

One Disaster, Two Recoveries: The Ongoing Pursuit of Justice on the Gulf Coast

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Brief Description: Almost three years after hurricanes ravaged the Gulf Coast, many survivors, particularly those in low-income and minority communities, are still in crisis, disproportionately affected by both the disaster and the design and implementation of the recovery process. Attempts to address these issues have resulted in innovative collaborations and the creation of new and effective ways to deliver pro bono legal services across state lines. This workshop will explore how the equal justice community has collaborated to deliver services and how that experience can be applied to ongoing needs on the post-hurricane Gulf Coast.

Topical Outline:

- I. Introduction
 - a. Equal Justice Works Video on the Katrina Fellowships
 - b. Evolving post-disaster legal needs
 - i. Triage
 - ii. Rebuilding
 - iii. Systemic
- II. Model One: AmeriCorps Legal Fellowships: Katrina Initiative

- a. Remote supervision of law students
 - i. AmeriCorps Legal Fellowships were placed in the region to aid and encourage participation from law students and attorneys
 - 1. Example: Road Home title clearing
 - a. Succession issues raised – lack of legal preparedness post-storm
 - b. Clearest example of the frustration experienced and the ongoing need for legal volunteers
 - c. Law students were recruited to assist staff attorneys with the Succession caseload. They performed intake, reviewed case files, and drafted pleadings for staff and volunteer attorney.
 - 2. The success of this model led to the development of law students volunteering at various legal aid locations (Acadiana Legal Hotline, Capital Area Legal Services Corporation, etc.)
 - ii. We have also worked closely with other organizations, such as Louisiana Appleseed, Student Hurricane Network, and area Bar Associations, to place law students at a variety of locations (City Attorney’s Office, NOLAC, Orleans Public Defender’s Office)
- b. Creating a pro bono culture on the Gulf Coast
 - i. Equal Justice Works AmeriCorps Pro Bono Legal Corps Katrina Initiative has been extended in this region with AmeriCorps Legal Fellows due to the outstanding participation and dynamic results.
 - ii. The overall improvement of our volunteer projects has greatly encouraged additional volunteers – from law students, professors, and attorneys to participate–
 - iii. Improvement of communication between legal aid providers, the projects they have developed, and the placement of volunteers has also led to wonderful results
 - 1. Development of additional pro bono coordinators
 - 2. Greater participation in other areas of law (immigration, criminal, etc.)

III. Model Two: New Orleans Legal Assistance (Southeast La. Legal Services)

- a. Building relationships beyond the Gulf Coast Region
 - i. New Orleans Legal Assistance Project (Mass. Bar)
 - 1. coalition of law students, attorneys and law professors
 - ii. Student Hurricane Network
 - iii. Legal Services Programs nationwide
 - iv. Law firms and Bar Associations
 - 1. Womble Carlyle Sandridge & Rice
- b. Leveraging local resources
 - i. Law Schools and Clinics
 - ii. Assist with policy work
 - iii. Systemic changes in government programs set up to provide assistance to survivors of the storms
- c. Community Outreach/Education

- i. Regular presence at community centers, participate in public events, disaster relief centers, HANO to meet the clients
 - d. FEMA claims
 - i. Impact Litigation through individual claims
 - 1. Morris v. FEMA – Flood Bar
 - ii. Rental Assistance Denial
 - iii. Recoupment appeals
 - iv. Building a class for systemic change
 - 1. Recoupment claims
 - e. Housing Crisis
 - i. Evictions
 - ii. Foreclosures
 - iii. Bankruptcy
 - iv. Local government issues
 - v. DHAP Transition problems
 - vi. FEMA Trailer issues
 - 1. local ordinances
 - 2. health problems
 - f. Ongoing issues: Emerging and recurring
 - i. Road Home Denials and Recoupment
 - ii. Legislation Push
 - iii. Public Education and Training
- IV. Model Three: Texas Appleseed
 - a. The Appleseed model; leveraging pro bono for systemic change
 - b. Class Action Litigation
 - i. Watson v. FEMA
 - ii. Ridgely v. FEMA
 - c. Research, Reports, and Advocacy
 - i. *A Continuing Storm: The Ongoing Struggles of Katrina Evacuees*
 - ii. CDBG
 - iii. Heir Property
 - d. Ongoing and emerging issues; broadening the scope of pro bono
- V. Model Four: The Mississippi Center for Justice
 - a. Direct Service
 - i. Go Where the Clients Are
 - ii. Use Pro Bono Coordinators to Exploit Resources: national advocacy firms, private bar, and law schools:
 - iii. Coordinate Intake Between YLD, Legal Aid, and Pro Bono Programs
 - iv. Establish Parallel System for “Conflicted-Out” Cases
 - v. Find Roles for Transactional Lawyers
 - vi. Add Staff Locally for Intake and Co-counsel
 - b. Policy Work
 - i. Let Direct Service Guide Policy Priorities
 - ii. Work in Coalition
 - iii. Work Using Interdisciplinary Approach

- iv. Use Media
 - 1. to tell the true story
 - 2. to track the money
 - 3. to make communities visible
 - c. Community Lawyering
 - i. Deepen the Coalition
 - ii. Cultivate the Grassroots
 - iii. Engage politically where clout is greatest
- VI. Conclusion: How to get involved.
- VII. Questions and Comments

Notes:

Bibliography & Website Links:

1. Equal Justice Works AmeriCorps Fellows Pro Bono Legal Corps Katrina Initiative, www.equaljusticeworks.org
2. Pro Bono Legal Corps, www.pblcbatonrouge.org
3. www.lawhelp.org/la
4. www.probono.net
5. New Orleans Legal Assistance, <http://www.nolac.org/> and Southeast Louisiana Legal Services, <http://www.slls.org/>
6. Mississippi Center for Justice, <http://www.mscenterforjustice.org/begin.html>
7. Texas Appleseed, www.texasappleseed.net and Appleseed Foundation, www.appleseeds.net
8. *A Continuing Storm: The Ongoing Struggles of Hurricane Katrina Evacuees*, Appleseed, 2006. Available: http://www.texasappleseed.net/projects_hurricane.shtml
9. Karen Lash, "Mitigating Disaster: Lessons from Mississippi," *Management Information Exchange Journal*, Summer 2007. Available: <http://www.mscenterforjustice.org>
10. Citizen's Road Home Action Team <http://page.thinknola.com/wiki/show/Citizens'+Road+Home+Action+Team>