

Law Students Working Within the  
Post-Katrina Legal Landscape  
The Student Hurricane Network Annual Report  
October 2005–October 2006

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“We will take our stories and pictures back to wherever we came from, and we can give a living testament to what it’s really like down here because so many people have absolutely no idea, and we can help to keep the Gulf Coast in the forefront of their minds.” —Erin Hittinger, Indiana University School of Law<sup>1</sup>

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<sup>1</sup> *Legal Aides: Law Students Travel a Long Way to Lend Legal Skills*, The Sun Herald, March 18, 2006, at A1.

This report is dedicated to two advocates for justice: Tulane Law professor David Gelfand, who died on September 25, 2005, and Nebraska Law student and SHN member Paul Brunner, who died on September 20, 2006.

"If you have come to help me, you are wasting your time. But if you have come because your liberation is bound up with mine, then let us struggle together."

—Lila Watson

"We are savagely under-enraged by what is going on here."

—Professor Bill Quigley

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**Breakdown of SHN law student volunteers working in the hurricane-affected region:**

<b><u>WINTER TRIPS</u></b>		<b><u>SPRING TRIPS</u></b>	
<u>Organization:</u>	<u>Law Students:</u>	<u>Organization:</u>	<u>Law Students:</u>
ACLU of Louisiana	14	Acadiana Legal Services	3
ACORN	16	ACORN	165
Advancement Project	25	Common Ground	48
Advocacy Center	10	Gulfport (2 orgs)	61
Capital Appeals Project	7	Habitat for Humanity	8
Common Ground	7	LA Workers Center	30
Gulfport (two orgs)	31	IMPACT (3+orgs)	15
IPNO	4	IPNO	4
JJPL/Juvenile Court	15	JJPL/Juvenile Court	21
Julie Kilborn/Phyllis Mann	10	Justice Center (LCAC/CAP)	10
LCAC	11	Lone Star	3
NOLAC	39	LSGM	2
PHRF	35	LSNF	2
Pro Bono Center	13	MCJ (Jackson)	17
Rebuilding LA Coalition	10	Pro Bono Center	21
Workers' Rights Project	10	Project Triage	55
		Rio Grande	12
		Safe Streets	18
19 organizations		21 organizations (approx.)	
<b><u>SUMMER TRIPS</u></b>		<b><u>SUMMER INTERNSHIPS</u></b>	
Common Ground	3		<u>Law Students:</u>
MS Center for Justice	1		
NOLA Public Defender	3		
NOLAC	7		
Pro Bono Project	2		
		TOTAL:	50

## **About This Report**

The legal questions and problems facing the individuals and communities throughout the Gulf Coast region are monumental in scale and will remain for years to come. This report explores a set of these problems and the role that law students have played to address these needs. This report is not meant to be comprehensive, but instead is intended to give the reader an idea of the far-ranging legal issues facing the hurricane-affected communities and some of the work that law students have completed.

We have divided the report into four substantive sections: Criminal Justice, Housing, Workers' Rights, and Voting Rights. Each section will provide a brief overview of legal issues, and then will describe projects that students worked on relating to the issues. This is done for convenience, but it should be stated that some of these problems are often interconnected and cannot be separated easily from one another. As this report finds, any one of these problems can be devastating to individuals and families, yet often people are battling a host of these problems.

This report serves three broad functions. First, it serves to identify to those interested in legal services some of the work that law students have been doing in the hurricane-affected areas over the past year. Second, it serves to articulate our general perspective on some of the legal issues we have encountered. Third, it serves to outline some of the ongoing activities we are coordinating so that law students who are interested in getting involved can be aware of some of the opportunities to do so.

## **About Us**

The story of Hurricane Katrina is one of disaster, chaos, and institutional failure. The legal issues arising out of the storm are complex and often outpace the resources available to individuals at all segments of the population. The enormity and longevity of this crisis demand the lasting attention of our nation's legal community.

In order to address this need, law students from across the country formed the Student Hurricane Network (SHN), a national association dedicated to providing long-term assistance to communities affected by Hurricanes Katrina and Rita. SHN works with law students and administrators to create and coordinate volunteer opportunities for law students in the Gulf Coast. We connect volunteers with relief efforts and the rebuilding process, streamlining the process for students who want to help and public interest organizations in need of assistance. SHN also educates members of the legal community about the legal crises in the region in the hopes of obtaining additional support.

The Student Hurricane Network merged several different projects law students were working on in the immediate aftermath of Hurricanes Katrina and Rita. In particular, From the Lake to the River Foundation, a group mostly composed of members of the legal community affiliated with Tulane Law School, worked with law students to create and staff a national hotline, as well as research Federal Emergency Management Agency (FEMA) issues. In the Northeast, about a dozen law schools met in New York City to coordinate planning for winter break pro bono trips. Near the end of October, during a conference hosted by Equal Justice Works, law students across the country gathered to discuss forming a national coalition to provide legal assistance to Katrina-

affected areas, and the Student Hurricane Network was born. By the end of fall 2005, students from across the country were participating in SHN activities.

### *Initial Projects*

SHN's first major project occurred in December 2005 and January 2006, when over 260 law students from over 57 law schools across the country converged on the Mississippi Gulf Coast and across Louisiana. Volunteers worked with over 19 public interest organizations to conduct massive intake, interviews, and research involving issues such as criminal justice, housing, immigrant labor, civil rights/civil liberties, criminal justice, juvenile justice, racial justice, economic justice, employment/labor law, and community development.

SHN's second major project was to enable more students to visit the region and assist a larger number of organizations over spring break. During February through April 2006, SHN placed more than 700 law students from across the country with legal organizations<sup>2</sup> in Florida, Georgia, Louisiana, Mississippi, and Texas for a week of their spring break.

### *Current Projects*

SHN has four other ongoing projects. First, we serve as a facilitator for ongoing research projects, pairing law students with organizations that need pressing legal questions answered. Second, a new program called Matchmakers for Justice helps displaced residents help themselves, by connecting residents with law-student advocates and providing them with training to effectively navigate government systems and gain access to quality jobs, education, health care, and housing. Third, we are working to inform law students about Katrina-related lobbying efforts. Fourth, SHN is working in partnership with state bar associations across the country to draft disaster preparedness legal services documents. We also plan to continue our winter and spring break pro bono trips.

To learn about how you can get involved in these efforts, please refer to the summary section of the report on pages 31–35.

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<sup>2</sup> Legal organizations that we have worked with include Acadiana Legal Services, Access to Justice, the ACLU of Louisiana, Acorn of LA, the Advancement Project, the Advocacy Center, Capital Appeals Project, Common Ground, Community Labor United, Equal Justice Center, Gillis Long Poverty Law Center at Loyola University ("Loyola Clinic"), Habitat for Humanity, IMPACT, the Innocence Project of New Orleans (IPNO), the Juvenile Justice Project of LA, Lawyers' Committee for Civil Rights Under the Law, Legal Aid of Northwest Texas, Legal Services Corporation, Legal Services of Greater Miami, Legal Services of North Florida, LA Bar Young Lawyers Division, LA Capital Assistance Center (LCAC), Lone Star Legal Aid, Mississippi (MS) Bar Young Lawyers Division, MS Center for Justice, MS Rural Legal Services, MS Volunteer Lawyer's Project, NAACP of LA, National Association of Katrina Evacuees, National Employment Law Project, National Immigration Law Center, National Immigration Project, New Orleans Legal Assistance Corporation (NOLAC) – Southeast LA Legal Services, Oxfam/MS Immigrant Rights Alliance, Orleans Parish Juvenile Court, People's Hurricane Relief Fund (PHRF), the Pro Bono Project, Rebuilding LA Coalition, Safe Streets/Strong Communities, the Southern Poverty Law Center, and Texas Rio Grande Legal Aid.

# Criminal Justice

## OVERVIEW

When Hurricane Katrina made landfall on Monday, August 29, 2005, most of the prisoners being held in Orleans Parish Prison were abandoned by prison guards who fled the floodwaters. Many prisoners were trapped in the putrid waters for up to four days without food, electricity, or clean drinking water.<sup>3</sup> What ensued was nothing short of a humanitarian and constitutional crisis of monumental proportions. Many of the prisoners were pretrial detainees, some of whom had not even been arraigned and had never met with a lawyer.<sup>4</sup> Thousands of prisoners were evacuated to facilities scattered around the state.

### **Lost Before Katrina: An account of one defendant's journey**<sup>5</sup>

Listed below is a chronology that traces the experience of one of the over-6,000 detainees who was in the Orleans Parish Prison System when Katrina struck. Defendant's name is "Smith."

**5/20/2005** – After being arrested for possession of drug paraphernalia, Smith's bond is set to \$2,500 at Magistrate Court, division 1 (the court division responsible for handling small misdemeanors).

**6/6/2005** – Smith appears for his arraignment after making bond. He pleads not guilty.

**6/28/2005** – Smith's scheduled trial date. Smith appears with appointed counsel and pleads guilty to the charge. He gets a suspended sentence of five months, mandatory drug testing, fines, and fees (\$250 to "Judicial Expense Fund," \$148 to "Court Costs," and \$50 to "Indigent Defender Program"; court sets a payment date in person for **8/9/2005**).

**7/26/2005** – Smith is arrested for simple burglary and possession of stolen property under \$500. He appears in M3, a *different section of magistrate court*, and bond is set for \$25,000. The court schedules a rule to show cause hearing for **9/24/2005** at 3:00pm.<sup>6</sup>

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<sup>3</sup> Louisiana Capital Assistance Center, *Hurricane Katrina*, available at <http://www.thejusticecenter.org/lcac/katrina.html> (last visited Sept. 28, 2006).

<sup>4</sup> Leslie Eaton, "Judge Steps In for Poor Inmates Without Justice," *The New York Times*, May 23, 2006.

<sup>5</sup> The following case was extracted from the website of the Orleans Parish Criminal Sheriff's Office, available at <http://www.opcso.org/>.

<sup>6</sup> The reasonable period within which a state may show probable cause in order to satisfy the 6<sup>th</sup> amendment's requirement of promptness is forty-eight hours after which point, "the burden shifts to the government to demonstrate the existence of a bona fide emergency or other extraordinary circumstance" warranting the delay. *Riverside v. McLaughlin*, 500 U.S. 44, 56 (1991).

**8/9/2005** – The M1 section of the Magistrate Court is expecting Smith to appear in the court for his payment. However this is not possible because Smith is in jail awaiting the state to come forward with probable cause on his simple burglary charge. So the M1 court schedules a Status Hearing for his case and issues a no bond bench warrant for his arrest.

**8/10/2005** – The Court realizes that Smith is already in prison, and his arrest is filed.

**8/23/2005** – The State refuses the simple burglary charge against Smith. Smith remains in prison.

### **Monday Aug. 29, 2005, Katrina makes landfall**

**2/24/2006** – Tulane’s criminal law clinic represents Smith in absentia. Court schedules a status hearing for **3/2/2006**. When Professor Pam Metzger asks Smith if he knew why he was being held, Smith says he thought the state was prosecuting him for the simple burglary charge (referring to charge that had been dropped in August about a week before the hurricane hit). *At this point Smith had already served seven months on a suspended five-month sentence.* His arrest was issued for failing to make an appearance in court because he was already arrested. When Metzger asks Smith if he knows where his family is, he replies, “the Ninth Ward.” He has no idea that the Ninth Ward was destroyed. Nor does he realize that the status of his family—dead or alive, together or scattered across the country—is anything but certain.

**3/02/2006** – Smith appears in court with Counsel. The Court issues his release.

Almost two weeks after the court issued Smith’s release, shortly before SHN volunteers arrived in New Orleans, Professor Metzger went to the prison on an unrelated matter and discovered that Smith was still in custody. When asked why he was not released, the corrections officer simply stated that she wanted to wait until there was a full bus of released prisoners since that would be more economical. Smith was eventually released and now lives in New Orleans. (See the *Project Triage* section below for more details.)

## **RESPONSE FROM SHN**

### **December 2005/January 2006**

SHN began its criminal justice work with Phyllis Mann, an Alexandria, La.–based criminal defense attorney, and Julie Kilborn, a Baton Rouge, La.–based criminal defense attorney, both part of a team of lawyers who tirelessly documented the whereabouts of the Orleans Parish Prison inmates scattered around the state in the immediate aftermath of Katrina.<sup>7</sup> When the law students arrived, they assisted the attorneys in the long process of filing habeas corpus petitions for inmates and paving the path to secure the eventual release of hundreds of defendants being held in violation of their constitutional rights.

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<sup>7</sup> James Gill, *The Case of the Disappearing Lawyers*, The Times-Picayune, March 24, 2006, at Metro 7.

### **Juvenile Justice Project of Louisiana (JJPL)**

Nineteen students worked with JJPL in a joint venture with the juvenile courts to close cases and prepare the court to reopen. Katy Schuman (Fordham Law School '06) describes the experience:

There were thousands of open cases, many of which had been open for some time, and outstanding warrants. The Chief Judge wanted us to close most of them, depending on the situation, so that the kids could go on with their lives wherever they had ended up. Many of the cases had finished, but because of perpetual staff shortages the warrants had never been closed. He was worried about these kids being picked up on old warrants in their new states (Texas, Georgia, wherever).<sup>8</sup>

### **The Justice Center**

Twenty-two students worked at the Justice Center, a site hosting a range of nonprofit criminal defense institutions, focusing on capital and indigent defense issues. Through the Louisiana Capital Assistance Center (LCAC), Innocence Project of New Orleans (IPNO), and the Capital Appeals Project (CAP), students worked mainly on providing human resources to a consortium of attorneys working to represent the legal needs of all inmates evacuated from New Orleans in the wake of Hurricane Katrina. Jelpi Picou, executive director of CAP, explains the nature of the law students' work:

Volunteers were invaluable in collecting data on dispersed inmates, conducting interviews with those inmates, tracking down family members, and providing support staff (in the form of research and writing) for attorneys attempting to press forward on the legal challenges to both underlying charges for individual inmates and overall systemic challenges to the incarceration of thousands without access to courts of justice. The volunteers worked in conditions that were, at best, trying—lack of governmental resources, intermittent power, nonexistent city services, and difficulty securing the basic necessities of life. And, despite these circumstances, they performed with courage and persistence: In many ways they are among the unsung heroes of the legal work done on behalf of indigents following the flood.<sup>9</sup>

### **ACLU of Louisiana**

During winter break, thirteen students volunteered with the ACLU of Louisiana under attorney Katie Schwartzmann's direction. The students began reading letters the ACLU had received from Orleans Parish Prisoners describing their experiences during and after the evacuation in an attempt to assemble a picture of what occurred after the storm. Students also interviewed many of these prisoners who were still scattered across the state in limbo. The students' preparation contributed to the eventual litigation filed

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<sup>8</sup> Email from Katy Schuman to Josie Beets on Sept. 15, 2006.

<sup>9</sup> Email from Jelpi Picou to Josie Beets on Sept. 21, 2006.

by the ACLU on behalf of an Orleans Parish Prisoner against Sheriff Marlin Gusman and other officials.<sup>10</sup>

## **Spring Break 2006**

### **Project Triage**

Project Triage, a partnership between the Tulane and Loyola clinical programs, criminal defense attorneys in Louisiana, and SHN, recruited student volunteers to participate in what would be “a massive triage and major criminal defense initiative” that would seek to document the status of “four- to five-thousand prisoners who [lacked] any meaningful legal representation, and for whom there [were] no prospects of legal representation.”<sup>11</sup>

The Project’s ambitious goal was to compile a database that tracked the status of criminal detainees in various sections of the Louisiana court system. The database was to be used in assessing the number of prisoners whose liberty was being compromised.<sup>12</sup>

Beginning March 13<sup>th</sup>, approximately 55 students from seven schools – American, Brooklyn, Cleveland Marshall, Georgetown, Suffolk, Tulane, and the University of Southern California – packed into the courtrooms of the Honorable Judge Jay Zainey and the Honorable Chief Judge Ginger Berrigan in the Federal Courthouse for the Eastern District of Louisiana. Rows of long tables and yards of extension cords supported students’ laptops as they sifted through stacks of court dockets, tracking the often convoluted odysseys that became the lives of many defendants even prior to Katrina’s landfall.<sup>13</sup> “Smith” from the case study above, was one of the first cases unearthed by this project. Mary Anne Mendenhall (Brooklyn Law ’08) pointedly remarks, “It’s just a matter of identifying the people who should be released. There is no disagreement about their existence—all that keeps running through my head is, Six months, and still there is no plan.”<sup>14</sup> The data created by students’ Project Triage work is not only responsible for the release of prisoners, but is also serves as a stark accounting of what happened in the New Orleans criminal justice system post-Katrina.

### **Safe Streets/Strong Communities (Safe Streets)**

Eighteen students worked with Safe Streets. Safe Streets is a post-Katrina-formed organization of lawyers, advocates, and community organizers dedicated to working toward a new criminal justice system in New Orleans, one that creates safe streets and strong communities for everyone regardless of race or economic status.

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<sup>10</sup> See *Abandoned and Abused after Katrina, Orleans Parish Prison Inmate Files Suit Against Sheriff Marlin Gusman, Warden Cornel Hubert*, ACLU Press Release, Sept. 1, 2006, available at [http://www.iaaclu.org/News/2006/Morgan\\_OPP\\_Sep0106.htm](http://www.iaaclu.org/News/2006/Morgan_OPP_Sep0106.htm) (last visited Oct. 17, 2006)

<sup>11</sup> *PROJECT TRIAGE: Louisiana Right-to-Counsel Database Project*, (Proposal Updated as of March 8, 2006, 3:00 p.m., Student Hurricane Network recruiting materials.)

<sup>12</sup> *Id.*

<sup>13</sup> Participating schools included: *American University, Brooklyn Law School, Cleveland Marshall, Columbia University, Cornell Law School, Drake University Law School, Harvard Law School, New York University School of Law, Northwestern Law, Stanford Law School, University of Denver College of Law, University of Illinois College of Law University of Iowa, University of Missouri School of Law, and University of Southern California.*

<sup>14</sup> Mary Anne Mendenhall, *Fun With Spreadsheets*, Blog entry, March 13, 2006, BLS-SHN Spring Break Blog, available at <http://bls-shn.blogspot.com/>.

SHN law students researched police oversight mechanisms, in particular researching an Office of the Independent Monitor as well as researching best practices in policing and policy and opposition research. As a result, the New Orleans City Council passed a resolution creating such an office, something communities had been fighting to establish for over four years. In addition, students performed exit interviews at the Orleans Parish jail; information gathered was used in the ACLU National Prison Project's report released in August. Volunteers also took advocacy calls from detainees in Orleans Parish Prison and other facilities across the state doing "Katrina time." From the calls, Safe Streets was able to advocate for the release of some of these detainees and assist their families in navigating the system.<sup>15</sup>

## **Summer 2006**

### **Orleans Public Defenders**

In the summer of 2006, New Orleans still faced a considerable criminal justice crisis. The Criminal District Courthouse at Tulane Avenue and Broad Street reopened and finally saw its first criminal trial since before Katrina.<sup>16</sup> The courthouse, however, was running at half capacity, with only the upstairs courtrooms functional; judges shared courtrooms, with paired sections meeting on alternate weeks.<sup>17</sup> The tunnel system from the House of Detention (HOD) that enabled the sheriff to bring inmates to the courthouse was rendered useless by the post-Katrina flooding, so deputies had to bus inmates to the courthouse in passenger vans. For this reason, Sheriff Marlin Gusman refused to bring more than six inmates at a time into any one courtroom,<sup>18</sup> despite a backlog of over 6,000 cases.<sup>19</sup> The volume of the daily first appearance docket required judges, clerks, court reporters, and attorneys to relocate from the newly opened Magistrate courtroom to the old lineup room at HOD, where proceedings were held.<sup>20</sup>

The flooding at Orleans Parish Prison left a considerable portion of the jail unusable, and pre-Katrina capacity dropped from 7,000 to 1,600 in summer 2006.<sup>21</sup> Due to this drop in capacity and rising arrest rates in the wake of midsummer violence in the city, the Sheriff again began shipping inmates, many of them pretrial and still awaiting formal charges from the District Attorney, to facilities around the state.<sup>22</sup> Hundreds of inmates were sent to Louisiana State Penitentiary at Angola, a maximum security prison, with countless others sent to facilities across the state.

Eight SHN volunteers, working with the Orleans Public Defenders, provided valuable assistance to criminal defendants during this time. Students interviewed defendants at first appearances to help create case files for volunteer attorneys. Students performed vital administrative tasks, ensuring that if another OPP evacuation occurred,

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<sup>15</sup> Email from Evelyn Lynn to Morgan Williams on Oct. 6, 2006.

<sup>16</sup> Gwen Filosa, *Orleans trials resume, with familiar themes*, The Times-Picayune, June 8, 2006, at Metro 1.

<sup>17</sup> Gwen Filosa, *Judge vows to free untried inmates*, The Times-Picayune, June 29, 2006, at A1.

<sup>18</sup> Gwen Filosa, *Judge vows to free untried inmates*, The Times-Picayune, June 29, 2006, at A1.

<sup>19</sup> Gwen Filosa, *Drug case dismissed for inaction*, The Times-Picayune, Aug. 23, 2006, at Metro 1

<sup>20</sup> Vi Landry, *Defenseless*, Gambit Weekly, Sept. 5, 2006, at 19.

<sup>21</sup> Gwen Filosa, *Judge vows to free untried inmates*, The Times-Picayune, June 29, 2006, at A1.

<sup>22</sup> Gwen Filosa, *Judge vows to free untried inmates*, The Times-Picayune, June 29, 2006, at A1.

inmates would not be lost in the system. SHN students contacted defendants' family members to inform them of the bond set, investigated cases for attorneys, and helped prepare motions and writs. Bilingual SHN volunteers also had the opportunity to translate for the growing population of Spanish-speaking defendants.

### **Fall 2006**

#### **Project Triage II**

In the fall of 2006, SHN students again had an opportunity through the Tulane Law Criminal Clinic to provide vital assistance to ensure jailed criminal defendants were not without counsel. Twenty-three SHN volunteers from four New York City-area schools processed over 1,000 records over a four-day period. Settled into a classroom at Brooklyn Law School, students recorded a snapshot of where these defendants' cases had been and were going, whether they had any representation, and whether they had been over-detained (held beyond their release date or longer than the maximum sentence for their crime).

The information from this project is being used by the Criminal Clinic and defense attorneys in New Orleans to provide substantive counsel to these defendants.

# HOUSING

## OVERVIEW

Hurricane Katrina made landfall on Aug. 29, 2005, creating a federal disaster area of about 90,000 square miles.<sup>23</sup> Wind and water destroyed tens of thousands of homes and displaced approximately 1 million people.<sup>24</sup> There were 14 counties with a combined population of 2.5 million people in Mississippi, Alabama, and Louisiana that experienced some flooding and/or structural damage.<sup>25</sup> Approximately more than 134,000 homes were damaged and at least 65,000 were completely destroyed in Mississippi, and 160,000 homes and apartments were destroyed or greatly damaged in the greater New Orleans area.<sup>26</sup> This destruction marked the beginning of a housing crisis that continues to affect the people of the Gulf Coast.

Whether or not survivors of the storm live in Southern Louisiana or Mississippi or are part of the Hurricane diaspora, they likely have faced a number of housing-related problems. In an article written shortly after the hurricane, Loyola Law Professor Bill Quigley described some of these problems facing those in New Orleans:

Despite the fact that people cannot come back, tens of thousands of people face eviction from their homes. A local judge told me that their court expects to process a thousand evictions a day for weeks. Renters still in shelters or temporary homes across the country will never see the court notice taped to the door of their home. Because they will not show up for the eviction hearing that they do not know about, their possessions will be tossed out in the street. In the street their possessions will sit alongside an estimated 3 million truckloads of downed trees, piles of mud, fiberglass insulation, crushed Sheetrock, abandoned cars, spoiled mattresses, wet rugs, and horrifying smelly refrigerators full of food from August.

As New Orleanians returned after the storm, most faced homes without electricity and gas. About two-thirds of the homes in New Orleans still did not have electricity in early 2006, and even fewer had gas.<sup>27</sup> In addition, many renters in Louisiana and Mississippi encountered evictions from landlords who wanted to charge evacuees higher rents. Other displaced residents faced evictions from hotels where they were forced to

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<sup>23</sup> The Rand Institute, *Rebuilding Housing Along the Mississippi Coast: Ideas for Ensuring an Adequate Supply of Affordable Housing*, at 13, available at [http://www.rand.org/pubs/occasional\\_papers/2006/RAND\\_OP162.pdf](http://www.rand.org/pubs/occasional_papers/2006/RAND_OP162.pdf).

<sup>24</sup> Amy Liu, Matt Fellowes, and Mia Mabanta, The Brookings Institute, *Special Edition of the Katrina Index: A One-Year Review of Key Indicators of Recovery in Post-Storm New Orleans*, at 3, available at [http://www.brookings.edu/metro/pubs/2006\\_KatrinaIndex.pdf](http://www.brookings.edu/metro/pubs/2006_KatrinaIndex.pdf), hereafter “Brookings.”

<sup>25</sup> Thomas Gabe, Gene Falk, and Maggie McCarty, CRS Report for Congress: Hurricane Katrina: Socio-Demographic Characteristics of Impacted Areas 3 (Cong. Research Serv. Doc. RL33141 ) (November 4, 2005), available at <http://www.gnocdc.org/reports/crsrept.pdf#search=%22CRS%20report%20Congress%20Katrina%22>.

<sup>26</sup> Brookings, at 3, *quoting* Department of Homeland Security, “Current Housing Unite Damage Estimates: Hurricanes Katrina, Rita and Wilma” (2006).

<sup>27</sup> Bill Quigley, *Six Months After Katrina: Who Was Left Behind – Then and Now*, Common Dreams, available at <http://www.commondreams.org/views06/0221-36.htm> (last visited Sept. 29, 2006).

stay after the hurricane. Even some that have housing confront environmental hazards because their homes are moldy or structurally unsound. As rents skyrocket, many cannot afford the little available housing that remains. As Professor Bill Quigley writes, “public housing has been boarded up and fenced off as HUD [Department of Housing and Urban Development] announced plans to demolish 5,000 apartments—despite the greatest shortage of affordable housing in the region’s history. HUD plans to let private companies develop the sites. In the meantime, the 4,000 families locked out since Katrina are not allowed to return.”<sup>28</sup> Since so much housing is unsafe, unavailable, and prohibitively expensive, the shortage remains one of the most pressing issues affecting hurricane survivors.

## **RESPONSE FROM SHN**

Students worked with the following organizations during winter and spring breaks of 2006. Each organization’s section offers a description of their mission and what type of support the SHN students provided.

### **Acadiana Legal Services**

Acadiana Legal Services Corp. was formed to meet the legal needs of the poor of Acadiana, a region in Southwest Louisiana, serving the residents of 21 parishes.<sup>29</sup> Acadiana has helped hurricane survivors with a variety of legal issues, ranging from insurance and FEMA problems to family law issues. Lafayette’s population grew by about 50 percent after Katrina and Rita, so the legal needs have grown substantially.

During spring break, three law students worked with Acadiana Legal Services on a number of civil law issues for two attorneys in Acadiana Legal Services’s hurricane response division. Each law student wrote a persuasive memo on behalf of insured hurricane survivors who had been denied coverage for hurricane damage.<sup>30</sup>

### **ACORN**

The Association of Community Organizations for Reform Now is the nation’s largest community organization of low- and moderate-income families, working together for social justice and stronger communities.<sup>31</sup> Over 175 law students volunteered with ACORN during winter and spring break. They worked on both legal and physical endeavors. The physical labor was generally gutting houses, the first step in the long process of rebuilding structurally sound housing. Isaac Cheng, NYU Law School, notes his interaction with one New Orleans resident:

“He pointed out the houses on the street—who would come back, who had lost someone, whose house had been most severely damaged? And he got a bit emotional, telling us how when he came back from Vietnam, he didn’t know what to think about his country. ‘But America is about this,’

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<sup>28</sup> Bill Quigley, *Ten Months After Katrina: Gutting New Orleans*, June 29, 2006, available at [http://afterthelevees.tpmcafe.com/blog/afterthelevees/2006/jun/29/ten\\_months\\_after\\_katrina\\_gutting\\_new\\_orleans](http://afterthelevees.tpmcafe.com/blog/afterthelevees/2006/jun/29/ten_months_after_katrina_gutting_new_orleans) (last visited Sept. 29, 2006).

<sup>29</sup> Acadiana Legal Services, *About Us*, at <http://www.la-law.org/aboutus.html> (last visited Sept. 29, 2006).

<sup>30</sup> Email from Andie Bensky to Laila Hlass, Sept. 15, 2006.

<sup>31</sup> ACORN, *Who is Acorn?*, available at <http://www.acorn.org/index.php?id=2703> (last visited Sept. 28, 2006).

he said as he spread his hands. ‘Not big policies, not the government policy in Iraq; just little people helping little people, not even caring about the differences between us.’”

The legal issues involved property title searches. The City of New Orleans had sought to bulldoze approximately 5,500 homes, purportedly those worst hit in the lower Ninth Ward section of the city, without any notice to the displaced home owners based on reasoning that the buildings, or the remaining debris, were a public nuisance. The students used Internet-based databases to identify the record title holders for many of the challenged properties and then to locate and notify many of the property owners of the city’s plans to destroy their homes. Moreover, under the guidance of ACORN, the student volunteers were able to produce enough evidence of record title holders to help secure an injunction against the city’s planned actions.<sup>32</sup>

### **Advocacy Center**

The Advocacy Center provides services to people over 50 years of age affected by Hurricanes Katrina and Rita and provides case management services to people with disabilities affected by Hurricane Katrina who meet certain eligibility criteria. Among the diverse services offered are legal representation, information and referral, outreach, and training.<sup>33</sup>

Over winter break ten law students volunteered with the Advocacy Center in both New Orleans and Baton Rouge. Some students worked on housing issues for the disabled, although students mainly dealt with social security and welfare benefits that had been denied to groups of interest, including the elderly and mentally disabled, and also provided basic legal assistance to the elderly mainly in the form of powers of attorney and wills. The housing-related work mainly involved assisting elderly and mentally disabled people in their attempts to obtain their subsidy checks and help people get FEMA trailers.<sup>34</sup>

### **Common Ground**

Common Ground’s mission is to provide short-term relief for victims of hurricane disasters in the Gulf Coast region, and long-term support in rebuilding the communities affected in the New Orleans area.<sup>35</sup> During winter and spring break, 48 law students volunteered with Common Ground, helping with physical labor and legal work.

Todd Arena, a law student engaged in house gutting, described the lack of city support for Ninth Ward residents he encountered trying to rebuild:

[Joseph]...lives two houses down and works each day to repair the home his family has lived in for four generations. He lives in that home despite the fact that officials have declared this section of the Ninth Ward to be “uninhabitable,” which merely means that you can’t get any municipal services. No water, no electricity. If you call the police, they will not

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<sup>32</sup> Email from Bryan Brooks to Laila Hlass, Sept. 12, 2006.

<sup>33</sup> Advocacy Center, *Who We Are*, available at <http://www.advocacyla.org/about.htm> (last visited Sept. 29, 2006).

<sup>34</sup> Email from Craig Wahl to Laila Hlass, Sept. 12, 2006.

<sup>35</sup> Common Ground Collective, *Home page*, available at <http://www.commongroundrelief.org/> (last visited Sept. 29, 2006).

come. If your house is on fire, it will burn to the ground. In the middle of America in the 21st century, Joseph lives in an honest-to-God wasteland; not the cultural and moral wasteland that T.S. Eliot lamented, but a no-man's-land of abandoned houses, tricycles, and cars; and in the midst of these abandoned paraphernalia of human lives, he solemnly rebuilds his home.<sup>36</sup>

Another one of the legal issues that students worked on involved negotiating with hotels to ensure that hurricane survivors were not evicted.

### **Habitat for Humanity**

Habitat for Humanity is a Christian nonprofit that helps families renovate and build homes.<sup>37</sup> Over spring break, eight law students volunteered with Habitat for Humanity, building homes in Gulfport, Miss. The students mostly worked on drywalling a home alongside its owner.<sup>38</sup>

### **Legal Aid of Northwest Texas**

Legal Aid of Northwest Texas is a comprehensive legal assistance program for the poor serving approximately 890,000 families who fall within the federal poverty guidelines and reside in 114 counties, covering more than 106,000 square miles.<sup>39</sup>

Brooklyn Law student J.J. Varley describes some of the housing legal issues of Katrina evacuees living in Dallas:

Many of those evacuees, who were granted housing on a limited basis by local housing authorities, have been caught in the middle of a financial dispute between those authorities and FEMA over who will pay for what housing, and when. Upon moving into local apartments, the evacuees signed 12-month leases, only to find that their housing assistance would only be valid for three months. At the end of their assistance, they are now struggling to break free from the leases so that they may return home.... In other cases, they seek housing assistance directly from FEMA, which is overwhelmed with such requests and cannot grant timely assistance to everyone.<sup>40</sup>

### **Legal Services of North Florida**

Legal Services of North Florida (LSNF) is a private, nonprofit corporation dedicated to providing free legal representation to low-income people with civil legal problems.<sup>41</sup>

During spring break two law students volunteered at LSNF, and some of the work they completed included research about whether FEMA was allowed to start charging

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<sup>36</sup> Email from Todd Arena to Laila Hlass, April 4, 2006.

<sup>37</sup> Harrison County Habitat for Humanity, *Home page*, available at <http://www.habitatgulfcoast-ms.org/> (last visited Sept. 29, 2006).

<sup>38</sup> Email from Andrea Comfort to Laila Hlass, Sept. 14, 2006.

<sup>39</sup> Legal Aid of Northwest Texas, *What is Legal Aid of North West Texas*, available at <http://www.lanwt.org/whatislanwt.asp> (last visited Sept. 28, 2006).

<sup>40</sup> J.J. Varley, *The stars at night are big and bright...*, BLS Spring Break for the Gulf Coast: Blog, available at [http://bls-shn.blogspot.com/2006\\_03\\_13\\_bls-shn\\_archive.html](http://bls-shn.blogspot.com/2006_03_13_bls-shn_archive.html), (last visited Sept. 29, 2006).

<sup>41</sup> Legal Services of North Florida, *Home page*, at <http://www.lsnf.org/> (last visited Sept. 29, 2006).

rent on its trailers and on housing issues involving construction liens.<sup>42</sup> Toka Bolkvadze describes the problem created when home owners were dissatisfied with work done to their damaged homes by contractors given exclusive government grants: “Quite a few people were unhappy with the work performed by contractors and were withholding final payments. As a result, contractors put a lien on the houses and were threatening to foreclose and evict owners.”<sup>43</sup> Working for LSNF, Bolkvadze researched how to help the home owner hurricane victims prevent their evictions.

### **Legal Services of Greater Miami**

The Legal Services of Greater Miami (LSGM) provides civil legal services for the poor in the Miami-Dade region.<sup>44</sup>

Two law students worked with LSGM during spring break on behalf of Hurricane Wilma survivors. The students interviewed people whose homes had been damaged and then reported this information to their supervising attorney who would then decide with other attorneys if they would accept the case. If the attorneys agreed to take on the case, the law students would draft a letter to FEMA requesting assistance for the new client, as well as file all the other necessities. Also, if assistance had already been denied by FEMA, the law students would draft an appeal letter.<sup>45</sup>

### **Lone Star Legal Aid**

Lone Star Legal Aid (LSLA) provides a full range of legal services to low-income clients in 72 counties in the east region of Texas and four counties in southwest Arkansas.<sup>46</sup>

Three law students volunteered with LSLA over spring break. These students went door-to-door in Beaumont, Port Orange, and Port Arthur, which had been hit by Hurricane Rita, asking individuals about why they had been denied FEMA benefits. Will Macke, University of Oregon, describes a typical meeting:

We’re walking down 31<sup>st</sup> Street in Port Arthur, ample evidence of severe wind damage is all around us—blown-down trees, torn-up roofs, and flattened sheds. We come to a house with a FEMA trailer parked in the driveway and knock on the door of the trailer. After a few minutes a woman yells through the door, “Who is it?” We explain that we’re providing a free legal service and are not associated with FEMA. The woman, elderly, partially disabled, and alone, opens the door and looks at us suspiciously. We explain who we are again and inquire about the damage to her house and the status of any claims she has filed with FEMA. Almost without fail, if the person was elderly, alone, unemployed, or otherwise unlikely to be able to cope with the system, they would have received little or no FEMA aid.

Those hardest hit may have a number of problems. As Adam Guenther, University of Oregon, explains, “Some folks had recently received trailers from FEMA

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<sup>42</sup> Emails from Laura Chirita and Tornike (Toka) Bolkvadze to Laila Hlass on Sept. 8, 2006.

<sup>43</sup> Email from Tornike (Toka) Bolkvadze to Laila Hlass on Sept. 8, 2006.

<sup>44</sup> Legal Services of Greater Miami, available at <http://www.lsgmi.org/> (last visited Sept. 29, 2006).

<sup>45</sup> Email from Daniel Berman to Laila Hlass on Sept. 10, 2006.

<sup>46</sup> Lone Star Legal Aid, *Home page*, available at <http://www.lonestarlegal.org/> (last visited Sept. 29, 2006).

but many houses were simply abandoned by folks who fled with the \$2,000 provided and were too poor to return.” Guenther also explains how FEMA hired many unqualified inspectors who had little oversight and did a poor job in assessing damage: for example, had the inspector stepped out of his car and walked around the house, he would have seen the tree sticking down through the roof where water had poured in and mold covered the walls, floors, and ceilings.<sup>47</sup> As William Macke observes: “Most of the houses we looked at were beyond repair. Severe water damage to the ceiling, floor, walls, and furniture and pervasive mold were the norm. The houses we visited were practically destroyed. The owners had no insurance because the house had been passed down and the title was messy. When the government reclaims their FEMA trailers these people will be effectively homeless. The future for those hardest hit by Rita is grim to say the least.”<sup>48</sup>

### **Mississippi Center for Justice**

The Mississippi Center for Justice (MCJ) was established in June 2002 as a nonprofit, public interest law firm committed to advancing racial and economic justice.<sup>49</sup> During winter and spring breaks, 100 students volunteered for MCJ, monitoring evictions at local Justice Courts, collecting histories of neighborhoods to identify those that qualify for historic-preservation grants, advising hurricane survivors on how to navigate the FEMA bureaucracy, and helping others to avoid home foreclosures. Over spring break, students also solicited comments during a seven-day comment period from residents who might be disadvantaged by Governor Haley Barbour’s plan for administering Federal Community Development Block Grants.

Joel Roberson of Chicago-Kent Law School describes his role in the foreclosure moratorium project:

In Mississippi, a trustee can perform a nonjudicial foreclosure by posting a notice at the courthouse and publishing that notice in the county’s paper of record. The Mississippi legislature had passed and the governor had signed a law allowing for a two-year moratorium on foreclosures of homes damaged at least 15 percent of their current value by Hurricane Katrina (Miss. Code Ann. § 89-1-301 et seq.). A home owner, however, must invoke this statutory right through a court injunction. It was our job to make sure these home owners knew their rights and could prevent their family from being evicted.... At the end of the week, we had collected a list of 34 homes that appeared to qualify for the housing moratorium.<sup>50</sup>

Law students volunteering on the Mississippi coast also provided the first clear picture of Katrina’s impact on rental housing. Surveying subsidized apartment units in the three coastal counties, law student volunteers performed visual inspections, interviewed residents and managers, and completed survey forms on the extent of damage, habitability, and the status of any repair efforts. MCJ has tabulated the survey information on the number of uninhabitable subsidized apartment units and compared it to the number of pre-Katrina subsidized apartments reported by the Gulf Regional

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<sup>47</sup> Email from Adam Guenther to Laila Hlass, Sept. 9, 2006.

<sup>48</sup> Email from William Macke to Laila Hlass, Sept. 9, 2006

<sup>49</sup> Mississippi Center for Justice, available at <http://www.mscenterforjustice.org/about%20us/mission.html> (last visited Sept. 29, 2006).

<sup>50</sup> Email from Joel Roberson to Morgan Williams, Sept. 2, 2006.

Planning Commission. The results are tabulated by county, by municipality and unincorporated areas, and by individual complexes.<sup>51</sup>

Elizabeth Wiegman of Michigan Law School describes her role in the affordable housing survey process:

“As we prepared to travel to Mississippi, I feared that there were not enough of us, and not enough time, for our group to serve as a positive force in righting the wrongs faced by hurricane victims. I was pleasantly surprised. The apartment surveys that we performed required relatively little training time, so we could get started right away, relying more on our energy, enthusiasm, and patience than on extensive preparation. We interviewed hundreds of people at scores of apartment complexes, gathering data and providing sympathetic ears. The work we did enabled the attorneys at the Mississippi Center for Justice to locate apartment residents who were in need of legal assistance, and to set a process in motion to get them relief and fair treatment.”<sup>52</sup>

### **New Orleans Legal Assistance Corporation (NOLAC)**

NOLAC is part of Southeast Louisiana Legal Services, which provides free legal aid for low-income people on civil legal problems, in a 10-parish area in southeast Louisiana. Over students’ winter and spring breaks, 58 students worked on non-employment issues, which included providing direct legal services to those with housing needs.

Often residents need lawyers and law students because the legal system is not working for them as it should. As Melody Wells, Columbia Law School, writes, “[N]early without fail the clients I’ve worked with at NOLAC have done what they were supposed to do—be it apply to FEMA, pay their rent, take care of their kids, work or look for work, etc., but there is a legal system that does not work for them.”

### **People’s Hurricane Relief Fund (PHRF)**

PHRF is working to build a people’s movement—a movement of grassroots persons disproportionately impacted by Hurricane Katrina and the dehumanizing treatment they received from local, state, and federal officials.

Over the winter and spring breaks, 95 law students volunteered with PHRF. Over winter break, a number of these students worked on two housing-related issues: the bulldozing of homes in the Ninth Ward, and the evictions of residents from hotels.

In order to build a case against the city’s attempt to bulldoze homes in the Ninth Ward without notice to home owners, students documented the status of homes slated to be demolished through pictures and detailed notes and tried to find and notify home owners of the possible demolition. Sara Jackson, of UCLA Law School, writes about

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<sup>51</sup> Mississippi Center for Justice, *Spring 2006 Newsletter*, available at <http://www.mscenterforjustice.org/news/newsletter2.html> (last visited Oct. 15, 2006).

<sup>52</sup> University of Michigan Law School, Pro Bono web page, available at <http://www.law.umich.edu/currentstudents/publicservice/betseyjournal.htm> (last visited Oct. 15, 2006).

finding a home owner Nathan Washington whose home was marked for destruction and notifying him about the city's plans:

This was a very strange role to be in—we were doing the work that the city should have been doing, letting people know the state of their homes and possessions, and that they may be destroyed without notice. Nathan was grateful for the call, and obviously upset about this news. He was glad to be put in touch with the PHRF legal team.... The next day, when we were in the e Ninth Ward documenting homes, our team came across a home that read “Do Not Bulldoze, N.W.” It turned out this was Nathan’s home; he had come down after getting the news. The home was moved from its foundation, but still standing, and likely able to be rebuilt. Nathan also later participated in a PHRF hearing (and was in a clip on Fox News!). His response alone told me that there were no doubt many others like him, who because they didn’t happen to be back in New Orleans, might not hear this news.<sup>53</sup>

PHRF and co-plaintiffs won a major victory on Jan. 13, 2006, with the bulldozing case *Kirk v. City of New Orleans*, when the court ordered that the city provide notice to home owners before their homes could be destroyed.<sup>54</sup>

Students also assisted hurricane survivors who were being evicted from the Quality Inn hotel on St. Charles Avenue to make room for tourists coming in for Mardi Gras. Students notified residents that they would provide assistance in negotiating with hotel management. While negotiations did not succeed, lawyers did succeed in getting a temporary restraining order preventing the evictions.

### **Pro Bono Project**

The Pro Bono Project’s mission is to provide free, quality civil legal services to the poor by engaging volunteer attorneys to provide pro bono legal services.

Twenty-five SHN volunteers worked with the Pro Bono Project over winter and spring breaks. Over winter break, some students helped people with property title issues so that they could get FEMA assistance. Often individuals remain in homes that their parents or grandparents owned without receiving the property title through transfer or a will. This creates a problem when they try to receive benefits because FEMA would pay the checks to their long-deceased ancestor if title was not transferred. Law students helped individuals become record owners of their homes in order to receive FEMA aid.<sup>55</sup>

### **Rebuilding Louisiana Coalition**

The Rebuilding Louisiana Coalition is a coalition devoted to development in accordance with the values of urban and environmental sustainability, social equity, and cultural respect and preservation.<sup>56</sup>

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<sup>53</sup> Email from Sara Jackson to Morgan Williams, Sept. 5, 2006.

<sup>54</sup> The People’s Hurricane Relief Fund & Oversight Coalition, *Home page*, available at <http://cluonline.live.radicaldesigns.org/?p=81> (last visited Sept. 29, 2006).

<sup>55</sup> Email from Jennifer Bonesteel to Laila Hlass, on Sept. 8, 2006.

<sup>56</sup> Rebuilding Louisiana Coalition, *Home page*, available at <http://rebuildinglouisianacoalition.org/> (last visited Sept. 29, 2006).

About ten SHN volunteers worked with the Rebuilding Louisiana Coalition during winter break researching which governmental entity could control where the FEMA trailers were placed and the possible use of eminent domain to appropriate land for trailers.<sup>57</sup>

### **Texas Rio Grande Legal Aid**

Texas Rio Grande Legal Aid provides free legal services to indigent residents of South and West Texas and to migrant and seasonal farm workers throughout Texas, Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee.

Twelve law students volunteered with Texas Rio Grande Legal Aid over spring break, working on a number of issues including housing problems. Students reached out to evacuees who have been unable to collect their FEMA assistance and evacuees who are being treated unfairly by their landlords. Denice Szekely of Brooklyn Law documented a story of a hurricane victim representative of the situation that so many residents faced:

My daughter and I had to leave our apartment in New Orleans. It was uninhabitable, as was the whole city. I never got my security deposit back from the landlord. Then the landlord moved out all my belongings and dumped them so she could rent the apartment at three times what I had paid.<sup>58</sup>

Amy Benedetto of Brooklyn Law School documented another housing issue of a hurricane evacuee:

One of my last callouts today was a woman whose FEMA claim was denied for insufficient damage. She was told by the FEMA representative that she should go back to her apartment in New Orleans. She told me that she would like nothing more than to go home but that she doesn't feel like she has a home to go to. She's terrified to go back to Louisiana; six months later she still has recurring nightmares about watching the floodwaters rise, never sure if she will make it off the roof or not. Perhaps her most striking observation was this: "I want to go home, I really do, but how can I go home? It's almost hurricane season again and nothing has changed. If a storm hits this season, there is nothing in my experience that convinces me I won't be stranded on my rooftop clinging to life again. I will go home when something has changed. You can tell FEMA that: I'll go home when something changes."<sup>59</sup>

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<sup>57</sup> Email from Zev Safran to Laila Hlass, Sept. 9, 2006.

<sup>58</sup> Denice Szekely, BLS Spring Break for the Gulf Coast: Blog, available at [http://bls-shn.blogspot.com/2006\\_03\\_15\\_bls-shn\\_archive.html](http://bls-shn.blogspot.com/2006_03_15_bls-shn_archive.html) "The Hurricane Diaspora," March 15, 2006 (last visited Sept. 29, 2006).

<sup>59</sup> Amy Benedetto, "Home Sweet Home," March 17, 2006, available at [http://bls-shn.blogspot.com/2006\\_03\\_17\\_bls-shn\\_archive.html](http://bls-shn.blogspot.com/2006_03_17_bls-shn_archive.html) (last visited Sept. 29, 2006).

# WORKERS' RIGHTS

"I found that workers from all over the country wanted, above all else, to rebuild what was lost." —Chris Soverow, Brooklyn Law School

## OVERVIEW

In the months after Hurricane Katrina, many African-American evacuees hoped to return home and to rebuild New Orleans. As noted in the previous section, the hurricane demolished available housing and rents skyrocketed out of the reach of low-income families. Those with the means to return largely found a way to do so. As a result, the public services in the more affluent (and mostly white) parts of the city were restored. However, the less fortunate were forced to live miles from New Orleans with little or no transportation to get to work. In many areas of the city, the public schools remained closed. In short, it was impossible for many African-Americans ready and willing to work to return and re-construct their city due to a number of forms of systematic discrimination.<sup>60</sup>

Contractors and subcontractors cleaning and rebuilding the city turned to immigrant workers, documented and undocumented, to fill their labor needs. Latinos were lured to the area by advertisements on the Internet and Spanish television stations promising work and good wages. However, as noted by Jennifer Lai of the Advancement Project, these promises were broken:

Contractors are not putting up their part of the bargain; they're not paying their workers. I think the second issue is health and safety. Contractors are not preparing their workers to work in some of the most affected areas, and now we are seeing some very, very serious health effects.<sup>61</sup>

In addition to wage theft and hazardous worksites, the immigrant workers who were able to find shelter were living in squalid and overcrowded conditions.

The evacuees and the immigrant workers faced many of the same obstacles; "homelessness, wage theft, toxic working conditions, joblessness, police brutality, and layers of bureaucracy," but they were divided by the spin created by politicians and the media.<sup>62</sup> Furthermore, employers purposely divided work crews into groups of immigrants and groups of evacuees.<sup>63</sup> Latino workers were viewed as unwanted invaders of New Orleans who were stealing the evacuees' jobs.<sup>64</sup>

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<sup>60</sup> Judith Browne, Jennifer Lai, Marielena Hincapie & Saket Soni, *And Injustice for All: Workers' Lives in the Reconstruction of New Orleans*, at 11 (July 2006) [hereinafter Advancement Project Report], available at <http://www.advancementproject.org/reports/workersreport.pdf> (last visited Oct. 13, 2006).

<sup>61</sup> Jennifer Lai, attorney with the Advancement Project, Comments to WDSU News Channel 6, Broadcast March 18, 2006.

<sup>62</sup> Advancement Project Report at 12-14.

<sup>63</sup> Yvonne Ballesteros, Law Student at UCLA School of Law, Op Ed piece: *New Orleans Cannot be Forgotten*

<sup>64</sup> Advancement Project Report at 13-14.

## RESPONSE FROM SHN

### I. Advancement Project

As reconstruction efforts progressed, these efforts excluded the survivor community as they exploited immigrant workers. To give both groups of workers a voice, and to better understand the issues they confronted, the Advancement Project, in collaboration with the National Immigration Law Center and the New Orleans Worker Justice Center, composed a report entitled *And Injustice for All: Workers' Lives in the Reconstruction of New Orleans*. SHN played a critical role in the study. From January to April 2006, over 50 members of SHN hit the streets of New Orleans and surrounding communities to interview the workers and document the injustices they faced. In January the focus was on the immigrants, primarily Latinos, who had migrated to the area. As the study progressed, efforts were made to find workers of other races and the survivors who had been displaced by Katrina. The information below details some of what the students encountered in talking to the workers.

#### a. *The Workers in New Orleans*

In January, SHN members spoke primarily with the workers from Mexico, Honduras, and other Central American countries. Many had been working in the United States for at least a couple months before arriving in New Orleans, and others had been living and working in the United States for years. They generally came from Southern states and Texas, but others came from as far as Wisconsin and Washington State. Very few of the workers interviewed in January actually lived in New Orleans before Hurricane Katrina.

In March, students found more workers who were evacuees themselves. They returned to work at jobs they had held for anywhere between 3 and 15 years prior to Hurricane Katrina.<sup>65</sup> Few employers assisted with housing and transportation costs, so most employees had to take care of these problems.<sup>66</sup> Some of the evacuees were frustrated with the lack of native New Orleanians filling jobs, but at least one believed that the immigrant workers were some of the hardest workers he had ever encountered.<sup>67</sup> Although the politicians and the press emphasized the divide between the two working groups, they were connected by one goal, as noted by Chris Soverow of Brooklyn Law School: "I found that workers from all over the country wanted, above all else, to rebuild what was lost."<sup>68</sup>

#### b. *Working Conditions*

Regardless of race or nationality, workers often found themselves working under hazardous conditions. One morning in January, students stumbled across the same horrific story from day laborers seeking work at a gas station in Lee Circle. Subcontractors were recruiting workers to gut flood-damaged houses. Day laborers were put to work in rooms filled with rotting drywall and toxic mold. Protective masks and

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<sup>65</sup> Peter Romer-Friedman, law student at Columbia Law School, Notes from interviews at Canal Street, March 14, 2006.

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> Chris Soverow, Brooklyn Law School student, Essay: *Hope for the Future*.

gloves were not provided. Some workers pulled down the soggy drywall with their bare hands. By the end of the day, the workers' noses were bleeding, they had broken out in rashes, and their heads ached. Although most workers refused to work further with gutting subcontractors that did not provide adequate protection, students spoke with workers in March who were still leaving toxic sites with nosebleeds.<sup>69</sup> Unfortunately, both large contractors and the smaller subcontractors only provided minimal forms of protection (for example, paper masks and latex gloves) that were not sufficient to protect against the toxic and dangerous conditions.

*c. Payment and Benefits*

Contractors with a hired labor force and subcontractors that hired day laborers were both guilty of failing to compensate workers for overtime. Students spoke with workers from companies such as Belfor that failed to pay workers overtime after working a 65-hour week.<sup>70</sup> Belfor was able to hide behind multiple layers of subcontractors to avoid the overtime compensation.<sup>71</sup> In response, the Southern Poverty Law Center brought a lawsuit against the contractor seeking overtime compensation for 175 individuals.<sup>72</sup> Ultimately, Belfor agreed to pay over \$200,000 owed to the workers who often labored through 80-hour work weeks without proper compensation.<sup>73</sup>

Yvonne Ballesteros, of UCLA Law School, spent time interviewing day laborers at Lee Circle and found one uniting characteristic among them:

For the workers who had been on various jobs, they all shared one thing in common—they had all been cheated at least once out of their wages. They were promised payment by a subcontractor and the very next day, he was gone. Nowhere to be found. Some workers had phone numbers, license plate numbers, and names of who they worked for. While others had nothing.<sup>74</sup>

Employees of large contractors were also victims of wage theft, and many believed they had no recourse and knew of no way to protect themselves against this abuse. However as Ms. Ballesteros noted, the workers were not entirely powerless:

What we began to notice was that the workers knew what contractors were not paying workers for the jobs performed. As soon as a contractor who had developed a bad reputation amongst workers, workers would shout “*¡no paga! ¡no paga!*” (He doesn't pay!) to notify other workers. This began to force contractors to be accountable to workers in order to be able to complete the jobs.<sup>75</sup>

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<sup>69</sup> Annamaria Segura, Law Student at Fordham Law School, Notes from Interviews at Lee Circle, March 14, 2006.

<sup>70</sup> Annamaria Segura, Law Student at Fordham Law School, Notes from Interviews at Gas Station in Kenner, March 15, 2006.

<sup>71</sup> Leslie Eaton, *Migrant Workers to Get Overtime for Storm Cleanup, Ending Suit*, The New York Times, Sept. 8, 2006 at A20.

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> Yvonne Ballesteros, Law Student at UCLA School of Law, Op Ed piece: *New Orleans Cannot Be Forgotten*.

<sup>75</sup> *Id.*

*d. Housing*

Regardless of race or nationality, many of the workers found themselves living in substandard housing conditions. Workers reported being crowded into two-bed hotel rooms with anywhere between 4 and 20 people. Others slept in abandoned cars caked in toxic dust and mold. Juno Turner, a student from Fordham Law School, spoke with a man from Chiapas, Mexico, who like many of the other day laborers at Lee Circle had been sleeping on the streets.<sup>76</sup> His subcontractor had failed to pay him, and he had been robbed, so not only was he desperate for shelter but he needed food.<sup>77</sup>

Laureve Blackstone and Chris Soverow from Brooklyn Law School spent time at the workers' camp set up by the City of New Orleans in the Scout Island section of City Park. What they found were muddy fields and campsites infested with mosquitoes.<sup>78</sup> Workers had to organize to fight for showers, which were finally granted at the price of \$5 a day.<sup>79</sup> Storm Force, the company contracted to run the campsites, thwarted the workers' attempts to organize themselves by recruiting the NOPD to prohibit meetings or by evicting organizers from their campsites.<sup>80</sup> By the time Blackstone and Soverow spoke with workers in March, their organization had completely disbanded.<sup>81</sup> Those living in the park were indirectly informed they had to purchase special \$200 tents to remain in the site, but this turned out to be completely false.<sup>82</sup> Storm Force informed the students they planned to level the campsites by the end of March.<sup>83</sup>

*e. Police and Immigration and Customs Enforcement (ICE)*

Many workers expressed that as long as one worked hard, and did not cause any trouble, there would be no problems with the police. However, on the first day of interviews in January, students intervened in an incident between day laborers and the Kenner Police at a local Home Depot. Day laborers were simply looking for work on the outer edges of the Home Depot parking lot but were threatened with arrest if they did not leave the premises. The manager of the Home Depot alleged that the workers were "harassing customers." From the students' point of view, however, only subcontractors took notice of the workers, and other customers simply drove by. Fortunately, due to the intervention of the students, the workers and police left the area without incident.

On Friday, March 17, at around 10:15 a.m. members of SHN were driving past the Lee Circle gas station when they observed a group of Latino day laborers sitting on the curb with their hands cuffed behind their back.<sup>84</sup> They were surrounded by ICE agents and approximately 20 unmarked cars.<sup>85</sup> Immediately the SHN members

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<sup>76</sup> Juno Turner, Law Student at Fordham Law School, Notes from Interviews at Lee Circle, March 14, 2006.

<sup>77</sup> *Id.*

<sup>78</sup> Laureve Blackstone & Chris Soverow, Law Students at Brooklyn Law School Essay: *Abuses at Scout Island, City Park.*

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> Anamaria Segura, Law Student at Fordham Law School, Note of March 17, 2006 ICE raid at Lee Circle.

<sup>85</sup> *Id.*

approached the scene, and started to take photos and record the license plate numbers.<sup>86</sup> Students tried to find out what was going on from the ICE officials.<sup>87</sup> Instead of offering assistance, the ICE agents blocked the SHN members' access to the detained workers.<sup>88</sup> Despite the officials' efforts to stop the students, they managed to get the names of several of the workers, and advised them not to sign any forms.<sup>89</sup> Anamaria Segura of Fordham Law School spoke to one detained woman who was tripped by ICE agents when she tried to flee from the raid.<sup>90</sup>

Once the press was contacted, they quickly arrived at the scene. The officers, who wore badges without names or identification numbers, granted interviews to the television cameras but still refused to offer any information to the SHN members. Finally, the persistent efforts of the students paid off, and the ICE agents provided them with a public relations contact that would detail information about the ultimate detention facility of the workers.

The students' refusal to yield to the ICE officials was an invaluable asset to the day laborers. On earlier trips SHN members spoke with workers who lost friends and family members in ICE raids because they had no idea where their loved ones were being detained or how to contact them. In this situation, however, several of the detained were identified and so was the location of their detention. Additionally, local attorneys were contacted to assist on further developments in the matter.<sup>91</sup> Without the efforts of the SHN volunteers, these workers could have been swept up in to detention at an undisclosed location without the benefit of an advocate.

Hillary Exter, an attorney and staff member of Fordham Law School's Public Interest Resource Center, commented on what appeared to be the practice of profiling by ICE officials:

Just picking up a whole group of people for inquiry based on absolutely nothing is very troubling. It just makes you feel like anybody could be stopped for any reason or no reason.<sup>92</sup>

Abraham Salcedo, a Fordham Law Student, also noted the absurdity of the whole incident and the government's approach to the labor problems in New Orleans:

When from our experience there are so many blatant labor violations throughout this city and federal labor standards are routinely violated, it doesn't make sense to be targeting the individuals who are here to help the community.<sup>93</sup>

Essentially the members of SHN could not understand why the government was so intent on strictly enforcing immigration regulations, while at the same time ignoring labor violations.

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<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> Hillary Exter, Attorney from Fordham Law School Public Interest Resource Center, Comments to WDSU News Channel 6, Broadcast March 18, 2006.

<sup>93</sup> Abraham Salcedo, Law Student at Fordham Law School, *quoted in* James Varney, *40 jailed in raid on immigrants: But legal groups say city needs workers*, The Times-Picayune, March 18, 2006.

## **II. The Louisiana Workers Justice Center**

The injustices that all the workers faced had been clearly identified, but they needed an answer. During March some 30 SHN members began to work with the Louisiana Workers Justice Center. The Center's goal is to protect the rights of both immigrant workers and the majority of African-American evacuees who have been shut out of their homes and jobs. Over the summer, members of SHN organized and attended events in New York City to publicize and raise money for the newly forming center. Students plan to maintain their relationship with the Louisiana Workers Justice Center through future projects.

# VOTING RIGHTS

## OVERVIEW

Hurricane Katrina destroyed half of New Orleans' voting districts and scattered over 300,000 of its residents.<sup>94</sup> The dislocation of these residents was compounded by their lack of access to information regarding the continuing functions of local and state government. Local and municipal elections in New Orleans and the surrounding area set for the fall of 2005 were postponed and then rescheduled because of the crisis that the hurricane created.

As attorneys Kristin Clarke-Avery and M. David Gelfand noted:

Candidates and their constituents have been displaced; polling places have been destroyed or rendered unusable; and certain election districts are significantly underpopulated. Moreover, the massive number of voters dispersed throughout Katrina's diaspora will make campaigning nearly impossible.... Absentee voting will be a major issue.<sup>95</sup>

An estimated 60 percent of the displaced residents were African-American, and even before Katrina, communities of color faced many procedural obstacles in exercising their right to vote.<sup>96</sup> After the disaster, creating a system to establish who could vote and how to vote became an even larger problem. FEMA originally refused to provide lists of evacuees' addresses, citing privacy concerns, but it eventually made the list available to the state of Louisiana.<sup>97</sup> To further complicate matters, Louisiana is covered by Section 5 of the Voting Rights Act of 1965, which mandates that any change in voting procedure must be approved by the Attorney General or the United States District Court for the District of Columbia.

Recognizing the particular challenge to voters' rights evolving from the post-Katrina situation, several groups moved to protect and empower citizens within and around the Gulf region. The NAACP-LDF, the National Bar Association, the ACLU, and other groups launched the Protect the Katrina Vote program to ensure voter access and information, and as a result of their suit against the state of Louisiana, *Wallace v. Blanco*, in January and February of 2006, these organizations were able to monitor polling places in Louisiana. Neither the legislature nor the *Wallace* litigation and eventual decision mandated or allowed out-of-state satellite polling sites in locations where many Katrina evacuees were residing. To reach these communities and ensure their participation, the Protect the Katrina Vote initiative set up Voter Empowerment Centers in New Orleans,

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<sup>94</sup> Benjamin Greenberg, "Voter Disenfranchisement by Attrition," *In These Times*, Nov. 16, 2005, available at <http://www.inthesetimes.com/site/main/article/2400/> (last visited Sept. 30, 2006).

<sup>95</sup> Kristen Clarke-Avery and M. David Gelfand, "Voting Rights Challenges in a Post-Katrina World," FindLaw.com, Oct. 11, 2005, available at [http://writ.news.findlaw.com/commentary/20051011\\_gelfand.html](http://writ.news.findlaw.com/commentary/20051011_gelfand.html) (last visited Sept. 30, 2006).

<sup>96</sup> Press Release, "Hundreds of Thousands of Katrina Evacuees are at Risk Disfranchisement," Feb. 24, 2006, available at [http://www.advancementproject.org/press\\_releases/2006/022406.html](http://www.advancementproject.org/press_releases/2006/022406.html) (last visited Sept. 23, 2006).

<sup>97</sup> Rob Richie and Ryan O'Donnell, "Louisiana's Electoral Disaster," *The Washington Post*, Dec. 19, 2005, at A29.

Houston, Atlanta, and Baton Rouge in March 2006. The Voter Empowerment Centers were staffed by trained legal volunteers who carried manuals with step-by-step guidelines to help voters.

## **RESPONSE FROM SHN**

SHN reached out to voting rights advocates, including the NAACP-LDF, the ACLU of Louisiana, the Advancement Project, and the Lawyers' Committee for Civil Rights Under Law to assist their ongoing voting programs.

### **Spring Break 2006**

SHN contacted voting rights attorneys at half a dozen nonprofits and established weekly conference calls a couple months before the election. These conference calls helped the organizations coordinate their voting efforts, as well as identify volunteer opportunities for law students. Over spring break, SHN sent fifteen law students to New Orleans, Atlanta, and Houston to distribute voter education materials to Orleans Parish residents and to centers that serve Orleans Parish residents. These student volunteers were on the ground working before and during the rescheduled elections on April 22<sup>nd</sup> and May 20<sup>th</sup>, ensuring that accurate and timely information about voter registration would reach residents of New Orleans and evacuees in other parts of the country. SHN organizers also put voting rights lawyers in contact with Yale Law students who organized a small election protection team that monitored the polls on Election Day.

### ***Atlanta***

Six SHN volunteers traveled to Atlanta to educate displaced voters about new regulations. These volunteers contacted a number of organizations and individuals working with Katrina evacuees in the Atlanta metropolitan area. They distributed handouts to many service providers, churches, and centers that had been working with evacuees on housing assistance, employment assistance, and provision of basic necessities. Some of these organizations included the Salvation Army Disaster Resource Center (estimated 20 families/week), the Midtown Assistance Center (mailed to approximately 50 families they helped house), Jewish Family and Career Services' Project Connect (estimated 60 families), the Atlanta Enterprise Center, and the Sheltering Arms Early Education & Family Center (estimated 20 families).<sup>98</sup> Students also distributed hundreds of voter guides to Greater St. Stephen's Full Gospel Baptist Church, a New Orleans-based church that had opened a location in Atlanta for over 1,500 evacuees in the area.<sup>99</sup> Students made contact with Travelers' Aid, the lead agency dealing with homelessness issues amongst evacuees within the city; the group included voter guides in a mailing that they were sending to evacuee families.<sup>100</sup> A couple of students also tabled at a job fair held at the Atlanta Workforce Development Agency Offices. They spoke to two potential voters who had problems: "One had a question about how his right to vote in New Orleans was affected by the fact that he had changed

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<sup>98</sup> Memo from Adam Pulver and Jon Sherman to Laila Hlass, March 21, 2006, at 4.

<sup>99</sup> *Id.* at 2.

<sup>100</sup> *Id.*

his driver's license to Georgia in order to establish some form of residency so that his children could be enrolled in school in Atlanta."<sup>101</sup>

Finally, on the last day of the week, SHN volunteer Nick Vance set up a table with voting literature at a Candidates' Forum where all the New Orleans mayoral candidates attended.<sup>102</sup> Before the mayoral candidates spoke, Nick made a brief presentation on the team's work in the past week and an explanation of the processes by which displaced evacuees could vote in the mayoral election, including absentee voting and traveling to Louisiana to vote in person. As volunteers Adam Pulver and Jon Sherman explain, "There were a host of camera crews taping this, and it will be televised in Atlanta, as well as reporters from the *New York Times*, *USA Today*, and other print outlets."<sup>103</sup> While tabling, Vance distributed voting guides to about a hundred evacuees and heard stories of several young people who would not be able to vote because they are not registered and could not return to Louisiana to vote because of work or a lack of transportation.<sup>104</sup>

### ***Houston***

In March 2006, four SHN volunteers in Houston reached out to Orleans Parish voters in the area. After one day working at the Houston Area Urban League and meeting with its leadership, team members spent their time distributing information to several groups, including the United Way, Interfaith Ministries, Houston Harris League, and the Salvation Army. Students also spoke to evacuees while touring the Urban League: "Many evacuees came in during the course of our tour and after. We spoke with them to let them know about the voter empowerment center as well as encourage them to come back in a couple of weeks to get voter information and actually vote."<sup>105</sup>

### ***New Orleans***

In New Orleans, during March, five SHN volunteers worked with NAACP-LDF attorney Damon Hewitt to reach out to Orleans Parish voters. Contingents of SHN volunteers from Fordham Law School and Iowa Law School canvassed many of the most badly damaged areas of the city, churches, FEMA Disaster Relief Centers, and the Voter Empowerment Centers. These SHN members charted and evaluated all of the new polling places assigned for the municipal elections. Students met with community leaders and visited FEMA assistance centers to reach out to voters and distribute information.

Students faced a number of obstacles in distributing information to potential voters, which reflect some of the problems with the New Orleans elections. Students found that many residents had not yet returned to their homes, and some that had returned were more concerned with more pressing problems of destroyed homes and receiving benefits.<sup>106</sup> As students wrote in a memo, "Other residents engaged us in conversation, not so much about the upcoming election, but more often about other concerns and

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<sup>101</sup> Id.

<sup>102</sup> Id.

<sup>103</sup> Id.

<sup>104</sup> Id.

<sup>105</sup> Electronic Submission of Daily Report from Amanda Steele to Laila Hlass, March 15, 2006.

<sup>106</sup> Memo from Jeremy Pfetsch, Rene Hertzog, and Risa Berkower to Laila Hlass and Damon Hewitt, March 20, 2006, at 1.

general conversation about their individual situations in the aftermath of Katrina.”<sup>107</sup>  
Students also reported that residents were concerned about out-of-state family and friends getting absentee voter information, especially since they were not sure of their family and friends’ new addresses.<sup>108</sup>

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<sup>107</sup> *Id.*

<sup>108</sup> *Id.*

# CONCLUSION

## ONGOING EFFORTS

SHN continues to coordinate efforts to create volunteer opportunities for law students to get involved in hurricane-related efforts. SHN is organized into organizational and project committees.

The organizational committees are:

- Institutional Liaisons
- Communications
- Administration/Development.

The project committees are:

- Student Trips
- Remote Research
- Matchmakers for Justice
- Disaster Preparedness

Descriptions of these committees, and the ongoing work that they are involved with, is outlined below. Also described below is a description of an effort called Law Student for Governmental Accountability, a spin-off of an SHN committee.

### **Institutional Liaisons**

Institutional Liaisons are central to the work of SHN. Institutional Liaisons coordinate their schools “delegation” to SHN or their school’s SHN chapter. Institutional Liaisons are law students and law school administrators who represent SHN on their campuses, particularly for recruitment and information-sharing purposes. SHN also relies on Institutional Liaisons to represent their fellow students’ needs and experiences, and to fill leadership roles within various SHN committees and projects.

Over the past year, SHN has successfully recruited Institutional Liaisons at law schools across the U.S. As of October 2006, SHN has 81 students and seven administrators serving as Institutional Liaisons for SHN at 76 law schools in 30 states. SHN maintains a listserv and holds regular conference calls to pass information back and forth between the Institutional Liaisons and the SHN leadership.

On the one year anniversary of Hurricane Katrina, August 29, 2006, SHN Institutional Liaisons planned commemoration events at law schools in Oregon, Nebraska, Illinois, Tennessee, Louisiana, Pennsylvania, and Washington, D.C., ranging from bake sales raising money for SHN projects to candlelight vigils.

## **Communications Committee**

The Communications Committee is responsible for disseminating information about SHN for purposes of recruitment, fundraising, and raising awareness. Over the past year, the Committee managed the design of the SHN website ([www.studenthurricanenet.org](http://www.studenthurricanenet.org)) which provides users with comprehensive and current information about SHN's activities and news concerning hurricane victim recovery. The Committee has also compiled a substantial archive of SHN press materials, proposals for funding and memoirs of student trips that can be accessed through the SHN website or by contacting [media@studenthurricanenet.org](mailto:media@studenthurricanenet.org).

Additionally, the Committee publishes a bi-weekly e-newsletter that is available for free subscription on the SHN website. The newsletter summarizes ongoing SHN projects, events at participating law schools and significant developments in the news relevant to Gulf Coast recovery. The most important function served by the newsletter is raising awareness which in turn increases the number of interested volunteers.

In order to facilitate recruitment and transparency, any interested students, faculty or administrators can also subscribe to SHN's listservs, "leadership" and "liaisons", that are maintained on the website. The "leadership" listserv is the primary means of communication for the various leaders of SHN and SHN's subcommittees. The listservs are most often used for coordinating national conference calls and onsite meetings. Given the fluid nature of SHN's leadership, anyone interested is encouraged to join the listserv and contribute to SHN's strategic planning. The "liaisons" listserv is the primary means of communications for law school students and faculty who coordinate research projects, talk-back events and student trips with their respective administrations. Like the leadership listserv, the liaisons list is open to subscription and is most frequently used to coordinate conference calls and meetings.

Looking to the future, the Communications Committee's mission remains largely the same while the challenges in implementation have increased in stride with SHN's growth and visibility. Given the diverse array of activities SHN undertakes, the most critical objective served by the Committee is to document SHN's aspirations and achievements, and to ensure that its mission and message are consistently conveyed.

## **Administration/Development**

SHN developed memoranda to inform law students about how to raise money from their law schools for their pro bono trips to the hurricane-affected region. This material includes step-by-step instructions, sample letters, and model project budgets. SHN worked with law students to raise an estimated \$220,000 from their law schools.

The administrative/development committee works to coordinate fundraising goals with other committee plans as well as SHN's general mission statement. Although each distinct committee within SHN identifies what types of fundraising plans are most beneficial for its specific projects, the administrative/development committee assigns various solicitation tasks to ensure coordination among committees.

The administrative/development committee performs many functions, including the following: identifying fundraising goals; locating/approaching potential donors; coordinating efforts to promote fundraising; recruiting volunteers for implementation of fundraising plans; corresponding with fiscal sponsor about monies; maintaining a master budget; and, keeping an updated database of donors and patrons.

The administrative/development committee has secured a fiscal sponsor, the Interreligious Foundation for Community Organization, so that SHN may accept tax-exempt gifts. The committee is developing various "info packets" to send to each potential donor, tailored toward individuals, foundations, and corporations. In addition, we work with Institutional Liaisons to coordinate fundraising activities in their communities. Funds raised help SHN continue to grow.

### **Student Trips**

SHN is currently planning winter and spring break trips for Dec. 2006/Jan. 2007 and March/April 2007. Over the past year, over 1000 students joined SHN trips to volunteer in the Gulf Coast, and this year we anticipate comparable numbers. This report serves to document some of these efforts.

We are currently working to expand our partnerships with local nonprofit legal organizations. We are also working with teams of law students to coordinate projects that will be able to utilize the assistance of large numbers of law students over short periods of time. Projects will work to address successions, fair housing, levy breach class action claims, workers rights, the criminal justice system, and other issues.

### **Remote Research**

Through our remote research committee, SHN provides students with a way to help without having to travel to the Gulf Coast region. The committee connects students with local legal aid organizations, policy-focused organizations and professors working on issues related to hurricane recovery.

The remote research committee began formally operating in January 2006. Since that time, the committee has facilitated a number of projects. These projects include research memos for the Louisiana ACLU, policy research tracking Katrina-related legislation, and research on access to healthcare for undocumented workers in Louisiana.

The research committee is continuing to expand its work during this academic year in four areas:

1. Support school-based research teams: Through the institutional liaison committee, students have organized school-based research teams. The remote research committee is working with these students to provide research projects throughout the academic year.

2. Develop issue-area working groups: These working groups on issues like housing, education and immigration grew out of SHN's early involvement in tracking Katrina-related legislation. The remote research committee plans to support these working groups, so students can learn from one another's expertise while also learning from practitioners and experts in the field.
3. Survey hurricane-affected organizations: To date, the remote research committee has responded to organizations approaching SHN with specific research projects. Now, the remote research committee is reaching out to organizations to survey their remote research needs. The remote research committee will use the survey results to increase our effectiveness and to solicit new projects for student volunteers.

### **Matchmakers for Justice**

Matchmakers for Justice (M4J) is a pilot project to help displaced residents help themselves by connecting residents with legal rights resources. Law students, lawyers and Katrina survivors have come together from around the country to participate in M4J. The program pairs selected law students<sup>109</sup> with displaced residents and provides ongoing support to help resolve the resident's post-Katrina challenges. Twenty-five residents and twenty-five law students have been corresponding remotely for a six-week period, starting with a one-day training session Saturday September 9, 2006 at St. Jude Church in New Orleans. The first all day training session in New Orleans featured workshops led by law professors, local attorneys, licensed social workers, community relief organizations and local residents.

The overall goal of the program is to empower residents to address challenges in securing quality jobs, education, health care, and housing. Each law student will articulate and document the specific challenge(s) faced by the resident, and will connect the residents with attorneys equipped to deal with specific legal issues. Students will be mentored by their professors and will assist with fundraising for the project. SHN works with partner organizations to provide students and residents with necessary informational materials. Additionally, SHN will arrange a network of support structures for both residents and students, including: survivor council meetings; student support group teams; professor mentors for each law student; cultural competency advisors; and legal aid referral advisors.<sup>110</sup>

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<sup>109</sup> Law Students from the following schools participated in the six-week pilot project: Southern University Law Center, Tulane University School of Law, John Marshall Law School, University of Baltimore Law School; South Texas College of Law, Georgetown Law School, UCLA School of Law, Mississippi College School of Law, Seton Hall University School of Law, American University School of Law, Texas Wesleyan School of Law, Florida State University School of Law, Howard University School of Law, University of Colorado, Boulder School of Law, Harvard Law School, Paul M. Hebert Law Center at LSU, University of Florida School of Law and the University of Houston Law Center.

<sup>110</sup> Matchmakers for Justice Community Partners include: Rhode Island Legal Services; New Orleans Legal Assistance Corporation (NOLAC); Loyola Law Clinic; NAACP, Southeast Legal Services; Law Offices of Colette Pichon Battle; The ProBono Project, Mississippi Center for Justice; People's Institute for Survival and Beyond; Advocacy Project; The Louisiana Bar Association; ACORN; Common Ground; Hope House;

M4J is working with the Legal Service Corporation to evaluate the results of the six-week pilot project, and we are planning to launch a second phase of the effort in December 2006.

### **Disaster Preparedness Committee**

Partnering with the Pro Bono Staff at the ABA, the committee is currently working on creating a model disaster training manual that can be adopted in any state. This template is being drafted by Patrick Hardy, Chapman Law student, and Crystal Utley, an attorney at the MCJ. Upon completion of the template, students and other organizations in a state will be called upon to do research on the laws of the state that are relevant to delivering legal assistance to the poor and indigent in the aftermath of a disaster.

We are adopting a model for drafting that incorporates the web application Survey Monkey in order to make the research process as straightforward as possible. The research can be done by students as part of pro bono requirements at their law schools, or independent study credit, and we will provide support to help draft proposals. In addition to research, we also need students to help coordinate with public interest organizations in their states to get involved, and provide information about disaster preparedness to those organizations.

We encourage anyone that wants to get involved with disaster preparedness within SHN, specifically with helping to give the short training to volunteers during orientations, or anyone with any interest in disaster preparedness in general to contact us.

### **The Lobbying Effort**

SHN is working to link law students with ongoing hurricane-related lobbying efforts. Furthermore, SHN is working to connect affected residents with ongoing lobbying efforts.

Law Students for Governmental Accountability (LSGA) developed out of SHN, as an emergent effort that started as an SHN committee. Working for the fundamental changes that are necessary to prevent another disaster such as Katrina, we believe that the national public must be educated as to the systemic failures of the federal government which led to the Katrina disaster. Until the public recognizes these failures, the federal government will fail to act. We have now met with and received great support and encouragement from the offices of both Louisiana Senators and three New Orleans-area U.S. Representatives.

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Mercy Corps; Neighborhood Housing Services; New Orleans Musicians Hurricane Relief Fund; People's Hurricane Relief Fund; People's Organizing Committee; United Front for Affordable Housing; Unity for the Homeless; Moving Forward Gulf Coast, Inc as well as other local and national organizations.

**Law students and administrators  
interested in getting involved  
in SHN efforts should contact:  
[studenthurricanetwork@gmail.com](mailto:studenthurricanetwork@gmail.com).**

**You can learn more about SHN efforts at:  
[www.studenthurricanetwork.org](http://www.studenthurricanetwork.org).**



**[www.StudentHurricaneNetwork.org](http://www.StudentHurricaneNetwork.org)**