



ADVANCING ECONOMIC JUSTICE

*Advancing the cause of economic justice for low-income families,
individuals, and communities across the country*



Formerly Welfare Law Center

Summer 2007

Federal Court Rules Katrina Victims Are Not “Gnats to be Brushed Away” by FEMA

On June 13, 2007, a federal court in New Orleans, Louisiana, issued a preliminary injunction in *Ridgely v. FEMA*, prohibiting FEMA from 1) terminating rental assistance to victims of Hurricane Katrina and Rita without giving them adequate notice of the reason for the proposed termination and the opportunity for a meaningful pre-termination hearing; 2) seeking recovery of alleged overpayments without giving individuals an adequate written notice and opportunity for a meaningful hearing; and 3) refusing to pay rental assistance to otherwise eligible evacuees whom FEMA believes were previously overpaid without giving them an adequate written notice and opportunity for a meaningful pre-termination hearing. The court also allowed the case to proceed as a class action.

“Poor and struggling working people should not have to suffer repeated homelessness, first from the devastating effects of natural disasters and then because of FEMA’s horrendous and heartless mismanagement of this nation’s emergency housing program. We are grateful to the Court for restoring the rule of law in this vital government assistance program,” said Marc Cohan, NCLEJ’s Director of Litigation.

This case, which raises important due process and other claims, was filed in April 2007 by low-income individuals displaced by Katrina who argued that FEMA’s system is chaotic and error-prone, and that FEMA’s practice of terminating rental assistance for people before giving them the chance to appeal leaves

them at risk of homelessness.

In issuing the order, Judge Berrigan criticized FEMA for its unresponsive system, observing that “...the defendants appear to treat the plaintiffs and their

“...the defendants appear to treat the plaintiffs and their prospects of homelessness and the despair and stress of such added worries as if it were gnats to be brushed away while the defendants busy themselves with creating more bureaucratic regulations.”

— Judge Berrigan

prospects of homelessness and the despair and stress of such added worries as if it were gnats to be brushed away while the defendants busy themselves

with creating more bureaucratic regulations. To brush off the correction of errors to the appellate process under these circumstances of real human suffering is simply unacceptable.” The judge also observed that FEMA did “not attempt to defend any of the incomprehensible hieroglyphic abbreviations that riddle [its] so-called ‘notice’ letters.”

NCLEJ represents the plaintiffs along with lawyers from Weil Gotshal & Manges LLP, the Public Interest Law Project, the National Law Center on Homelessness & Poverty, Texas Applesseed, the Mississippi Center for Justice, the Legal Clinic at the Loyola University New Orleans College of Law, and Steptoe & Johnson LLP.

A hotline for persons displaced by Hurricanes Katrina or Rita who have been denied continued rental assistance by FEMA has been established at the Loyola University New Orleans College of Law (504-861-5600).

Update: *Brou v. FEMA*

Over the last few months, NCLEJ has carefully monitored FEMA’s compliance with the settlement in our earlier class action involving FEMA’s failure to provide accessible trailers to Katrina and Rita evacuees with disabilities (see summer and fall 2006 newsletters or www.nclej.org).

Based on the information we have now received from FEMA, 1,483 people have received accessible trailers and an additional 301 people have received needed modifications, for a total of 1,784 people receiving life-changing assistance as a result of the settlement in *Brou*.

We’ve Been Busy!

NCLEJ staff work closely with local and national colleagues to promote economic opportunities for those in need. Highlights of our recent work include:

- In a highly unusual move, New Hampshire conceded in federal court that it was repeatedly violating the federal requirement that Medicaid applications for persons with disabilities be processed within 90 days (*Carter v. Stephen*). Local advocates showed that applications were pending for as long as a year to 18 months. NCLEJ continues to provide substantial ongoing assistance in this case.
- NCLEJ’s Pfizer/Equal Justice Works Fellow Laura Redman described her work over the past nine months at *Equal Justice Works New York*, a forum held at Pfizer on June 14th.



Laura Redman

Photo by Judi Esmond,
Courtesy of Equal Justice Works

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FROM THE EXECUTIVE DIRECTOR



NCLEJ was two years old when I arrived as a young lawyer in September 1967. Forty years later, I look back in pride and astonishment at all that we have accomplished – and with quiet confidence that the best is yet to come.

My confidence is based on our highly competent and inspired staff, strong Board, increasingly diversified funding base – and an astonishing need for our services. Our clients are trying to work their way out of poverty, overcome barriers created by physical and mental disabilities and lack of education, and help their children participate fully in American society.

Yet time and again the government programs created to help our clients only brush them aside. And time and again we have helped, as we have forced or persuaded agencies to obey the law. At our May 14th Awards Dinner, we joined in celebrating individuals who had moved out of poverty and off the welfare rolls because they had been able to get an education and training while receiving assistance.

Speaking of our Dinner, I am personally grateful to everyone who contributed to making it our most successful financial event ever, raising close to half a million dollars, with a net gain to NCLEJ of some \$350,000. It was a wonderful celebratory evening, thanks to our spectacular honorees described on the opposite page.

NCLEJ's totally new website, largely the work of Gina Mannix (who has been here with me for most of my tenure) is also an exciting development. Do check us out at www.nclej.org, where you can learn about our current efforts, subscribe to our e-mail update list, and (I can't resist) make a contribution on line.

Finally, I welcome Lynn Lu, an important addition to our legal staff (see page 4), and regretfully say farewell to Brooke Richie, our wonderful Skadden Fellow who stayed on with us as a staff attorney and is now leaving to establish her own program.

Thank you again for all your support over the years.

Henry A. Freedman
Executive Director

We've Been Busy! *continued from front page*

Joining Laura at the podium were Anastasia Kelly, Executive Vice President, General Counsel, and Senior Regulatory and Compliance Officer of AIG; Allen Waxman, Sr. Vice President and General Counsel of Pfizer Inc.; and David Stern, CEO of Equal Justice Works.

- Senior Attorney Cary LaCheen continues her busy schedule of training, conducting a workshop for the Community Service Society on public benefits and the Americans with Disability Act (ADA), attended by 30 advocates and service providers, and a training on the ADA and benefits issues, sponsored by Legal Services of New York, that offered Continuing Legal Education credit to 25 advocates from across New York City.

...And Justice for All

THE NCLEJ 2007 AWARDS DINNER

Friends and supporters of NCLEJ gathered on May 14 at the Lighthouse at Chelsea Piers in Manhattan for our annual gala awards dinner, *...And Justice For All*. The event, chaired by Paul Dodyk and John Hall, with coordination by Board Dinner Committee Chair Doug Curtis, celebrated the work of NCLEJ and its allies in advancing the cause of economic justice.



NCLEJ Board Chair Paul Dodyk welcomes the dinner guests.

At the dinner, we were pleased to recognize the achievements of four outstanding individuals:

■ **Cynthia Nixon**, award-winning actress and education advocate. The award was presented by United Federation of Teachers President Randi Weingarten;

■ **Jillynn Stevens**, Director of Policy, Advocacy, and Research at the

Federation of Protestant Welfare Agencies. The award was presented by author and advocate Frances Fox Piven;

■ **James Lipscomb**, Executive Vice President and General Counsel at MetLife, Inc. The award was presented by John Siffert of Lankler Siffert & Wohl LLP; and

■ **Congressman Charles Rangel**, Chair of the powerful House Committee on Ways and Means. Due to legislative commitments, Mr. Rangel could not be present at the dinner and was presented his award at a separate reception on May 31 (see sidebar).

Special tribute was paid to **Evelyn Davila**, lead plaintiff in NCLEJ's landmark class action suit that protects the rights of low-income New Yorkers to participate in life-changing education and training.

Please check out photos of both events on our website (www.nclej.org). For information about next year's awards dinner, contact NCLEJ's Director of Development Vicki Henderson at 212-633-6967.



Top left: Randi Weingarten presents the award to Cynthia Nixon.

Top second from left: Frances Fox Piven presents the award to Jillynn Stevens.

Top right: John Siffert presents the award to James Lipscomb.

Bottom left: NCLEJ's Director of Litigation Marc Cohan, Staff Attorney Brooke Richie, and special guest Evelyn Davila.

Congressman Rangel Receives James Corman Award at May 31 Reception



Charles Rangel, Nancy Malone, and Brian Corman

Congressman Charles Rangel was presented the *James Corman Award*, honoring the late Congressman, NCLEJ Board member, and advocate for the poor, by Wendell Primus, Senior Policy Advisor to Speaker Nancy Pelosi at a reception hosted by Simpson Thacher & Bartlett on May 31. Among the guests in attendance were Jim Corman's wife, Nancy Malone, and son Brian Corman.



Charles Rangel and Henry Freedman

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FOR ALL...
the NCLEJ 2007
Awards Dinner**



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more about planned
giving or donating stock.

Welcome Lynn Lu!

Lynn Lu joined NCLEJ
in May 2007 as our
newest Staff Attorney.
Her work focuses on
litigation to preserve
access to public benefits,
and policy advocacy to
safeguard recipients'
rights to appropriate
education, training,
childcare, workforce, and
other supports.

Lynn comes to the
Center from the Brennan
Center for Justice, where she was Counsel and Katz
Fellow working on criminal justice reform. Lynn
clerked for the Hon. Kermit V. Lipez on the United
States Court of Appeals for the First Circuit after
graduating from NYU Law School in 2004.

Prior to law school, Lynn worked for many years
as a book editor and publisher at South End Press, a
collective devoted to publishing books on a broad
range of social and economic justice issues. Lynn
holds a Master's Degree in English Literature and
Critical Theory from Sussex University in Brighton,
England, and a bachelor's degree in Women's
Studies from Harvard/Radcliffe Colleges.



Lynn Lu

NCLEJ Thanks Its Dedicated Interns and Externs!

INTERNS - SPRING 2007

Jah Juin (Jared) Ho
Brooklyn Law School
Michaela Bradley
Brooklyn Law School

INTERNS - SUMMER 2007

Jennifer Chung
Columbia University School of Law
Max Shterngel
Brooklyn Law School
Camaker Thomas-Heyward
Hofstra University School of Law

EXTERNS - SUMMER 2007

Megan Awerdick
*Columbia Law School
(Bryan Cave)*
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*University of Michigan Law
School (Dewey Ballentine)*

