality of civil legal processes in the lives of low-income Americans was so widely accepted that Congress passed bipartisan legislation creating the LSC²—a private, nonprofit corporation tasked with ensuring equal access to justice for all Americans (McKay 2000; Quigley 1998). The specific purpose of LSC was to help economically marginalized Americans gain access to legal counsel in civil matters. Though the establishment and funding of LSC neither reflected nor created a national right to counsel in civil cases, LSC was intended to provide critical resources for people living in or near poverty.³ Today, LSC distributes funds to 132 nonprofit legal aid programs with more than 800 offices.⁴ Those local programs provide legal support to individuals based on income eligibility. Because LSC support is means-tested, publicly funded legal aid overwhelmingly serves those who are reliant on public benefits (e.g., Medicaid, the Supplemental Nutrition Assistance Program [SNAP], Social Security Disability Insurance [SSDI], housing vouchers). In this way, the structure of our nation’s primary mechanism for subsidizing legal assistance (LSC) tethers civil legal processes to social welfare systems.

Civil Legal Rights and the Problem of Institutional Mismatch

Despite the history detailed above, the civil legal system is often not explicitly “incorporated into present conceptualizations of the welfare state . . . [and] there is little theorization of the linkages between the civil legal system and the welfare

state” (Michener, SoRelle, and Thurston 2022, 161). Nevertheless, civil courts are inundated because they act as a stopgap in the face of ill-resolved and abiding problems generated by larger political-economic institutions that determine the vigor and generosity of the welfare state. Shanahan et al. (2022) offer striking observations in this regard, noting that civil litigants

do not end up behind that door by coincidence. Rather, this is a foreseeable consequence of the absence of affordable and adequate housing, health care, child care, and education, the absence of fair and equal wages, and the presence of mass incarceration in our society. State civil cases involving debt, family relationships, and children have different names on the courtroom door but similar stories behind those doors. (Shanahan et al. 2022, 1473)

In the U.S., civil legal processes are a function of economic and political structures that create, maintain, and mitigate profound inequality (Brito et al. 2022; Callison, Finger, and Smith 2022; Hepburn et al. 2021; Sabbeth 2021; Whitlow 2019). Economic precarity and predation flourish in contexts where public policies fail to stem the tide of housing displacement, benefit cuts, depressed wages, and other kinds of inequality (Brady, Blome, and Kleider 2016; Franko 2021; Franko and Witko 2018; Kelly 2005, 2009; Royce 2022; Whitlow 2019). The salient concerns over evictions that emerged in the wake of the pandemic exemplify this. To address the threat of mass evictions and mitigate the economic shocks of COVID-19, the federal and state governments implemented policies like eviction moratoria and emergency rental assistance (Aurand and Yae 2021; Benfer et al. 2021, 2022; Michener 2022b). Yet during nonpandemic times, social policies are not nearly as responsive or generous. As a result, the civil legal system is left to absorb the excesses of the U.S. economy. Because civil legal processes are neither designed nor intended to address economic hardship, such spillover creates an institutional mismatch. Shanahan et al. (2022) describe this incisively:

We see an *institutional mismatch*: state civil courts are institutions where people bring their social needs more than their [legal] disputes. *The work of state civil courts is a daily manifestation of the failure of the executive and legislative branches to disrupt structural inequality or invest in systems of care to mitigate it.* These courts operate in the breach to address social needs because they cannot decline the cases presented to them. Thus, the social needs people bring to court are framed as disputes in order to access social provision. . . . This leaves state civil courts attempting to address—within the constraints of their dispute resolution design—the social needs of litigants. Though invoking incarceration only rarely, state civil courts grapple with life-sustaining and life-altering social needs: housing, employment, family, and economic security. (2022, 1474–75).

One response to institutional mismatch is to codeliver legal aid and social policy. At base, this approach is a means of satisficing. In the context of a political economy that has failed “to disrupt structural inequality or invest in systems of care to mitigate it,” codelivery becomes a necessary but minimalist approach to addressing the overflow of social needs into the civil legal system (Shanahan et al. 2022, 1475).

Managing a Political Economy of Scarcity

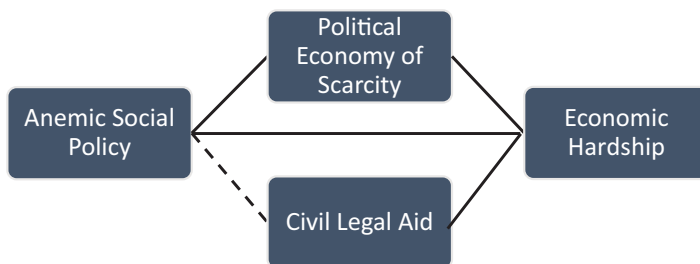
Through the lens of institutional mismatch, codelivering legal aid and social policy can be seen as a strategy for managing a political economy of scarcity where

- (1) policies created at the local, state, and/or federal levels do not provide adequate resources to meet economic needs or offer protections from economic exploitation and predation; and
- (2) the misalignment between need and resources/protections is fundamentally a political choice (not a function of legitimate resource constraints).

Indicators of a political economy of scarcity include significant economic inequality, extreme economic hardship, a strong reliance on market mechanisms to determine denizens' fate, and substantial political resistance (particularly from elites) to redistribution and financial protections for nonelites. There is ample multidisciplinary evidence that these characteristics define contemporary American political and economic configurations (Hacker and Pierson 2020; Hacker et al. 2021; Jacobs and Dirlam 2016; Jacobs and Myers 2014; Jacobs and Soss 2010; Keller and Kelly 2015; Kelly 2005, 2009; Ramcharan 2010; SoRelle 2020; Thurston 2018).

In such a political-economic context, unmet economic need is difficult to consistently alleviate through direct political channels (i.e., legislative or executive action). While judicial avenues are not always feasible, they at least offer an alternative. Importantly, this is not akin to strategically selecting from a menu of options. People do not generally make explicit, concerted decisions to formulate their social needs as legal disputes (Sandefur 2009). Instead, when political institutions produce economic precarity and inequality, the civil legal system is one of the few spaces left for adjudicating the resulting loss of material stability. People end up in housing court because they cannot pay rent or because they live in dilapidated homes that have suffered from enduring disinvestment; they end up in debt court because they rely on credit to make ends meet due to stagnating wages and lack the consumer financial protections that would shield them from predatory lenders; they end up in administrative hearings fighting to receive or retain public benefits because programs like Medicaid, SNAP, and SSDI are designed to make obtaining and retaining benefits difficult (Desmond 2016; Fleming-Klink, McCabe, and Rosen 2023; Lens 2009; SoRelle 2020; Thurston 2018). Legal institutions “operate in the breach” to stem the ensuing deprivation—not because legal actors (e.g., judges) are uniquely benevolent but, rather, because civil legal claims often cannot be refused by the courts and therefore must be adjudicated. This obligation creates the opportunities, however slim, for the provision of social needs through the law. That possibility motivates the bundling of legal services and social policy, with the former as a mechanism for delivering the latter. Figure 1 stylizes the logic of these relationships.

FIGURE 1
Legal Aid and Social Policy



As shown, a political economy of scarcity entails anemic social policy and widespread economic hardship. These conditions create a demand for legal services because the limited options that characterize a politics of scarcity spur people towards legal systems as a means of addressing economic deprivation (e.g., institutional mismatch). In this article, I pay particular attention to the relationship between social policy and legal aid (i.e., the dotted line in Figure 1). While Figure 1 depicts the larger context of this relationship, there is much to learn about precisely how legal aid and social policy operate in relation to one another. I focus specifically on their codelivery—when the provision of one is tethered to or facilitated through the provision of the other—because this practice reveals logics of substitution and scarcity. Drawing on qualitative interviews with legal service providers and tenant organizers, subsequent sections of this article detail the functions and implications of the codelivery of legal services and social policy.

The Functions of Codelivery

Codelivery is not unique to the domains of legal and social policy. Scholars of bureaucracy, public administration, and local governance have contributed to a much broader literature examining the relative merits of collaborative and cross-sector social service provision (Agranoff and McGuire 2003; Campbell 2012; Kekez, Howlett, and Ramesh 2018; Scott and Thomas 2017). Distinct from such valuable research, my purpose here is to elaborate on the political implications of codelivery by contextualizing the practice within a larger political economy framework. In view of those aims, bundling legal services with the provision of social policy is especially notable as an attempt to leverage legal institutions for at least two related purposes that go beyond administrative management: (1) to alleviate inadequacies of social policy provision and (2) to reinforce existing public investments in health care, housing, nutrition, and other social welfare benefits (Beck et al. 2022). A political economy of scarcity limits the reach and generosity of the welfare state and, thus, heightens the need for mechanisms that

maximize the impact of existing investments. This dynamic aligns with a politics that diminishes the welfare state through continual processes of retrenchment, often in the name of efficiency (Berman 2022; Hacker 2004; Pierson 1994; Piven 2008). Bundling helps people with civil legal problems to get as much as possible out of the welfare state in the face of retrenchment and constraints.

There are three specific ways bundling achieves these ends: first, by enabling people to *identify* material needs that can be articulated as (at least minimally) addressable legal problems; second, by facilitating *access* to the benefits of social policy; and third, by altering dynamics of *accountability* for welfare state actors and institutions. Before elaborating these functions in greater detail, I will provide background on the data and methods that ground these observations.

Data and Methods

This research is based on 70 in-depth interviews: 22 interviews with legal services providers (lawyers and people who manage legal services organizations) who offer free legal aid to low-income people and 48 interviews with local tenant organizers who lead grassroots groups that often help people navigate civil legal problems. Both sets of organizational actors play important roles in codelivering legal aid and social services. Legal organizations serving low-income clients devote significant energy to providing legal assistance for matters related to social policy. They use legal processes to help people access and retain policy benefits like Medicaid, SNAP, and SSDI. They also help people to remain housed, especially those who rely on public and subsidized housing—important features of U.S. social welfare policy.

Tenant organizations do not provide legal services, but they are “nonlegal institutions of remedy” insofar as they often attempt to address tenants’ material needs by directing them to legal and policy resources (Michener 2022a; Sandefur 2009).⁵ This assistance includes referrals to legal organizations, direct collaboration with civil legal attorneys, efforts to build legal competency (e.g., tenant rights workshops), and the provision of court support to tenants (Michener 2022a).

Given the instructive vantage points that legal services and tenant organizations have on the functions of bundling, I have garnered insights from these organizations via in-depth interviews conducted between 2014 and 2023 (though most occurred between 2019 and 2023). These interviews were conducted in the context of three distinct projects related to Medicaid policy, civil legal inequality, and tenant organizing, respectively. While conducting separate sets of interviews for each of these research projects, I noticed the recurrent phenomenon of codelivering legal aid and social services. For a long time, I did not have the conceptual framework to articulate why codelivering mattered. But over time, I gained clarity and developed the ideas presented below.

Though the interviews that inform this work are drawn from three distinct research projects, they are based on similar methods. All the interviews were semistructured and anchored by a set of guided questions that left lots of room

for the organic development of conversation. Interview cases were selected purposively (based on the theoretical aims of the specific project) with an emphasis on case study logic (as opposed to sampling logic) aimed at achieving theoretical range, not statistical representativeness (Yin 2009).

For legal services organizations, I focused on geographic range by conducting interviews in New York, New Jersey, Pennsylvania, Georgia, Florida, and North Carolina (between 2014 and 2022). Early interviews (2014–2016) were conducted as a small part of a larger project about Medicaid, a policy for which geographic variation is a central fact (Michener 2018). But geography is also important in the civil legal context because states vary dramatically in terms of civil legal infrastructure and resources. The Northeast and the Southeast are significantly different along these dimensions. So it is empirically sensible that I interviewed organizations in states across these regions.

I also aimed for range in organizational type across kinds of legal services organizations. Initially, I conducted interviews primarily with traditional legal services agencies that are generalist providers of legal assistance in low-income communities. As my interest in bundling legal services and social policy developed, I expanded my interviews to include medical legal partnerships (MLPs). MLPs are collaborations between health care providers and lawyers that enable the delivery of legal services to low-income patients in medical institutions (e.g., hospitals, clinics, doctor's offices). MLPs are explicitly designed around the logic of bundling: they tether health care to legal assistance to address fundamental social determinants of health (Benfer, Gluck, and Kraschel 2018). The combination of distinct organizational types—traditional legal services organizations and MLPs—allowed me to tap into a wide variety of perspectives on bundling.

For tenant organizations, I interviewed 48 members and leaders from 39 organizations spread across 21 states and 33 localities between 2020 and 2023. These states spanned a wide geographic area, including the Northeast, Southeast, Northwest, Southwest, Midwest, and Mid-Atlantic.⁶ Similarly, the localities were heterogenous, ranging from large cities (e.g., New York, Los Angeles, Chicago, Philadelphia) to midsized cities (e.g., Oakland, Milwaukee) to a handful of organizations in rural areas. In addition to geographic variation, I also interviewed people from different kinds of tenant organizations: burgeoning tenant unions that originated during the pandemic, long-standing tenant groups, and much in between. Again, this range ensured a rich variety of perspectives.

Since the interviews occurred under the auspices of other research projects, the interview protocols varied (between tenant organizations and legal services organizations), and they were not designed to gather information about the bundling of legal services and social policy. Nonetheless, the interviewing approaches were similar, in part because all the interviews were conducted by the author. Interviews began with basic questions about the person being interviewed and their relationship to the organization (tenant or legal services) in question. Interviews then consisted of a series of open-ended questions about the work of the organization. The varied purposes of the interviews suggest the compelling clarity of the underlying phenomenon under study. I was not looking for evidence of bundling or seeking to understand it as it was not initially even part of my

conceptual repertoire. Nonetheless, processes described by interviewees consistently highlighted the interconnectedness between legal aid and social services and the significant upshots for politics, policy, and the material well-being of low-income people. This is the beauty and benefit of qualitative research: it permits scholars to learn about unknown and unconsidered phenomena. Qualitative approaches organically but systematically illuminate new ways of understanding (Small and Calarco 2022). Through years of in-depth interviews investigating social policy and civil legal inequality, I was able to gain unanticipated knowledge about the practice of bundling legal services and social policy. Below, I focus on three core functions of such bundling and the implications thereof.

Identifying material needs and articulating them as legal problems

In their efforts to meet the basic needs of low-income clients, civil legal organizations often help people to identify material conditions that can be flagged as legal problems. In everyday life, social needs and legal needs are often tightly overlapping. However, people in need do not always, or even usually, perceive the legal dimension of their problems (Sandefur 2015). Some of civil legal attorneys' work involves bringing that aspect to the fore. Lawyers discern how to translate daunting economic needs into legal problems that are amenable to at least partial resolution. They do not always require official recourse to the law to do so. The remedy may be as simple as helping someone complete a benefits application. Importantly, however, lawyers are expertly aware of the rights that people have in relation to policy benefits, and they are adroit at overcoming obstacles to those benefits. So even if they do not resort to formal legal action, lawyers are well poised to identify rights-based avenues to addressing social problems. For example, Chelsea, an attorney from an MLP in New York, explained the logic of locating legal offices in or near emergency rooms, saying that

sometimes there are people who just come [to the ER] for a one-time thing . . . so we're trying to capture those people and try to help them . . . and turn it into [helping] them get benefits.

Chelsea was not even primarily focused on legal proceedings. Instead, she emphasized helping people "get benefits." In some ways, this approach is more casework than legal work. However, the fundamental basis for lawyers taking on this work is their knowledge that the law gives them leverage for defending and securing social policy benefits.

Illustrating this rationale, Amy, an attorney from another MLP in New York, described her organizations' efforts at designing a preventative referral process meant to identify social problems very early on, map them to legal problems, and respond to them via legal avenues:

We set up the infrastructure for the referral process. . . . We were trying to think of ways to be more preventative instead of the traditional model, which is: *I'm about to be evicted and I need a lawyer*, which is 10 steps backwards of preventing what is

happening. We search the medical records to find terms that we think of a person who uses their natural language of describing a potential problem. That, if we had a lawyer intervene earlier on, we could prevent something like the eviction happening. We would outreach those patients to see if they do have a legal need and if they would like us to match them up with a lawyer. We're still collecting this sort of data, but the initial things that we're seeing: these are patients that would never have gotten a lawyer. . . . The two top [needs] are housing and benefits. . . . [A]ll the patients seem to be thrilled to be getting these services.

Amy's MLP does not wait for legal problems to emerge as such. Instead, they proactively search for social needs that people would "never have" sought legal help for and intervene with remedies, legal and nonlegal, *before* those problems become acute legal and social crises. Often, such identification requires that legal professionals train other kinds of professionals to see material needs as potentially judiciable legal issues. For example, Chelsea noted the following:

Most of the cases we get are referrals through the health care providers, so it might be a physician or nurse. Oftentimes, it's individuals from care management, so a social worker or discharge planner. They do go through their own internal assessments; and many times, after that assessment, *it will identify that there's some social issue or a barrier to their discharge and that's when we get referred the case.* Leading up to this point, *we do trainings at least a couple times a year to train the health care providers on how to identify and then make a referral of the most common legal issues to our office.* So, we've trained nurse case managers, social workers, and discharge planners about our services and when it's appropriate to make a referral.

Civil legal attorneys, both in and out of MLPs, are explicit about the strategy of identifying social problems that may have legal remedies and addressing those problems through legal or legal-adjacent channels. As noted earlier, this strategy reflects a political economy of scarcity, where political channels for material redress are constrained. Though attorneys did not use the specific language of "political economy," they consistently highlighted the relevance of heightened needs in relation to larger contexts of limited resources and few protections for vulnerable groups. For example, Amy observed the following:

We have seen—especially now that we are at the children's hospital—an uptick in income maintenance or employment issues. We do some benefit analysis for individuals, where we will sit down and we'll say, "*Okay, what are you eligible for? Are you leaving benefits on the table that you might otherwise qualify for?*" And, those benefits include Family and Medical Leave [FMLA], paid family leave, and unemployment insurance benefits.

The "uptick" that Amy mentioned was in response to the pandemic economy, which was particularly difficult for families. Given those larger circumstances, her legal organization focused on helping families identify relevant benefits that they might not have realized they were legally entitled to. In this way, Amy leveraged legal knowledge to help families meet needs stemming from political-economic gaps.

Community organizations similarly charted avenues that allowed people to understand the connections between legal problems and social needs. Tenants often find their way to tenant organizations as a direct result of material needs (e.g., they are being evicted for nonpayment, their landlords refuse to make necessary home repairs). Many tenant organizations try to address the fundamental political needs underlying those material needs by building power among tenants (Michener 2023; Michener and SoRelle 2022). At the same time, they cannot ignore the immediacy of economic needs. Legal avenues provide a way to address urgent needs, even as these organizations work towards larger transformative political goals. For example, tenant organizations sometimes make referrals to lawyers and/or offer court support to tenants being evicted (Michener 2022a). However, the necessity of these actions is a function of economic and policy contexts. Ryan, a tenant organizer in Philadelphia, put the connection between legal needs and social needs into perspective by emphasizing the episodic and contingent use of law as a tactic that his organization used in relation to material problems:

We really see the law as like a tactic. . . . [2021] has been a strange year. Like there's been barely any evictions [due to moratoria], you know, which is great. So, we haven't had to go to court with our members. . . . I think I would have more to say about interacting with the court systems if COVID wasn't here.

Ryan's comments make it clear that "interacting with court systems" happens out of necessity, driven by political-economic conditions and policy decisions. So when eviction moratoria and emergency rental assistance provided tenants with temporary stability in housing, the legal elements of his organization's work were much less important. Otherwise, his tenant-organizing efforts include aspects of legal support that recognize the utility of meeting tenants' social needs via legal avenues.

Facilitating access

Once attorneys and tenant organizations identify needs and map them to potential legal problems (e.g., being denied benefits or protections to which one is legally entitled), their next step is often to get people access to whatever resources are necessary and possible. Sometimes the remedy can be as simple as helping people enroll in social welfare programs or connecting them to someone who can offer such help. Again, although not legal work per se (indeed, civil attorneys sometimes describe themselves as akin to social workers), it is a way of addressing the unmet social needs that can create more serious legal problems. Furthermore, though the boundaries between legal and social needs easily bleed together, there are times when obtaining and retaining access to policy benefits sometimes require clear legal intervention. Similarly, protections from predation or harm also require knowledge of legal statutes. For example, programs like SSDI and Unemployment Insurance often deny applicants. Appealing denials is an important part of the work of civil legal lawyers. Amy (quoted earlier) noted

that “with social services . . . we help them appeal. . . . [W]e did a lot of unemployment benefits during COVID, so any benefit, any kind of benefits that the government [gives].” Appeals are a legal administrative process that illustrates how easily social problems (like the need for social security benefits) can become legal issues (like the fight against benefit denials).

Civil legal assistance is particularly important when barriers to obtaining benefits emerge—and such barriers are endemic to a political economy of scarcity where traditional means-tested government benefits are often designed to be difficult; and even “nontitlements,” like subsidized housing, are made to fit within a larger system that makes housing contingent on weakly regulated market processes (Michener 2018; Soss, Fording, and Schram 2011; Tighe and Mueller 2013; Whitlow 2019). For example, because undocumented U.S. residents are generally barred from receiving Medicaid, attorneys must often find ways to facilitate their access to care. Valerie, an attorney from an MLP in Virginia, described a recent case involving an undocumented child at a Virginia hospital who could not qualify for Medicaid despite being very low-income and in acute need of a kidney transplant:

The status, you know the legal status of the patient [affects] the patient’s ability to access care . . . so we have a handful of transplant cases right now for kids who need kidney transplants, bone marrow transplants, who can’t get insurance, because they are undocumented and can’t get Medicaid and so we file a petition for asylum, they then are eligible for Medicaid. . . . [W]e just had a kidney transplant case [that] was able to get the asylum application filed. . . . [W]e were able to get Medicaid right away as soon as we got that asylum application filed and got Medicaid right away, and the child got her transplant. . . . [The child is] doing really well.

Valerie addressed the immigration issue primarily as a way of securing Medicaid coverage. This bundling of legal services and medical benefits allowed the child to receive lifesaving care.

Similarly, even life challenges that might seem irrelevant to social policy at first glance can catalyze legal dilemmas that obstruct access to critical resources. Civil legal attorneys facilitate access by removing such obstacles. Lilly, an attorney from a legal aid organization in Florida, described a recent case involving a terminally ill woman referred to her from a hospital. While impending death is clearly not a problem amenable to legal intercession, the economic consequences of death compound tragedy for low-income families, especially in an economy that does not amply supply critical supports. Civil legal attorneys can address such consequences. Lilly recounts what legal services meant for the children of her dying client:

One of the biggest-impact cases that we had was a female patient who was terminal and she had two minor children. We were able to help her get her documents in order. They were in public housing. She did pass away, and the older daughter turned 18. We had to get her guardianship over her brother. We had to get them into a different public housing unit because they still needed the subsidies. She was trying to go to school and raise her brother. So, it was a variety of things that we were able to do for that family. I don’t know what would have happened to these kids without the help.

Tenant organizations also facilitate access to policy benefits. Underscoring the tethering between legal needs and social needs, it is worth noting that tenant organizations sometimes facilitate access by working through legal institutions. For example, tenant organizers in Kentucky described using eviction court as a space for meeting people in need and directing them to resources.

[We] started going to eviction court. And what we would do was sit in on the court processing and wait outside the courtroom for tenants to come outside, where we would, you know, talk to them *and the first thing we would do was offer to help them apply for rental assistance* . . . first, the statewide funds and then the [local] funds that were available. And then we would also get their contact information, so we could follow up with them and see how they were navigating that whole process. And then also just giving them our contact information so that, in case they were having a housing emergency, they could contact us or in case they needed more resources or more help down the line.

These organizers recognized courts as the spaces where they could find people with material needs and then facilitate their access to resources that they may not have known about or may not have understood how to access. Moreover, in acknowledgement of how difficult social policy processes are for people to navigate and how important it is to have support along the way, they even maintained the connection with the people they met. In a political economy of scarcity, where social programs are designed and administered in ways that are unequal, it sometimes takes all hands on deck—lawyers, tenant organizers—to enable access to much-needed social services.

Examples like this reveal how civil legal assistance facilitates access to public benefits like housing, Medicaid, and more—not only by getting people directly signed up for benefits but by tackling legally prohibitive roadblocks to vital benefits (e.g., documentation status, guardianship rights). Importantly, these roadblocks themselves reflect policy choices made more likely given a political economy of scarcity.

Fostering accountability

Bundling legal assistance and social policy changes the dynamics of accountability. Government officials and other resource gatekeepers generally have disproportionate power relative to economically vulnerable denizens. To the extent that the law enables, attorneys and tenant organizers can force the hand of powerful actors in ways that are favorable to economically marginalized populations. Ronald, a longtime civil attorney in a Pennsylvania legal services organization, describes several such instances. He begins his account with contextualization by noting the intensifying political economy of scarcity in the wake of the 1996 welfare reform:

As public support and political support for programs like AFDC waned . . . Pennsylvania was skimming the most job-ready folks and pushing them out into the workforce very quickly. And a lot of them did find jobs, especially during the time right after the welfare reform law, because we were really in a boom economy. So, a lot of people were finding like \$8- and \$9-, \$10-an-hour jobs, and then they'd lose their Medicaid, and sometimes

that would really be disastrous, especially if they had a kid who had high health care needs, but also parents as well. And what we were finding when we started talking to clients was . . . an awful lot of people were saying, “I lost my cash assistance, but even more importantly, I lost my Medicaid, and I really need the Medicaid, and is there anything you can do for me?” And as you know, if you get a job and go off TANF [Temporary Assistance to Needy Families], you’re supposed to get Medicaid coverage for a year. And that was a big deal for folks, because that first year is often the most crucial in terms of being the least likely to get other kinds of coverage.

As Richard describes, even in the booming economy of the 1990s, the logic of scarcity governed: inequality was widening, and the politics of welfare reform was oriented around a mindset of retrenchment. Public officials emphasized lowering welfare caseloads by moving people into low-wage employment. But this tactic compromised access to Medicaid. Extending Medicaid coverage for one year after the loss of TANF was meant to address this issue. Yet in a setting where caseload reduction was incentivized and helping people to retain health insurance was not, that policy provision was often ignored by welfare agencies. Ronald and his colleagues discovered this because of their work bundling legal services and social policy. In response, they pressured government officials to change course. Ronald tells the story this way:

We started talking to caseworkers, and the caseworkers were busy and not terribly motivated. Their thing is, “Well, they told me they got a job, so I closed their case.” And sometimes the more savvy caseworkers would say, “Oh, they told me to close their case.” And we’d say, “Well, even if they told you, did you tell them about the opportunity to continue to get Medicaid?” “No, it’s not my job.” So, we actually were on the verge of threatening to sue . . . [but] we convinced them that cutting people off Medicaid was just going to mean that people would bounce back, because the first time they got sick it would develop into something and then they’d lose their job and then they’d be back and then back. And we actually convinced the person in charge of the Medicaid and cash assistance program, same person, of the truth of that, and she actually did what we wanted them to do, and then we actually got her to reinstate . . . I think it was like 50,000 people.

Ironically, Ronald leveraged the logic of scarcity to convince bureaucratic leaders to offer low-income Pennsylvanians the Medicaid coverage they were legally entitled to. This was one of the many times he engaged welfare bureaucrats to hold them accountable and fought against their refusals to provide Medicaid coverage even when the law mandated it. Ronald described other instances as well:

Children under one [year old] are supposed to have an automatic year of eligibility no matter what happens. They forgot that. Pregnant women are supposed to be covered throughout their pregnancy and for a postpartum period. They were cutting them off in the middle if they hadn’t filled out the form. . . . *[W]e did get this reinstatement, but it grew out of what we were seeing and what we were hearing.*

Again and again, government officials pursued scarcity—in these cases, by cutting off eligible infants and pregnant women from access to Medicaid. Using a combination of legal threats and political persuasion, Ronald and his colleagues

insisted on change each time, and they successfully got people's benefits reinstated. Crucially, Ronald notes that it was their work in communities as civil legal attorneys that allowed them to see and hear about what was happening and enabled them to pursue accountability.

Tenant organizations also have strategies for ensuring accountability. Even as these groups provide as much material and relational support as possible, their primary work is to hold institutions accountable. The organizers in Kentucky (quoted earlier) who go to housing courts to help facilitate access to rental assistance do not stop there. They also recognize the importance of holding court institutions accountable for their processes and the associated outcomes. One organizer describes that work this way:

The data for evictions in [our] county isn't publicly available. . . . And they're not responsive to open records requests. So, we've been the only source of public information about what's happening in eviction court. So, we started tracking data about how many evictions there are per day, how many judgments, how many are for failure to appear, that sort of stuff, and publishing it on our website. And, like, that's the only way that the news knows what numbers to report. That's the only way that anyone in the public is tracking what's actually going on with eviction court. . . . [O]ne thing that I think we've been really successful about—is we've impacted the local narrative around evictions pretty strongly.

By tracking and publicizing the material harms occurring in courtrooms, tenant organizers are holding legal and political institutions accountable for housing precarity. There are additional ways that they can do so. Another tactic involves direct action (Michener 2022a, 2023). Phil, a tenant organizer in a large southern city, describes the ways that his group used direct action as a tactic of accountability:

Some of our more militant members were like “we just got to shut it down. . . . [W]hat other strategy do we have? The federal government's not coming to help us.” . . . That was also when the \$600-a-week unemployment bonus was going to end so we chose late July in part because we were responding to eviction court reopening and seeing nearly 100 people being evicted every day for the first week. . . . We wanted the media seeing us ripping the assholes of our city and state officials and actually laying out why they are responsible for any deaths to come, for anything that comes from these evictions, because they have the power to stop things. . . . So, basically folks said, let's do a street theater piece and afterwards let's just pretend like we're doing some artsy-fartsy street theater piece, and then we'll immediately go and lock up. So after we did a street theater piece people immediately went to all the entrances to chain themselves to the gates to prevent anyone from going in. . . . We did that before eviction court opened. . . . We were able also [to] shut down City Hall. . . . People went and blocked the entrance to City Hall, so we shut down the entire city government that day.

Phil's group was not simply protesting evictions in a general way. Instead, their protest was motivated by a sense of organized abandonment: “the federal government's not coming to help us” (Gilmore 2007). Responding to their perceptions of state failings, they timed their efforts to coincide with a period when the political economy of scarcity had produced outcomes they viewed as potentially lethal and when the people they understood to be responsible (“city and state officials”) could be exposed for their complicity.

Of course, accountability is often elusive. Lawyers can hold government accountable only to legal statute. When policy is not designed in ways that provide adequate legal protections, lawyers quickly reach the end of their ability to help. Programs like Medicaid and SNAP are entitlements that anyone eligible has a legal right to. This fact gives lawyers significant leverage, although they are still limited by politically determined eligibility standards. In contrast, policies concerning housing are not attached to legal entitlements. So, in that arena, lawyers have less wherewithal for intervention. Lilly, the lawyer from a legal services organization in Florida, describes how this reality manifested in her work:

Almost all of our issues now in Florida are leases that are not being renewed, and there's *no legal remedy* to that. If your lease is up, the landlord does not have to renew it, or the landlord can renew it and double your rent. There's nothing prohibiting that. . . . Florida has very, very landlord-friendly laws, so it's a very quick process. People can be out of their house in a matter of a couple weeks—not months. There are very few protections. . . . I think one of the other issues is we've had clients come in with really substandard housing [like] mold and they are afraid to do anything because they have nowhere to go. They know that if they go after this landlord and their lease is going to be up in two months, then they're just going to get kicked out. So, the clients who do have a [legal] remedy don't even want to pursue it because they know that there's very, very little housing here available right now, and what is available is outrageous.

The political and economic context of Florida—where landlords have disproportionate power, housing is scarce, and tenants have few options—limits lawyers in numerous ways. It narrows the window of cases that have a legal basis for adjudication. In some states, there are limits on how much landlords can raise rent or “good cause” laws that prevent landlords from failing to renew leases unless they have a legally permissible reason to do so (Vasquez and Gallagher 2022). In Florida, however, landlords can decline to renew leases for any reason. This provision circumscribes the tenant's legal recourse. Further still, as Lilly asserts, even for issues that do involve legally judicable claims, political-economic conditions can disincentivize tenants from making them. For example, it is not legal for landlords to rent mold-filled apartments; but if there are no restrictions on their decisions about lease renewal, they have the power to retaliate against tenants who take them to task for substandard conditions. Tenants are thus understandably hesitant to initiate claims to address such conditions. In a context of an affordable housing shortage, this dynamic is exacerbated because tenants cannot leverage their ostensible market power to punish landlords by moving elsewhere. In such circumstances, both the political conditions (landlords' disproportionate power) and the economic conditions (an affordable housing shortage) inhibit lawyers' ability to help tenants.

Conclusion

The civil legal and social policy domains are compellingly connected, and the ways they interact carry significant implications for the lived experiences of

people in the most marginalized populations in the U.S. Like social policy, civil legal resources are disproportionately critical to women, people of color, low-income denizens, and people at the intersections of these categories (Sandefur 2008). People who are racially and economically marginalized—disproportionately women racialized as Black and Latina—do not generally opt into engagement with civil legal institutions. Instead, they are pulled reluctantly into the civil legal system because of profound unmet needs (Brito et al. 2022).

Consider just some of the examples that have emerged in this article: a terminally ill mother fighting to ensure that her children can remain in public housing after her death, the parents of a seriously ill undocumented child attempting to enroll their child in Medicaid, and a person who lost their job during the pandemic struggling against the denial of unemployment benefits. In a political economy of scarcity, where social policy is anemic and these kinds of economic hardships are rampant, civil legal actors and institutions offer vital, even if limited, options for helping people who face calamitous circumstances. Civil courts are not well equipped to serve as agents of welfare state provision; but when political conditions limit avenues for recourse, these courts end up adjudicating the provision of public resources to meet pressing material needs (Shanahan et al. 2022). For people facing such needs, civil legal attorneys play a critical role in helping them navigate courts and civil legal processes more generally. Community organizations also provide invaluable help in steering people through the messes produced by the civil legal system and the welfare state (Michener 2022a). Taken together, these institutions (courts, civil attorneys, community organizations) compose a civil legal infrastructure that regularly intercedes in matters of social policy provision. Not only do these institutions—primarily the latter two—play a direct role in helping people to obtain and retain public benefits like Medicaid, SNAP, rental assistance, or SSDI, they also facilitate access to other resources (e.g., housing) that are necessary for social policy to be effective.

Institutional formations like medical legal partnerships have emerged in response to such complex interconnections between legal assistance and social policy. Notwithstanding the profound benefit of having MLPs and other civil legal institutions stand in the breach (as illustrated in the qualitative data described above), it is worth noting that the very need for civil legal assistance to address scarcity reveals deficits in America's political and economic structures. The American political economy of scarcity is maintained alongside legal regimes that afford economic elites disproportionate power while offering economically marginalized populations insufficient countervailing power (Andrias and Sachs 2020). This disequilibrium is an element of American political life that is taken for granted, but it is not inevitable. Indeed, many of the tenant organizations that help people navigate civil legal problems also work to build power in race-class subjugated communities (Michener 2022a). Building power from the margins is a path towards changing the structural conditions that create overflows of legal problems (Michener 2019, 2023).

By demonstrating the consequences of a political economy of scarcity, I have underscored the importance of reconfiguring the power relationships that characterize American politics. So long as such power relationships lopsidedly favor the few (economic elites) over the many (people with legal problems produced by economic hardship), the civil legal system will be overburdened and overtaxed—even as some civil legal actors make valiant efforts to manage the resultant material deprivation. In such circumstances, codelivering legal services and social policy will continue to be essential. Nonetheless, the very fact of such bundling points to the logic and politics of scarcity. Tenant organizations, a key institution featured in this work, represent a potential way forward. Though such groups leverage the law for the purpose of bridging material gaps in people lives, they also look beyond law and focus on building power in racially and economically marginalized communities (Michener 2022a, 2023; Michener and SoRelle 2022). A fundamental alteration of power dynamics is one way of disrupting and dislodging a political economy of scarcity, and transforming those dynamics could bring civil legal aid into its proper place as a complement to—not a substitute for—a robust and equitable welfare state.

Notes

1. This is not the case (or at least not equally so) everywhere. Cross-national analyses reveal that the consequences for denizens facing economically destabilizing circumstances vary by the design and nature of welfare state institutions (Brady, Finnigan, and Hübgen 2017). The U.S. is among the most difficult advanced industrialized democracies for people living in and near poverty.

2. Legal Services Corporation Act (Public Law 93-355).

3. In *Gideon v. Wainwright* (1963), the U.S. Supreme Court found a right to counsel in criminal cases involving felony charges; in *Argersinger v. Hamlin* (1972), the Court supported the right to counsel in criminal cases involving misdemeanor charges. No equivalent federal rights exist for civil cases.

4. Legal Services Corporation (LSC), Who We Are (n.d.), available from <https://www.lsc.gov/about-lsc/who-we-are>.

5. Tenant organizations do a lot more than this. Indeed, their focus is often on building power and political organizing. I address the activities and significance of tenant organizations in other work (see Michener and SoRelle 2022).

6. Interviews include people from tenant organizations in California, Georgia, Ohio, Michigan, New Jersey, New York, Texas, Hawaii, Kentucky, Florida, Wisconsin, Nebraska, Oregon, Indiana, Illinois, Massachusetts, Washington, Pennsylvania, Louisiana, Virginia, and Kansas.

References

- Agranoff, Robert, and Michael McGuire. 2003. *Collaborative public management: New strategies for local governments*. Washington, DC: Georgetown University Press.
- Andrias, Kate, and Benjamin I. Sachs. 2020. Constructing countervailing power: Law and organizing in an era of political inequality. *Yale Law Journal* 130:546.
- Aurand, Andrew, and Rebecca Yae. 2021. Treasury emergency rental assistance programs in 2021: Preliminary analysis of program features and spending performance. Research Brief. Housing Initiative at Penn, NYU Furman Center, National Low Income Housing Coalition. Available from <https://nvhousingcoalition.org/wp-content/uploads/2022/01/Treasury-ERA-Programs-in-2021.pdf>.

- Batlan, Felice. 2015. *Women and justice for the poor: A history of legal aid, 1863–1945*. New York, NY: Cambridge University Press.
- Beck, Andrew F., Adrienne W. Henize, TingTing Qiu, Bin Huang, Yin Zhang, Melissa D. Klein, Donita Parrish, Elaine E. Fink, and Robert S. Kahn. 2022. Reductions in hospitalizations among children referred to a primary care–based medical-legal partnership. *Health Affairs* 41 (3): 341–49.
- Benfer, Emily A., Abbe R. Gluck, and Katherine Kraschel. 2018. Medical-legal partnerships: Lessons from five diverse MLPs in New Haven, Connecticut. *Journal of Law, Medicine, and Ethics* 46 (3): 602–9.
- Benfer, Emily A., Robert Koehler, Alyx Mark, Valerie Nazzaro, Anne Kat Alexander, Peter Hepburn, Danya E. Keene, and Matthew Desmond. 2022. COVID-19 housing policy: State and federal eviction moratoria and supportive measures in the United States during the pandemic. *Housing Policy Debate*: 1–25. doi:10.1080/10511482.2022.2076713.
- Benfer, Emily A., David Vlahov, Marissa Y. Long, Evan Walker-Wells, J. L. Pottenger, Gregg Gonsalves, and Danya E. Keene. 2021. Eviction, health inequity, and the spread of COVID-19: Housing policy as a primary pandemic mitigation strategy. *Journal of Urban Health* 98:1–12.
- Berman, Elizabeth Popp. 2022. *Thinking like an economist: How efficiency replaced equality in U.S. public policy*. Princeton, NJ: Princeton University Press.
- Brady, David, Agnes Blome, and Hanna Kleider. 2016. How politics and institutions shape poverty and inequality. In *The Oxford handbook of the social science of poverty*, eds. David Brady and Linda M. Burton, 117–40. New York, NY: Oxford University Press.
- Brady, David, Ryan M. Finnigan, and Sabine Hübgren. 2017. Rethinking the risks of poverty: A framework for analyzing prevalences and penalties. *American Journal of Sociology* 123 (3): 740–86.
- Brito, Tonya, Kathryn A. Sabbath, Jessica K. Steinberg, and Lauren Sudeall. 2022. Racial capitalism in the civil courts. *Columbia Law Review* 122:1243–83.
- Callison, Kevin, Davida Finger, and Isabella M. Smith. 2022. COVID-19 eviction moratoriums and eviction filings: Evidence from New Orleans. *Housing and Society* 49 (1): 1–9.
- Campbell, David. 2012. Public managers in integrated services collaboratives: What works is workarounds. *Public Administration Review* 72 (5): 721–30.
- Davis, Martha F. 1995. *Brutal need: Lawyers and the welfare rights movement, 1960–1973*. New Haven, CT: Yale University Press.
- Desmond, Matthew. 2016. *Evicted: Poverty and profit in the American city*. New York, NY: Crown Publishing Group.
- Fleming-Klink, Isaiah, Brian J. McCabe, and Eva Rosen. 2023. Navigating an overburdened courtroom: How inconsistent rules, shadow procedures, and social capital disadvantage tenants in eviction court. *City & Community* 22 (3): 220–45. doi:10.1177/15356841221141889.
- Franko, William W. 2021. How state responses to economic crisis shape income inequality and financial well-being. *State Politics & Policy Quarterly* 21 (1): 31–54.
- Franko, William W., and Christopher Witko. 2018. *The new economic populism: How states respond to economic inequality*. New York, NY: Oxford University Press.
- Gilmore, Ruth Wilson. 2007. *Golden gulag: Prisons, surplus, crisis, and opposition in globalizing California*. Berkeley, CA: University of California Press.
- Grinstein-Weiss, Michal, Yung Chun, Stephen Roll, and Jason Jabbari. 2021. Do racial and ethnic disparities in savings and job loss during COVID-19 explain disparities in housing hardships? A moderated mediation analysis. *The ANNALS of the American Academy of Political and Social Science* 698 (1): 68–87.
- Hacker, Jacob S. 2004. Privatizing risk without privatizing the welfare state: The hidden politics of social policy retrenchment in the United States. *American Political Science Review* 98 (2): 243–60.
- Hacker, Jacob S., Alexander Hertel-Fernandez, Paul Pierson, and Kathleen Thelen, eds. 2021. *The American political economy: Politics, markets, and power*. New York, NY: Cambridge University Press.
- Hacker, Jacob S., and Paul Pierson. 2020. *Let them eat tweets: How the right rules in an age of extreme inequality*. New York, NY: Liveright Publishing.
- Hardy, Bradley, Charles Hokayem, and Stephen Roll. 2021. Crashing without a parachute: Racial and educational disparities in unemployment during COVID-19. *The ANNALS of the American Academy of Political and Social Science* 698 (1): 39–67.
- Hepburn, Peter, Renee Louis, Joe Fish, Emily Lemmerman, Anne Kat Alexander, Timothy A. Thomas, Robert Koehler, Emily Benfer, and Matthew Desmond. 2021. U.S. eviction filing patterns in 2020. *Socius* 7. doi:10.1177/23780231211009983.

- Horowitz, Donald L. (1977) 2010. *The courts and social policy*. Washington, DC: Brookings Institution Press.
- Jacobs, David, and Jonathan C. Dirlam. 2016. Politics and economic stratification: Power resources and income inequality in the United States. *American Journal of Sociology* 122 (2): 469–500.
- Jacobs, David, and Lindsey Myers. 2014. Union strength, neoliberalism, and inequality: Contingent political analyses of U.S. income differences since 1950. *American Sociological Review* 79 (4): 752–74.
- Jacobs, Lawrence R., and Joe Soss. 2010. The politics of inequality in America: A political economy framework. *Annual Review of Political Science* 13:341–64.
- Kagan, Robert A. 2002. *Adversarial legalism: The American way of law*. Cambridge, MA: Harvard University Press.
- Kaplan, Adiel. 25 April 2021. More people than ever need legal aid services. But the pandemic has hit legal aid funding hard. *NBC News*.
- Katz, Michael B. 1996. *In the shadow of the poorhouse: A social history of welfare in America*. New York, NY: Basic Books.
- Kekez, Anka, Michael Howlett, and M. Ramesh. 2018. Varieties of collaboration in public service delivery. *Policy Design and Practice* 1 (4): 243–52.
- Keller, Eric, and Nathan J. Kelly. 2015. Partisan politics, financial deregulation, and the new gilded age. *Political Research Quarterly* 68 (3): 428–42.
- Kelly, Nathan J. 2005. Political choice, public policy, and distributional outcomes. *American Journal of Political Science* 49 (4): 865–80.
- Kelly, Nathan J. 2009. *The politics of income inequality in the United States*. New York, NY: Cambridge University Press.
- King, Martin Luther, Jr. 1967. The three evils of society. Available from <https://www.nwesd.org/ed-talks/equity/the-three-evilsof-society-address-martin-luther-king-jr/>.
- Kochhar, Rakesh, and Stella Sechopoulos. 20 April 2022. COVID-19 pandemic pinches finances of America's lower- and middle-income families. Pew Research Center. Available from <https://www.pewresearch.org/social-trends/2022/04/20/covid-19-pandemic-pinches-finances-of-americas-lower-and-middle-income-families/>.
- Lens, Vicki. 2009. Seeking justice: Citizens' use of fair hearings to correct errors in public welfare bureaucracies. *Journal of Public Administration Research and Theory* 19 (4): 817–37.
- Lens, Vicki. 2012. Judge or bureaucrat? How administrative law judges exercise discretion in welfare bureaucracies. *Social Service Review* 86 (2): 269–93.
- Lens, Vicki. 2015. *Poor justice: How the poor fare in the courts*. New York, NY: Oxford University Press.
- Lens, Vicki, Astraea Augsberger, Andrea Hughes, and Tina Wu. 2013. Choreographing justice: Administrative law judges and the management of welfare disputes. *Journal of Law and Society* 40 (2): 199–227.
- Marshall, T. H. 1950. *Citizenship and social class and other essays*. Cambridge: University of Cambridge Press.
- McKay, John. 2000. Federally funded legal services: A new vision of equal justice under law. *Tennessee Law Review* 68 (1): 101–18.
- Michener, Jamila. 2017. Social class as racialized political experience. *The Forum* 15 (1): 93–110.
- Michener, Jamila. 2018. *Fragmented democracy: Medicaid, federalism, and unequal politics*. New York, NY: Cambridge University Press.
- Michener, Jamila. 2019. Power from the margins: Grassroots mobilization and urban expansions of civil legal rights. *Urban Affairs Review* 56 (5): 1390–1422.
- Michener, Jamila. 2022a. Civil justice, local organizations, and democracy. *Columbia Law Review* 122 (5): 1389–422.
- Michener, Jamila. 2022b. Race, power, and policy: Understanding state anti-eviction policies during COVID-19. *Policy and Society* 41 (2): 231–46.
- Michener, Jamila. 2023. Racism, power, and health equity: The case of tenant organizing. *Health Affairs* 42 (10). doi: 10.1377/hlthaff.2023.00509.
- Michener, Jamila, and Mallory SoRelle. 2022. Politics, power, and precarity: How tenant organizations transform local political life. *Interest Groups & Advocacy* 11 (2): 209–36.
- Michener, Jamila, Mallory SoRelle, and Chloe Thurston. 2022. From the margins to the center: A bottom-up approach to welfare state scholarship. *Perspectives on Politics* 20 (1): 154–69.

- Pierson, Paul. 1994. *Dismantling the welfare state: Reagan, Thatcher and the politics of retrenchment*. New York, NY: Cambridge University Press.
- Piven, Frances Fox. 2008. The politics of retrenchment: The U.S. case. In *The Oxford handbook of public policy*, eds. Robert Goodin, Michael Moran, and Martin Rein, 858–73. New York, NY: Oxford University Press.
- Pleasence, Pascoe, and Nigel J. Balmer. 2010. The audacity of justice: Recession, redundancy, rights and legal aid. *Social Policy and Society* 9 (4): 475–88.
- Posner, Eric A. 1995. Contract law in the welfare state: A defense of the unconscionability doctrine, usury laws, and related limitations on the freedom to contract. *Journal of Legal Studies* 24 (2): 283–319.
- Quigley, William P. 1998. The demise of law reform and the triumph of legal aid: Congress and the Legal Services Corporation from the 1960s to the 1990s. *Saint Louis University Public Law Review* 17 (2): 241–64.
- Ramcharan, Rodney. 2010. Inequality and redistribution: Evidence from U.S. counties and states, 1890–1930. *Review of Economics and Statistics* 92 (4): 729–44.
- Rhode, Deborah L. 2004. *Access to justice*. New York, NY: Oxford University Press.
- Edward Royce. 2022. *Poverty and power: The problem of structural inequality*. Lanham, MD: Rowman & Littlefield.
- Sabbeth, Kathryn A. 2021. Market-based law development. LPE Project: Law and Political Economy Blog. Available from <https://lpeproject.org/blog/market-based-law-development/>.
- Sandefur, Rebecca L. 2008. Access to civil justice and race, class, and gender inequality. *Annual Review of Sociology* 34:339–58.
- Sandefur, Rebecca L. 2009. Fulcrum point of equal access to justice: Legal and nonlegal institutions of remedy. *Loyola of Los Angeles Law Review* 42 (4): 949–78.
- Sandefur, Rebecca L. 2015. What we know and need to know about the legal needs of the public. *South Carolina Law Review* 67 (2): 443–59.
- Scott, Tyler A., and Craig W. Thomas. 2017. Unpacking the collaborative toolbox: Why and when do public managers choose collaborative governance strategies? *Policy Studies Journal* 45 (1): 191–214.
- Shanahan, Colleen F., Jessica Steinberg, Alyx Mark, and Anna E. Carpenter. 2022. The institutional mismatch of state civil courts. *Columbia Law Review* 122 (5): 1471–1538.
- Simon, William H. 1986. Rights and redistribution in the welfare system. *Stanford Law Review* 38 (6): 1431–1516.
- Small, Mario, and Jessica McCrory Calarco. 2022. *Qualitative literacy: A guide to evaluating ethnographic and interview research*. Oakland, CA: University of California Press.
- SoRelle, Mallory E. 2020. *Democracy declined: The failed politics of consumer financial protection*. Chicago, IL: University of Chicago Press.
- Soss, Joe, Richard C. Fording, and Sanford Schram. 2011. *Disciplining the poor: Neoliberal paternalism and the persistent power of race*. Chicago, IL: University of Chicago Press.
- Thurston, Chloe. 2018. *At the boundaries of home ownership: Credit, discrimination, and the American state*. New York, NY: Cambridge University Press.
- Tighe, Rosie, and Elizabeth Mueller. 2013. *The affordable housing reader*. New York, NY: Routledge.
- Vasquez, Jade, and Sarah Gallagher. 2022. Promoting housing stability through just cause eviction legislation. National Low Income Housing Coalition. Available from <https://nlihc.org/sites/default/files/Promoting-Housing-Stability-Through-Just-Cause-Eviction-Legislation.pdf>.
- White, Lucie E. 1990. Goldberg v. Kelly on the paradox of lawyering for the poor. *Brooklyn Law Review* 56 (3): 861–88.
- Whitlow, John. 2019. Gentrification and countermovement: The right to counsel and New York City's affordable housing crisis. *Fordham Urban Law Journal* 46 (5): 1081–1136.
- Yin, Robert K. 2009. *Case study research: Design and methods*. Thousand Oaks, CA: Sage.