

MISSISSIPPI CENTER FOR JUSTICE

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PRO BONO WISH LIST **November 22, 2011**

The Mississippi Center for Justice has committed itself to creating an infrastructure for legal advocacy that achieves social justice through multiple strategies. Because equality continues to elude many Mississippians in the areas of affordable housing, access to fair lending, quality public education, consumer protection and employment opportunities, the Center seeks support from conscientious law firms, law students, corporate legal departments and community activists who can give life to our community lawyering approach to address these issues. The *pro bono* opportunities contained herein cover a wide range of practice areas and are designed to allow our partners to work both locally and remotely to improve the state of social justice throughout Mississippi. We hope that you are able to partner with us to fight racial and economic injustice in Mississippi. Thank you in advance for your support!

How You Can Help

I. Attorney Support

A. Staffing

Fund a Fellow: Underwrite the salary for a one-year fellow to conduct advocacy, outreach coordination, direct representation, and facilitation of *pro bono* to the firm.

Staff Legal Outreach: The Center often conducts legal clinics, and firms can send lawyers for a week, allowing the volunteers to help prepare for the clinic, do intake onsite, and do any follow-up needed to prepare matters for *pro bono* referral.

B. Pro Bono lawyers serving Mississippians

Addressing the massive, unaddressed social justice and legal needs of Mississippians requires support of both the national and local bar. Thanks to the Mississippi Supreme Court and Mississippi Bar, out of state *pro bono* attorneys

can volunteer through a simple affidavit process without *pro hac vice* admission or local counsel.

Most representation is feasibly handled remotely; however, if the matter requires an appearance and the out of state *pro bono* attorney is unable to attend, the Center will attempt to partner the volunteer with a local *pro bono* attorney.

Gulf Oil Disaster-related *Pro Bono* Needs

Individual Assistance with BP Claims: Major industries in the region, including but not limited to fishing, seafood processing, and tourism, are now suffering economic hardship resulting from the massive oil leak. BP has contracted with Ken Feinberg and the Gulf Coast Claims Facility (GCCF) to administer the claims process provided for by the Oil Pollution Act of 1990 (OPA) for individuals who have suffered income loss, property damage, or other loss. The claims process requires extensive documentation of prior income while many in the seafood industry function in an informal economy, without traditional banking or payments into social safety net accounts such as social security or unemployment insurance, which complicates their ability to prove lost profits in such seasonal businesses. Furthermore, the process requires legal causation arguments and is moving slowly. To make matters worse, some in the industry face literacy and language barriers. As a result, the Mississippi Center for Justice and its regional partners are seeking *pro bono* attorneys to help residents, particularly those working in the informal and undocumented fishing businesses, to apply for aid and maneuver through the red tape. The Mississippi Center for Justice is leading a consortium of twelve legal service providers in the five states bordering the Gulf of Mexico. The need for *pro bono* assistance is overwhelming as we expect to handle 5,300 claims through this process.

Subsistence Claims: Thousands of claims have been and will continue to be filed with the GCCF related to the oil disaster in the Gulf of Mexico. One of the categories of compensation identified in that process and authorized by the OPA is a “subsistence” claim. However, of the 16,000 subsistence claims filed to date, only sixteen (16) of those claims have been paid by the GCCF. The Mississippi Center for Justice seeks to develop a strategy, supported by legal research and other relevant metrics, to reverse the GCCF’S current trend of denying subsistence claims for those who properly file them.

Oil Disaster Policy Opportunities: The legal framework surrounding the oil disaster recovery is complicated and detailed. Therefore, the Mississippi Center for Justice seeks to advance understanding of the administrative policies that will come into play in the face of such a disaster. In particular, the following areas need to be addressed:

- 1) **Natural Resources Damage Assessment:** Scientists and others will study the environmental impact of the oil disaster in the Gulf of Mexico for years to come. In the meantime, the Natural Resources Damage Assessment Act (NRDA) provides a process for beginning the recovery process. The Mississippi Center for Justice seeks to identify appropriate avenues for influencing the NRDA process such that the benefits flow to those who need them most. This includes insuring that monies address both human needs and environmental concerns.

- 2) **Oil Disaster Reports:** The President's National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling and Secretary Mabus' Gulf Coast Long Term Recovery Report will both provide policy guidance and policy questions that need to be addressed, possibly through legislation. The Mississippi Center for Justice seeks support in evaluating these two reports (and other relevant reports) to determine how they will affect the overall oil recovery and how they fit into existing administrative law. This project also includes monitoring legislation on both the state and federal levels.

Employment Claims: The Mississippi Center for Justice seeks a law firm to undertake representation of cleanup workers who have claims of underpayment, breach of contract, change of work conditions, etc. These individuals are not BP employees. Rather, they are employees of subcontractors and were working to clean up Petit Bois and Horn Islands in the Gulf Islands National Seashore.

Statewide *Pro Bono* Needs

Neighborhood Home Program: The Mississippi Center for Justice seeks to form a pro bono partnership with an area firm to resolve title issues related to the Neighborhood Home Grant program. After years of negotiation, the MCJ brokered a settlement with the U. S. Department of Housing and Urban Development (HUD) and the State of Mississippi to direct \$132 million to disaster housing recovery of lower-income households in south Mississippi whose needs were not served by the State's previous programs through the Neighborhood Home Program. Participating firms will provide the pro bono proof of ownership interest needed for grant applicants without clear title. This will take the form of completing and notarizing NHP heirship affidavits, and will not include any traditional probate components. The Mississippi Center for Justice is a nonprofit, public interest law firm committed to advancing racial and economic justice. Supported and staffed by attorneys, community leaders and volunteers, the Center develops and pursues strategies to combat discrimination and poverty statewide. Firms seeking to expand their pro bono services with a project that is not time, staffing or resource intensive should contact pro bono counsel Frank Farmer at ffarmer@mscenterforjustice.org.

Consumer Protection: Numerous opportunities exist to address racial and economic injustice throughout Mississippi. In particular:

- 1) **Credit CARD Act:** The Credit Card Accountability Responsibility and Disclosure Act of 2009 is now fully in force. The Mississippi Center for Justice seeks a law firm that can research the new requirements and regulations imposed by said act and prepare a plain language memorandum detailing the same. This document will be published on the Center's website and should also include changes and issues that arise related to new regulations regarding bank overdraft fees and student loan repayment.
- 2) **Foreclosure Assistance:** The current economic crisis has catapulted foreclosure assistance to the top of our list in terms of direct service needs. Mississippi has seen the highest rate of delinquency and an ever-increasing rate of foreclosure, particularly on the Gulf Coast. Homeowners across the state need help obtaining workout agreements with the existing lender or refinancing with another lender. *Pro bono* attorneys are needed primarily in a negotiating, rather than litigating, capacity. Some clients need attorneys to help them identify who is the true owner of the loan. A practitioner's manual, sample forms, and mentors are available for this subject.
- 3) **MERS Legal Standing:** The Mississippi Center for Justice is seeking a *pro bono* attorney to challenge the legal right of the Mortgage Electronic Registration System to pursue foreclosure of homeowners following supportive precedent in Arkansas and Alabama.
- 4) **Bankruptcy:** If attempts to negotiate a new payment plan or to refinance are unsuccessful, attorneys will be needed to file bankruptcy as counsel of record on behalf of the debtors so that they will not lose their homes.
- 5) **Mobile Home Replevin:** Thousands of low-income Mississippians live in mobile homes. The economic crises also affected these citizens. The Mississippi Center for Justice seeks a firm to draft a consumer education document regarding the mobile home replevin process, assistance programs for mobile home owners, and how they differ from traditional mortgage foreclosure practice and programs.

Title Clearing: Many low-income, particularly minority, homeowners across the state inherited their property through generations without proper transfer of title.

Others purchased property without sufficient or correct documentation. Cloudy title is a major factor causing blight because it prevents the homeowner from mortgaging the property, obtaining the true value of their property in the case of sale, and obtaining disaster recovery grants. As a result, the economic wellbeing of entire neighborhoods is affected. *Pro bono* attorneys are needed to work with the homeowner, to draft pleadings and estate documents, and to file them with the court. A practitioner's manual, sample forms, and mentors are available for this subject.

Access to Federal Redevelopment Funds: Alongside issues related to clearing title, the Mississippi Center for Justice seeks a firm to research opportunities to secure federal redevelopment funds in low income neighborhoods throughout Mississippi, but particularly in the neighborhood known as “midtown” in Jackson, Mississippi. Midtown is located in the heart of the capital city and is home to a vital and energetic group of residents who seek to improve their condition and surroundings. In order to do so, access to federal dollars is necessary.

Family Advocacy:

- 1) **Streamlining Social Services:** In Mississippi, a low-income household depending on government assistance must go to different offices for food stamps, child care assistance, child support enforcement and Medicaid. They are essentially filling out the same information multiple times and must provide the same information regarding identity and proof of income each time. We want to explore the potential of a single application, containing all of the information required for each of these services to lessen the burden and make the process more efficient. The Department of Human Services has been receptive to the idea. However, we need *pro bono* assistance gathering information from other states that have successfully implemented a single application process so that we can encourage DHS to do the same. Specifically, we would like a memorandum identifying states that have combined their social services applications, describing how it works, commenting on its success and limitations, and analyzing costs to implement and savings in administrative costs after implementation.
- 2) **Access to Child Care Certificates:** Along with community partners, the Mississippi Center for Justice is seeking a firm to pursue litigation against the Department of Human Services for its punitive policy which requires everyone applying for child care certificates to file a case for child support with the Department of Human Services. This requirement is impossible or, at minimum, severely burdensome for some single parents and is not imposed for other government assistance programs such as Head Start or public schools. Furthermore, it has a disparate impact on

minorities. Initially, we need a *pro bono* partner to research whether a similar suit has been filed elsewhere and whether it was successful. If so, we would like to pursue litigation with *pro bono* assistance.

- 3) **Inequities in the Administration of Food Stamps:** The federal Supplemental Nutrition Assistance Program (SNAP) is essential to a substantial number of Mississippi's hard working low-income families. However, many families find themselves empty handed due to the Mississippi Department of Human Service's administration of SNAP. Innocent families do not find due process in the appeals process and are often accused of fraud. In addition, small nonprofits helping the community are also inappropriately denied. As a result, the Mississippi Center for Justice is seeking *pro bono* attorneys to advocate for change to the system and to pursue litigation against the Department on behalf of such nonprofits.

Health Advocacy: Medical debt is one of the leading causes of bankruptcy, and, in response to the issue, the Center is working in partnership with the Mississippi Coalition for Citizens with Disabilities (CCD) to address charity care policies and debt collection practices in the Jackson, Mississippi area. The objective of the Hospital Accountability Project is to improve access to healthcare for the underinsured and uninsured through policy changes and outreach. As a result, we are seeking a *pro bono* attorney to prepare a white paper using the Center's research and CCD's observations to educate and advise hospitals, hospital associations, and legislative bodies regarding the effect of medical debt and the benefits of properly employing charity policies. Secondly, the Center needs a *pro bono* attorney or team thereof to create a community education brochure concerning medical debt.

Medical-Legal Partnership: The Mississippi Center for Justice seeks assistance with developing a medical-legal partnership to fight HIV/AIDS discrimination in the Mississippi Delta and beyond. The Center has a legal fellow who will join us in the Fall of 2011 who will develop a program to fight housing, employment and other forms of discrimination secondary to medical classification.

Education: The Mississippi Center for Justice needs at least one *pro bono* attorney per county to counsel and advise families of children with disabilities and, possibly, of general education students on issues relating to their child's education. Legal needs include representation at Individual Education Plan meetings, aiding the families in obtaining due process, filing Mississippi Department of Education and Office of Civil Rights complaints, and representation at disciplinary hearings. The Center is in the process of creating training materials for volunteers. In the meantime, the Center's education attorney, Kim Seamster Duffy, is available to assist the *pro bono* attorneys in

addition to other community education advocates who are on hand to provide input.

For-Profit University Comparison: Proprietary (for-profit) colleges have grown from something of an anomaly to a lucrative industry throughout the United States. Indeed, at least ten such for-profit schools are currently in operation in the State of Mississippi. While said schools operate legally, there is increasing concern about the tactics the institutions use to enroll students and the promises said institutions make with regard to those students' future employment prospects.

The Mississippi Center for Justice seeks a law firm partner to compile a comparison of the various state regulatory schemes affecting proprietary schools and to offer suggestions for improving Mississippi's regulatory scheme. The comparison should include, *inter alia*, the manner proprietary schools are regulated from state to state, the accreditation mechanisms in place from state to state and the penalties and/or sanctions levied by other states or agencies against the proprietary schools (or their parent corporations) currently operating in the State of Mississippi. The project should also include a comparison of the courses offered – and at what rate per hour – by proprietary schools in the State of Mississippi and Mississippi's extensive network of community colleges.

Charter School Research: The issue of charter schools is one that is constantly mentioned in the continuing conversation about education in Mississippi. At present, the State of Mississippi has in place a very weak charter school law. Given new political realities at the state capital, the Center believes a new charter school law is likely to be introduced. Therefore, the Center seeks a memorandum detailing the pros and cons of various charter school laws across the nation. The memorandum should also include model legislation that has been successful in other jurisdictions.

Holmes County School District Policies Audit: The Mississippi Center for Justice seeks a law firm partner to review, audit and update the Holmes County, Mississippi, School District's policies regarding all aspects of Holmes County Public Schools operations, with particular emphasis on compliance with federal and state school discipline policies, due process protections and special education resources. Said audit should include suggestions for improving existing policies rooted in newer models and best practices in order to create a positive education environment for all students. It should be noted that the Holmes County School Board did not request this review. Instead, a local education-related grass-roots organization sought the Mississippi Center for Justice's assistance in this matter.

Local District Funding Requirements Under Title I of the Elementary and Secondary Education Act of 1965: The Mississippi Center for Justice seeks a law firm partner to research a local school district's obligations and/or discretion under Title I with regard to the amount of federally allocated funding it directs

towards access to services for special needs students and parents. Additionally, are there other requirements that a local district must meet with regard to funding services to special needs students and parents?

Securing Minority Business Opportunities in Two Reconstruction Programs:

The Gulf Coast office of the Mississippi Center for Justice needs a document that outlines job creation obligations under federal law for (1) minority business enterprises and (2) HUD Section 3 (tenants in government-assisted housing) for major job creation initiatives underway in South Mississippi.

One is the Neighborhood Home Program, a \$132 million housing repair program that will cover nine (9) coastal counties and provide up to \$75,000 per household to repair long neglected Hurricane Katrina damage.

Another is the expansion of the State Port at Gulfport. This is a \$570 million infrastructure restoration project that currently involves earth moving, construction, and cargo-handling infrastructure.

We need to know what the law requires and what are the reporting, monitoring, and enforcement opportunities for job training, employment and contract opportunities in connection with these projects. We are especially interested in early-stage interventions, including any that involve requests for oversight from HUD.

Federal Funds Oversight Project: In 2009, the Mississippi Department of Human Services nearly had to return \$23,000,000.00 to the federal government because the federal dollars had not been spent as required (or, indeed, at all), but instead, remained in a state-owned bank account for several years. Similarly, the Mississippi Development Authority nearly lost a federal economic development grant in the Mississippi Delta because it did not begin the economic development project for which said federal dollars were designated in a timely fashion. Thankfully, in both instances, private firms stepped in, contracted with the state and completed the required work. As a result, the State of Mississippi did not have to return the federally allocated DHS and economic development funds to the federal government.

Federal monies in the form of grants, stimulus, matching dollars, etc., pour into the State of Mississippi for a host of education, healthcare, infrastructure, economic development, employment, and other purposes. The Mississippi Center for Justice seeks a firm partner to develop a plan and create a report to track the federal dollars coming into the State of Mississippi in order to make sure those dollars are used as intended. The particular emphasis of this research would be on federally funded projects designed to benefit the Mississippi Delta. The report should identify the various federal agencies providing the funds and the agencies to which the funds are directed in the State of Mississippi. Furthermore, the report should detail the purpose of the federal dollars, Mississippi's responsibilities

regarding the use of the dollars and the time-line and/or conditions imposed on the use of federal dollars, if any.

II. Other Law Firm Support

Portable scanners: Scanners would greatly facilitate our ability to conduct onsite intake and get matters placed with volunteers.

Laptops: Many of our staff are operating on their own personal computers and on out of date laptops. A sufficient number of technologically and programmatically up to date laptops would greatly improve daily operation as well as our remote outreach.

Marketing: We have had significant success advancing our goals through the use of multimedia and other visual presentations of our advocacy efforts. However, limited resources are available for this type of investment. We would be thrilled to have the following kinds of assistance from a firm's marketing and/or public relations professionals:

- 1) Help creating power maps, citizen's guides, and envisioning materials for community meetings using computers, power-point style software and projectors.
- 2) Multimedia CD or DVD orientation and training materials for law students and volunteers to ensure a consistent and high quality transmission of information, and to reduce the burden on staff to give repetitive speeches. In cases where a *pro bono* firm prepares survey or practitioner's guides, we would welcome the inclusion of a video synopsis for use in training new staff and other volunteers.
- 3) Slideshows to capture the precise flavor of conditions on the ground and to track progress or stagnation over time.
- 4) Digital mapping, including GIS research, as an analytical and advocacy tool.

Training: The Mississippi Center for Justice is fortunate to be a growing legal nonprofit with several young attorneys. To serve and protect our communities, our attorneys need training beyond the usual CLEs and conferences available in Mississippi. To fill this gap, we would greatly appreciate our staff members being able to call into and listen to trainings held internally at law firms that are not specific or confidential to the firm.