

Probable Causation, Episode 37: Jamein Cunningham

Jennifer [00:00:08] Hello and welcome to Probable Causation, a show about law, economics and crime. I'm your host, Jennifer Doleac of Texas A&M University, where I'm an Economics Professor and the Director of the Justice Tech Lab.

Jennifer [00:00:19] My guest this week is Jamein Cunningham. Jamein is an Assistant Professor of Economics at the University of Memphis. Jamein, welcome to the show.

Jamein [00:00:27] Hey, thanks for having me.

Jennifer [00:00:29] Today, we're going to talk about your research on legal services for the poor and the effects that broadening access to legal services had on families beginning in the 1960s. But before we get into that, could you tell us about your research expertise and how you became interested in this topic?

Jamein [00:00:44] Yeah, I consider myself an Applied Economist with a research interest in economics of law and crime. And a lot of my research focuses on the 1960s. But in general, I kind of do research on institutional discrimination, access to social justice, crime, and criminal justice and how these things relate to race and economic inequality.

Jamein [00:01:06] So I would say, like, that I came up with these topics for things that I do research on - basically just on my growing up, my interactions with peers and as well as the police as a youth. I noticed that a lot of my friends and I share like very similar experiences with police and the criminal justice system, regardless of our criminal activity or lack thereof. So I always kind of had this in my mind, like criminal justice or crime in general is kind of - how we deal with crime is playing a role in some of these economic inequalities that we see, and it may be exacerbating some of these gaps that we see. And so I always thought I would do kind of research on something like these institutions and how they may influence some of the outcomes that we care about. Haven't quite got to some of that stuff yet - played around with it. But they kind of led me to like stuff related to the 1960s in general.

Jennifer [00:01:59] So your paper's title "Changes in Family Structure and Welfare Participation Since the 1960s: the Role of Legal Services," and it's coauthored with Andrew Goodman-Bacon. So let's start with the historical context here. Tell us about the Legal Services Program. How did it come about and what did it do?

Jamein [00:02:17] Well, the Legal Service Program is a public provision and as part of the War on Poverty to provide the poor free lawyers for individual representation in civil matters such as divorce, tenant-landlord disputes, access to welfare and welfare fraud, and fair hearing cases. These lawyers also provided free representation in the community organizations that were serving the interests of the poor. The development of the program, the legal services, came from two lawyers, an interracial couple, Jean and Edgar Cahn, in which they called for the incorporation of the civilian perspective - like so poetic - into the war on poverty. And in their eyes and the viewpoints of many of the advocates at the time, like legal services would have this huge impact on the daily lives of those individuals living in poverty by using the judicial system to give voice to those who were deemed as previously unheard.

Jamein [00:03:10] And so the idea was to establish a universally affiliated neighborhood law firm in poor communities. And these law firms would serve as a liaison or intermediary

between the poor and the institutions they navigated through on a regular basis. And so basically what was done as part of the War on Poverty, federal grants went to local community based organizations who were interested in starting a neighborhood law firm in poor communities. And these law firms often had nontraditional house operations. They provided means of transportation. They even went door to door to solicit services. Right. And so this is a very interesting setup in the sense that before this program, and in general to today, like the poor seems like their victimized by the judicial system. And the goal here was to empower the poor through the judicial system by providing a means of representation. And this is also new because this is happening during a time where the states are now being required to provide legal representation and what does that mean? So you have all of these things happen and the judicial framework about how individuals are receiving representation.

Jennifer [00:04:22] So this was part of the War on Poverty. How did LSP roll out across the country? In other words, what determined which communities set up this type of program?

Jamein [00:04:31] Well in theory, any organization could apply for a War on Poverty grant or neighborhood legal service program grant. The decision of who received a grant was based on regional Office of Economic Opportunity Office in concert with the local bar association and community action agencies. Community action agencies were the - basically the overseers - or provided oversight for all of the experimental programs from the War on Poverty. But in general, there was no guidelines. This was a new program, this was an experimental program, and basically, the goal was to fund as many places as possible while there was political capital for the program in the sense that not only did you have the federal government on board to provide funding, but you also had the backing of the American Bar Association and there was a lot of back and forth negotiation to get that support for the American Bar Association. So as soon as you got support in 1965 from the American Bar Association, they tried to roll out this program overnight.

Jamein [00:05:30] So basically two things happened. Any previous Legal Aid society that will adopt the principles of legal services, basically providing legal aid with no restrictions on the type of cases that they will take on got a grant if they apply for a grant. Secondly, local community based organizations worked with lawyers, law firms, and law schools to establish law firms - local law firms or neighborhood law firms to apply for grants. So basically, over a short time period, almost every major city received at least one neighborhood legal service program at some point. And this is important. Although they're building upon existing legal aid, they're basically providing new services in the sense that a) these law firms are located in poor communities, which previously wasn't the case. B) there was no restrictions on the type of cases - controversial cases or things that we're going to talk about in this paper, such as divorce, which was taboo and something previous legal aides did not do for.

Jennifer [00:06:31] So you write in the paper that LSPs ensured that families are entitled to benefits, could get them. So say more about that. How did LSPs provide access to benefits that in theory, at least people already had?

Jamein [00:06:42] So one way to think of legal services and having these lawyers is that they are providing individual representation. So you can think of an individual having all sorts of issues and they say, well, you should have access to AFDC and say, well, I was denied, then the question is why if you are eligible for such benefits, but something like that on an individual case by case will take a long time to see like these large numbers and

which will be fine as it relates to increases in AFDC. So another way to kind of think of what's going on is that the program itself is using the judicial system to provide oversight over local bureaucracies. And this was something that was like a mandate in that call for the civilian perspective into the War on Poverty, providing oversight over what they felt was government bureaucracies that had monopoly power over the poor. Right. And so we could think of this as it relates to public goods like policing. Like in can theory the police should come when you call. Right. That's what they're supposed to do. But in practice, that may not happen.

Jamein [00:07:41] So as it relates to AFDC or having access to welfare individuals who may be eligible, but they are denied based on the discretion of local bureaucrats or caseworkers. So how the legal services get benefits? Well, first of all, they simply let people know that they were eligible, right. They provided pamphlets and guidelines about what are the criterias for which particular program to qualify for. They work with local community organizations to help individuals actually apply and fill out these applications, therefore, fixing errors on the applicant side. And then the -probably the main or the biggest impact that they had as far as gaining access to welfare was they fix errors on the welfare office. Right. If they're using tactics or just basically ignoring right applicants, not providing proper feedback, wrongly dismissing applications, in that sense, what they would do is they would go and find out these mistakes and then go back through other cases to see who else was denied based on some of the mistakes. And by doing such, not only do they help those individuals, but they changed the way the welfare office interacts with the poor and with particular applicants.

Jamein [00:08:55] And then the other thing. So all these things are related to gaining access. But the other thing they did was actually represent individuals that there was - that were possibly going to be removed from welfare through these fair hearing cases in which you have the opportunity to discuss what's going on with welfare officers before you are removed from welfare rolls. And so in this case, legal services that not only have a direct impact, but they're also going to have this indirect impact by providing information as well as if they're doing this, reducing the stigma associated with seeking public assistance.

Jennifer [00:09:33] So this sounds like an important program. And it was obviously started in the 1960s, so it was around for a while. Before this paper, what did we know about the effects of LSPs?

Jamein [00:09:43] Well, in the law profession, we know a lot. So the Legal Service Program or the Neighborhood Legal Service Program, as officially called, existed from 1965 to roughly 1975. In 1975, the program went through a restructuring and became the Legal Service Corporation. I mean, it still existed, but by this point they kind of understood what the successes were, what the failures were, and kind of how to make this program not as controversial. So it still exists to this day just with different mandates.

Jamein [00:10:14] But in the law profession, there's tons of things that - tons of research in this area. Earl Johnson just recently, a few years ago, wrote a three volume book on the history of the Legal service Program. But the literature, far as in a law profession, clarifies a couple of things. One is apparent that these legal service programs worked on women empowerment through divorces and access to public benefits, as well as domestic abuse and as well as children's rights. Like Hillary Clinton, she had her start in like one of these legal service programs.

Jamein [00:10:46] Second thing that falls out of the reading is that the expansion to access to welfare benefits, basically getting benefits for those individuals who are categorically eligible is like a huge part. There's basically books written on the Supreme Court cases that took place that legal service's lawyers were involved. And so the result that we find in this paper is it makes sense going into what we see in the literature and law. And then lastly what's in the literature is that legal services worked on community organizing, dealing with issues of policing, and anti-rioting. That stuff is here and there. It's a little bit more subtle throughout the literature, but it shows up again and again as it relates to what legal services we're doing.

Jamein [00:11:31] Now, as it relates to empirical work, there's not much there. We know very little of the magnitude of these effects. And so this paper is one of the few papers that kind of empirically study the Legal Service Program and provides outcomes related to the things that we see being discussed in a lot of the literature.

Jennifer [00:11:53] So you're focusing in this paper on the effects of LSPs on family structure and welfare participation. So what are the various ways that we might expect LSPs to affect these outcomes? You've alluded to a bunch of this already, but let's just kind of lay out all of these potential mechanisms in one place.

Jamein [00:12:09] Yeah. So the Legal Service Program, at least based on the reading and thinking about these things and economic theory, is that legal services programs have a direct effect on divorce. One of the main criticisms of the program was it was seen as a divorce mill. But in general, what Legal Services is doing is that it's dealing with pent up demand for divorce, as well as lowering the cost for the poor to actually get a divorce. And so we should expect an immediate increase in divorces until this demand is met. And then we may see something like a tier off in its effects, similar to what ___ show in his papers as relates to unilateral divorce.

Jamein [00:12:51] Secondly, Legal Service Programs have a direct effect on welfare take up, and this is done by increasing number of individuals who apply, are making the language plain, increasing the probability of success by dealing with the legal restrictions, and also reducing the likelihood individuals are removed from welfare rolls through fair hearing cases. So both of these will have - these effects will be a direct impact of legal services on welfare.

Jamein [00:13:16] But there also will be indirect effects, right? If you increase the number of individuals who are divorced will likely lead to an increase in AFDC take up. If AFDC takes up, decreases the cost of being single. You can see changes in marriage rates and also see changes in nonmarital birth rates. In addition, this is not even dealing with changes in cultural changes - the stigma around divorce and welfare take up and nonmarital births due to these parameters changing over time due to the presence of legal services.

Jennifer [00:13:48] And just to clarify for listeners, AFDC is Aid for Families and Dependent Children, am I getting that right?

Jamein [00:13:55] Yes, and that program existed until the mid 90s and changed to TANF, Temporary Assistance for Needy Families.

Jennifer [00:14:02] So as you and Andrew started working on this project, what were the main challenges that you had to overcome in order to measure the causal effects of the

legal services programs that had been discussed in all of those law papers? Are these mostly data challenges or mostly identification challenges or both?

Jamein [00:14:20] Both. One of the reasons why this is one of the first empirical papers on the Legal Services Program is a) core data or individual case load data from these particular law firms are not available. Right. These things are confidential. So how do you measure the impact of legal services? This is kind of all the work in law about how do we exactly measure this. And so what we had to do was we have to digitize a bunch of data. So we had to digitize the grant information for individuals who receive legal service grants. And this came from the National Archives of Community Action Files, and that gave us the grant number, the grantee, the organization that received the grant, the location, and it's intended purposes as well as the date the grant was issued, which was able to identify when a location first received a legal service grant.

Jamein [00:15:12] We also had to digitize the divorce data at the county level, divorce and marriage data. We had to digitize the nonmarital birth rate data for a subset of counties because it's not available for every county, when we found the published tables. And then we also digitized AFDC caseload data. So all of this took a while, so we were working on digitizing this data - wow, both me and Andrew were in PC programs, so those - it's a long time coming. So those are some of the main hurdles as it relates to what are the outcomes and how do we get the data, and we had to digitize all of our outcome variables, basically.

Jamein [00:15:51] The second thing is that we have to deal with the fact that the assignment of these legal services program was nonrandom. It wasn't necessarily that they were trying - that the legal service - the individuals over the Legal Service Program was worried about divorce and AFDC. They were actually worried about riots during this time is probably was one of the main reasons why this program and other War on Poverty programs kind of rushed out to kind of deal with the civil unrest that were going on in urban areas. So when these Legal Service Program started, the sheer number of divorces was a surprise to some of these programs that they were actually dealing with this instead of dealing with some of the needs of the poor, which motivated them to do the work.

Jamein [00:16:36] But because of this, a lot of the programs were - went only to urban areas. So large cities and b) was really rolled out quickly. Most of the places are funded between 1966 and 1967. So what we do is a difference-a-difference analysis, taking an event study approach where we like to see how divorce, AFDC take up, and nonmarital births evolves before a place receives legal services program. And then compare to see what happens after a legal service program arrives. But we don't have much variation. So we're going to identify off parallel trends assumption between treated and untreated places in which we can test directly for - in an event study analysis, we can see how the trends in these outcomes, variable interest are evolving before legal services arrive. So we're not necessarily really identifying off the variation, but we identify off of location places that are treated and not treated.

Jamein [00:17:42] The other issue that we have is saying, okay, we know that we don't have that much variation and we know that the assignment is nonrandom and trying to think of what is the proper control group. And so we do a couple of things to kind of do - to create a control group. We try to get - we get these urban-by-city pairs and state-by-year pairs, so we're comparing cities that are treated within the same state under the same level of urbanicity is one way to think about it, to try to achieve some balance.

Jamein [00:18:14] The second thing that we do is what we try to do is redistribute the weight across the control group in a way to provide a balanced control group off pretreatment characteristics by using inverse propensity scores. And so what we do is we use these two control groups to kind of see are we getting different results or are results robust across these two specifications.

Jennifer [00:18:42] Okay, so just to clarify that a little bit more. So you've got - you've got two comparison groups here. One is comparing other places in the same state. And you might want to do that because the states have a whole bunch of laws that are going to affect all the cities and counties in the state the same way. And so that's a very common approach. But this other thing that you do, which was really interesting, was - and I think different from what a lot of papers do, is try to find other places that look similar to the city that got the LSP somewhere else in the country not restricting on state and saying, like basically using this propensity score, like predicting the likelihood based on the characteristics you get an LSP and then comparing places with and without the program. So am I getting that right?

Jamein [00:19:22] Yeah. So in the first case we're you're like comparing Los Angeles to Oakland and San Diego or a large city in California. And in the second scenario, we're going to compare rather large cities that were not treated to - in different areas, so they could be all over the country to cities that weren't treated, basically giving those cities more weight than before.

Jennifer [00:19:49] Great. And I want to talk a little bit more about the data because I know we do have students, including grad students, that listen. And I think this part of the process is always a little bit of a mystery until you find yourself in it. So you guys digitized all of these data files. Where did they live - so these are paper files somewhere. How did you find them?

Jamein [00:20:07] These are published tables from either the Census or vital statistics data. And this is the divorce and marriage data come from vital statistics files in which they published these tables for county, state and metro. And so I think the state stuff is digitized because that was used in Wolfer's paper, 2007 paper, I believe. But the county data was not digitized. And so we found the published tables and was able to digitize those data. Same thing as it relates to nonmarital birth rates and AFDC data. That was also not available far as digitized, and so we had to go find the published tables and then go through digitizing those as well.

Jennifer [00:21:06] So you guys are like standing in a scanner. And how did this actually work?

Jamein [00:21:12] So far, so Andrew digitized the nonmarital births and AFDC data so he can speak to those. I did the divorce and nonmarital - the divorce and the marriage data. And it basically - that was basically getting the donor library to get the books where they were published and then running through a couple of years, coding them up myself for a few years just to kind of get an approximation of the time and then doing it again and make sure I was correct in comparing the two. And then once I kind of got an idea about the time, how long it takes to code up a particular year, I apply for some funding at the University of Michigan to have it digitized. So in a sense, at that point, then I kind of - I scanned the tables and were able to send it off to a third party to digitize that data and also to have a double check for accuracy.

Jennifer [00:22:11] Yeah, these are the glamorous parts of the job that most non academics don't get to see. Okay, so just tell us one more time what the outcome variables are that you're most interested in here.

Jamein [00:22:25] So the outcome variables that we're most interested in are going to be divorced and AFDC take up or participation. These are the two outcomes that just fall out of the reading. So if you knew nothing on legal services, and just pick up a book, those are the two things that would be just the most apparent that legal services impact. And then a third outcome that we're interested is nonmarital births, which would be this indirect effective of legal services on family structure. So those are the three outcome variables of interest.

Jamein [00:22:56] We also look at marriage rates in general and also general fertility rates as well to kind of see what's driving our effects.

Jennifer [00:23:06] Okay, so let's talk about the results. What do you find is the effect of the establishment of a legal services program in a community on divorce rates?

Jamein [00:23:15] Well, you find that legal services program had an immediate increase on divorce rates in treated places. This is an average. We found out that basically after three years, legal services lead to basically anywhere between 63 to 86 additional divorces in treated place amongst poor women. We find that this effect is temporary in the sense that it increases over the first three years, is persistent over the next three to six years and then decrease and basically goes to zero. And so what we argue is that in the sense that legal services is dealing with this pent up demand for divorce that occurs when you lower the costs and then you find that out that there's a series of marriages that will be impacted due to making divorce or lawyers accessible to them, which was an outcome that may not have been previously available to them before.

Jennifer [00:24:13] And then how LSPs affect the welfare participation?

Jamein [00:24:17] A legal service had a huge immediate increase on welfare participation. We find that legal services increase the participation rate of basically about 6.5 to 10.3 additional cases per 1000 women. This results somewhere between 250,000 to 400,000 additional cases by 1984. So between 1965 and 1984, which basically explains 14 to 26% of the increase in overall cases during this time period.

Jennifer [00:24:50] And then finally, how did LSPs affect the share of births to unmarried women?

Jamein [00:24:54] Legal Services also here had a huge immediate increase on nonmarital births. We find that over the first three to five years we see a 14 to 20% increase over the baseline rate or the previous average at the time of treatment or basically what we find is that legal services explained up to like 36% of the overall change in nonmarital births over the next 10 to 15 years following the establishment of the Legal Service Program.

Jennifer [00:25:24] Okay, and then you also consider why nonmarital births increased. That is, was it due to more children being born or because fewer women were married or both of those things? So what did you find there?

Jamein [00:25:34] So we're looking at family structure. And so we know that there's a - you see that there's an increase in divorce and we see that there's an increase in AFDC

participation rates. This is - this also is aligned with what was in the literature as it relates to what legal services were doing. But as we look at kind of what's going on with family structure, single parent households, and we see that there's an increase in nonmarital births, the question is, what is the underlying mechanism here? Right, are individuals making different decisions as far as being married, like what we say far as changes in shotgun weddings? And so what we find is that the general fertility rate is not necessarily changing. We even find evidence that the general fertility rate is decreasing over time. And what we do find is that there is an immediate decrease in marriage rates over time. And so basically what we're seeing, at least, is what the results are showing, that individuals are changing their decision to enter into marriage once a individual or a woman finds out that she is pregnant. So instead of of being married to someone who may be a bad match, they're deciding to not enter into that agreement with their partner.

Jennifer [00:26:49] And so these were all effects that changed a lot during this period. And you mentioned a couple of these magnitudes. But just to reiterate, so based on your estimates, how much of the changes in divorces and welfare receipt and nonmarital births during this time period can be explained by the implementation of LSPs?

Jamein [00:27:07] Well for divorce, we have this hump shaped response. And so we kind of look at what the difference that we see between 1960s and 1970. And the increase we see in divorces where - upper bound estimate is somewhere closer to 50% of the increase that we see in divorce for poor women. But that's because in the 1970s census, we see who is currently divorce, not the individuals who are ever divorced. And so our estimate might be too large as it relates to how much of the overall increase in divorce that we see.

Jamein [00:27:38] As it relates to AFDC participation, depending on the specification that we use, we see somewhere between 18 to 31% of - we explain at least 18 to 31% of the overall change AFDC take up. We do this by estimating the counterfactual number of cases and comparing it to the actual cases that we see. Same thing with nonmarital birth rates. We estimate roughly a 36% - we - that we explain 36% of the overall change in nonmarital births.

Jennifer [00:28:09] So those are big effects. So how did those effects compare with the number of cases that LSPs were actually handling at this time? Is it plausible that they could have affected this many families' outcomes?

Jamein [00:28:18] Well, as it relates to AFDC - so there's tons of literature that showed in the 1960s that there was a lot of people who were eligible for AFDC and not take - and not participating in AFDC. So the - just the increase by losing some of these restrictions, basically a lot of local restrictions. Yes. The easiest way to kind of see this is that we know - we even have some examples of the volume of cases that particular legal service programs took on in a given year based on some of the studies. And so, for instance, in the 1968, legal service programs had roughly - a typical legal service program had roughly over 280,000 cases. Right. And so what we find that legal services in a given year across all the treated places led to basically 17,000 divorces. And so basically we kind of say the 200,000 cases that we're seeing, roughly 20% of those were for divorce. And family issues, we can say roughly 30 to 40% of the divorce cases that they actually handled ended up in divorce.

Jamein [00:29:23] And like - I think I said this earlier, the program was overwhelmed with divorces early on. And it grew the most of the criticism as it relates to the legal services program in general has to do with three things. One, the number of divorces that took

place. And a sense one of the main arguments is that if your goal is to help individuals get out of poverty, you're not helping them by getting divorced. And right now, the counter argument is that you don't - you don't know the current living situation that this person is in. And therefore it's not up to someone to dictate what is the proper environment in which they should cohabitate or live under.

Jamein [00:30:03] The second issue that was problematic for the legal services program was - also somewhat discussed - is that the suing governments on behalf of public assistance or public programs. in the sense that by doing this, you're increasing the public expenditures in general. And this is problematic for a lot of states and a lot of governors. And so there's a lot of pushback of legal services there.

Jamein [00:30:28] And then the third problem you associate with legal services are the riots that are currently - going on during this time and legal service lawyers are involved in this. But as it relates to this particular paper divorces, this is totally in line with at least a number of cases that they that they saw that we can pull from the literature.

Jennifer [00:30:49] So, of course, conduct a whole bunch of additional checks to convince yourselves and your readers that your estimates represent the effects of LSPs and not some other confounding factors, sort of like other policies or events during this period. So talk us through some of those, maybe a couple of your favorites and what you find.

Jamein [00:31:05] Oh, so we do a lot of robustness, but there's a couple of things right. So we're worried about the variation in timing. As I said earlier, majority of these places are funded in 1966 and 1967. And so one of the things that we worry is that we're just capturing something that happened in 1966 and 1967. We don't know what it is, but that's what we're capturing. And so what we do is we drop places that are treated in those years and our results still hold out for divorce, AFDC, and nonmarital birth. The second issue is that we do all these things to try to find a control group. Right. We do the state by year fixed effects, urban by year fixed effects, we do this rewaiting technique to try to find a proper control group. And so one way to kind of think of it with a proper control group might be just use the places that are treated, but just use them before they're actually treated. So we do a robustness check where we just use the treated cities that haven't been treated. So they're going to be treated much later as a counterfactual. There, we do still find that legal services have a large impact on roughly the same size estimate in the paper.

Jamein [00:32:18] And then the other thing that we definitely have to worry about is that there's a lot of things going on in the 1960s. There's the Vietnam War, there's protests surrounding the Vietnam War. There's the Civil Rights Movement. There's women's liberation movements. Right. There's riots, there's black migration. There's a lot of things going on in the 60s. And so what we try our best to do is kind of what can we do to control for these different things? So we try to control for other War on Poverty programs. We try to control for riots that occur in these places. And we also try to control for local or political advocacy for welfare rights. And we do that and we still - our estimates are at least robust to including all the other things.

Jamein [00:33:04] And then the last thing that I think is important, especially as it relates to divorce, is that divorce laws are changing during this time. And one of the one of the interesting things that kind of goes along with this paper is that we do find that divorce laws matter. So we're not just saying that these things are robust to everything, but we do know that when the - where it's difficult to get divorces, divorces are not occurring and where it's

easy to get divorces, a lot of divorces are occurring through legal services program. So not only are our results robust to a lot of different things, but they also make sense to what's going on during this time period as well.

Jennifer [00:33:42] So the LSPs are actually interacting with those laws. So, yeah. So bigger picture here. And you talked about, you know, how these are programs - they're kind of controversial and especially because they're increasing divorce rates. So do your results imply that overall LSPs were good or bad? How do you think about the effects on the well-being of people in these communities?

Jamein [00:34:02] Well, we say very little in the paper purposely about well-being. And that mainly, one, because we can't actually estimate well-being. Are you better off or worse off? That's another paper, in my opinion. But what we can say is that for individuals, right, this is services for the first time. So this is not the story that you get that individuals are changing their behavior based on the services that that exists. Right. This is that - there's a change in your budget constraint due to legal services changing and restricting access to the public goods or to this case, public assistance. So if someone is in a circumstance where they need aid and they can't get aid, once they get it, get aid, we can see that they're clearly in a better situation than they were before. But I think as it relates to well-being, what most people are curious about is, are the kids better off? Right. This is where it comes down to the conversation about family structure and the impacts that leads to outcomes of the children. And we don't do that in this analysis. But what we are looking at an expansion of the program for individuals who did not have access. And one can make the claim that if individuals who are denied benefits have access to benefits, they should be better off, then the question becomes, are they better off in the 90s or the 80s?

Jennifer [00:35:25] Yeah.

Jamein [00:35:25] That's another question.

Jennifer [00:35:27] Which hopefully someone, if not you all, will look at it. So going back to our earlier conversation about how LSPs provided de facto access to benefits that were already on the books. So the rest of the quote that I read earlier was that LSPs ensured that families entitled to benefits could get them, which exposed poor families to welfare incentives for the first time. I found it super interesting. I take it that other studies have found that people didn't seem to respond to the incentives put in place by welfare policies as much as economic theory would predict. And so you all, I think, are suggesting that this is because without access to legal services, those policies didn't actually change the incentives faced by the people they targeted. So, one, I wanted to just see if that's what you are arguing, if that's your take. And then more broadly, what do your results tell us about how the courts and access to representation and other legal services interact with policy?

Jamein [00:36:21] So the research on welfare and family structure is mixed, right? We have results that - I mean empirical research. There is an impact on family structures the research that says. They're not an impact or much of an impact. And our results suggest that changes in the ease and was that poor women can actually receive benefits, kind of deal with this lack of evidence that we may find, all the contradictory evidence that we may find. And this is partly due to the fact that the cross-sectional analysis - as I stated previously, there are tons of things going on in the 1960s and 1970s. And in doing a cross section analysis, right, you're capturing all of these other different things that are going on. Then in a panel setting, there's not much variation in welfare generosity over time. You do

have specific changes here and there, but it makes it difficult to kind of really identify these impacts. And this is not necessarily criticizing or saying anything about the literature. This is what the literature, the papers that find these results are saying. And so, I mean, what we do find that it is - it is an expansion of access to legal services and that these lawyers are just changing who has access to AFDC and welfare during these times, meaning that if you change the benefits and but you don't change the perceived access to these benefits, you won't find a change in take up. But if you actually change access or individuals perceived the ability to be successful with obtaining public assistance, then you will see this, which we document empirically and show historically that legal services drastically change the situation. They ensure that families entitled to benefits could actually get them and exposed families who offer incentives and once, since for the first time, which legal scholars argue would not be the case if legal services did not exist.

Jamein [00:38:20] Now, as it relates to representation and policy, and since I think the architects of this program had that exact thought in mind, is that we really want to use this program. Legal service program has oversight of local bureaucracies in the sense that the war on poverty is the ideal is that you have these professionals coming to poor communities and almost dictate, you know, the programs and provide these programs and provide them the tools in order to fight against poverty or to climb up the economic ladder ladder. Right. But in a sense, what they were saying is that, look, there are certain things that the poor needs and that the poor articulate and by providing them lawyers, they can articulate exactly what they need through the judicial system. And a legal service program did that right in the sense these young lawyers went into these law firms and tried to help individuals with tenant landlord disputes. And a lot of the times, especially since supporters often felt victimized by the judicial system. They go to these lawyers too late, but they say, well, there's other benefits that are available to you when they say, no, they're not. Well, this is something that can actually be addressed in a sense by providing oversight, overlook bureaucracy, make sure that public goods are actually being distributed in the way they should be.

Jennifer [00:39:46] So moving on from this particular paper, is there any other recent research about access to legal services and how it affects communities or individuals?

Jamein [00:39:53] Yeah, so there is research by Pedroza, who kind of look at legal services and immigrant communities, is showing how having legal services increases demand for bureaucracy is assigned to protect these individuals, especially as it relates to consumer fraud. Then I also have a couple of papers on legal services looking at the program's impact on demand for policing, basically showing that legal services increased reporting of crime, kind of - not necessarily take a stance on what actually happens to crime. But one of the things that these legal service programs did is that they sued welfare agencies, but they also sued local police departments during this time. And the idea is that you bring public officials or police department heads to the tables and you discuss proper policing with the goal of decreasing the likelihood of these violent demonstrations that were occurring in the 60s. So in the sense that paper really shows that there was some response to changes in policing due to legal services. And then I have a paper with Rob Gillezeau that we look at legal services as an antirioting program and the impact that it has on property values and black communities. And kind of we show that legal services being antirioting program reduce the damages from rioting and which is evidenced by property values and places writing places that had legal services versus places where riots occurred and did not have legal services.

Jennifer [00:41:33] So what are the policy implications of all of this work? Does this mean that we should be expanding access to legal services today?

Jamein [00:41:41] So two fronts. So a lot of stuff has been happening as far as with protesting. And I've been approached with the Legal Service program. And it also the same thing could be said as it relates to legal services and family structure. It's hard to say that a policy in the 1960s would have the same impact as today for, and for instance, like our research shows that cash welfare are restricted to single parents. When recipients have access to it, it affects the family structure. But our findings are not consistent with the story that when families will change right, family structure would change if you become less or more generous as far as welfare benefits. So we can't speak anything to should you increase or decrease the generosity of public assistance. And therefore, it's kind of hard to say what legal services will have - the impact they will have today in the sense that by changing a lot of the laws and eligibility requirements, those that were deemed unconstitutional was kind of hard to say that you can bring back some eligibility requirements and practices that were unconstitutional for a particular policy. Then same thing as it relates to dealing with police and rioting is kind of hard to say that legal services will have the same impact that it had in the 1960s.

Jamein [00:43:00] Now, it is true this program still exists today. I mean, there are legal services offices in every major city across the country. Are not necessarily involved as there's many things that they were involved in the 1960s and the 1960s is a purely experimental right. They did not understand that, you know, divorce would be a main issue and not go into this understanding that they will sue welfare federal officers initially. Right. These things came out as easy targets for them once they kind of understood the needs of the poor. And so it's kind of hard to make that jump far as the policy of legal services today. But what we can say is that legal services did change some of these outcomes that we care about, that we study right. How we do - there's tons of literature on on family structure and AFDC. And we do show that legal services played a role in changing family structure. I know that in the 1960s and 70s.

Jennifer [00:44:01] So what's the research frontier here? What are the next big questions in this area that you and others will be thinking about in the years ahead?

Jennifer [00:44:08] There's a couple of things that. One is the well-being question that you asked earlier. So one of the things is just looking at outcomes of children in these communities that are impacted by the legal services to see if there are better or worse off or if they have better or worse economic outcomes that we may care about so that we can say something about, you know, if individuals are better or worse off due to the presence of legal services. The other areas here as it relates to legal services being a former oversight, they kind of actually seeing if legal services maybe change police use of force. The sisters actually going in and suing local police departments, fighting or advocating for changes in police practices. Do we see changes in the civilian deaths due to policing?

Jamein [00:44:57] And then the third area in which I think legal services or this research can be very useful is tenant-landlord disputes. So the history of legal services is that the program started in 1965, so forth and so on. They had a lot of divorces cases that they took on and they sued welfare officers and police departments. Well, that's for the first 10 years of the program. But by 1974, 1975, tenant-landlord disputes was the number one issue as it relates to the type of cases they were taking on own. A legitimate question has to do with housing security and legal service playing a role in making sure individuals have adequate living conditions.

Jennifer [00:45:38] My guest today is Jamein Cunningham from the University of Memphis. Damien, thanks so much for doing this.

Jamein [00:45:43] Thank you for having me.

Jennifer [00:45:50] You can find links to all the research we discussed today on our website, probablecausation.com. You can also subscribe to the show there or wherever you get your podcasts to make sure you don't miss a single episode. Big thanks to Emergent Ventures for supporting the show and thanks also to our Patreon subscribers. This show is listener supported. So if you enjoy the podcast, then please consider contributing via Patreon. You can find a link on our website. Our sound engineer is Jon Keur with production assistance from Haley Grieshaber. Our music is by Werner and our logo was designed by Carrie Throckmorton. Thanks for listening and I'll talk to you in two weeks.