



NEW ORLEANS LEGAL ASSISTANCE PROJECT



The Need for Volunteer Legal Services for Low Income Residents in New Orleans Continues

Hurricane Katrina not only disrupted the lives of hundreds of thousands of people: it spawned a wave of new legal problems. The storm destroyed thousands of homes, causing a housing crisis unprecedented in our lifetime. Residents are coping not only with the physical loss of their housing, but with their inability to get disaster relief from the state and FEMA. As a result many families are splitting up due to the stress of every day life post-Katrina, and personal bankruptcies are expected to increase dramatically. Legal service organizations are overwhelmed. In the last year, intake at Southeast Louisiana Legal Services and New Orleans area pro bono providers increased significantly. At New Orleans Legal Assistance Corporation, new intake in the last year has increased by 18% since Katrina. The local Pro Bono Project reports a 34% increase in new intake in the third quarter of 2007 over the first quarter of 2007, and substantially greater increases over the third quarter of 2006. These organizations are not able to service everyone who needs legal assistance, and many residents are being denied benefits or assistance to which they are entitled due to the lack of legal counsel and representation.



Trailer Park, Chalmette, Louisiana 11-07

Greater Boston Attorneys Respond to the Challenge: The New Orleans Legal Assistance Project (NOLAP)

To respond to the increased need for legal assistance in the New Orleans area, a group of Boston area attorneys, law school pro bono directors, and local bar associations created the New Orleans Legal Assistance Project (NOLAP). At its August 22, 2007 meeting the NOLAP Steering Committee adopted the following statement of purpose:

“The goal of the New Orleans Legal Assistance Project (NOLAP) is to create a network of law firms, attorneys and law students to provide on-going, consistent and reliable legal support to low income residents of New Orleans in coordination with and under the supervision of NOLA legal services providers.”



Gentilly Neighborhood, New Orleans 12-06

Although many law firms around the country including several in Boston have taken cases for residents of the Gulf Coast, NOLAP is the only project nationally which has created a coalition of law schools, law firms, bar associations and individual attorneys dedicated to bringing legal resources to the residents of New Orleans on an ongoing basis.



Opportunities for Pro Bono Attorneys

Working with the New Orleans Legal Assistance Corporation (NOLAC) and The Pro Bono Project (TBPB), NOLAC has developed a range of opportunities for pro bono attorney volunteers in the Boston area to provide free legal assistance to New Orleans area residents. The legal needs of residents continue to change--currently the following needs are most urgent:

- **Administrative Law - FEMA Recoupment Appeals**

FEMA rental assistance was paid to about 1 million households affected by Hurricanes Katrina and Rita As of November 2006, FEMA claims it has already identified overpayments to 60,000 households. Presumably, all of these households will, in due course, be subject to recoupment collection efforts by FEMA. FEMA recoups overpayments by having the Treasury Department offset against recipients' Social Security checks and tax refunds--funds that poor people need to survive.

Recipients have a right to appeal the notice of overpayment to FEMA. Many of the FEMA recoupments decisions are not in compliance with FEMA regulations or are based on factual errors. Also, many residents may be entitled to hardship waivers.

In June, 2007, the USDC of Eastern LA temporarily enjoined FEMA recoupments on due process grounds. *Ridgely v. FEMA*, 07-2146 (E.D. La., 6/13/2007). Already, New Orleans legal aid providers have logged over 400 recoupment cases, many of which there are not attorneys available to work on. Once the injunction is modified or lifted, FEMA recoupments are expected to skyrocket.

A FEMA recoupment appeal and follow-up legal aid require about 7 to 8 hours of an attorney's time. This work can be done from an office in Boston.

- **Bankruptcy Law – Personal Bankruptcies and Foreclosures**

Historical studies of major disasters indicate there is up to a 3 year lag in bankruptcy filings caused by the financial fallout from a disaster, and that bankruptcies generally increase by 50% in the affected areas in the second or third year after a disaster. We are now in the 3d year of recovery from Katrina.

2007 bankruptcy filings in the Eastern District of Louisiana are projected to be about 65% higher than the bankruptcy filings for 2006. Chapter 13 bankruptcies are expected to increase by about 68% and Chapter 7 bankruptcies by about 26%.

NOLAC has set up a remote bankruptcy project which enables pro bono attorneys to assist area residents with bankruptcies remotely. The system uses a computer server on which bankruptcy software will be accessible to pro bono attorneys remotely. The pro bono attorney will interview the client by phone, draft and input the data for the bankruptcy petition. A NOLAC staff attorney will then review and edit the bankruptcy petition and handle the litigation in the New Orleans U.S. Bankruptcy Court.

- **Tax Law- Revising Tax Practice Treatise for Pro Bono Attorneys**

NOLAC received a grant to fund its low income taxpayer clinic. Under this grant, NOLAC produces a manual for volunteer tax attorneys. The 65 page treatise, titled "Tax Practice for Legal Services and Pro Bono Attorneys" needs to be updated to reflect recent changes in tax law. Pro bono attorneys would work closely with a tax attorney at NOLAC and under the terms of the grant, NOLAC can use the dollar value of volunteer attorneys' time to fulfill the match requirement under the grant. This is a one-time opportunity to get a dollar match for the value of a volunteer's time. This work can be performed in a Boston office.

- **Family Law – Uncontested Divorce Pleadings**

Due to the emotional and financial strains of coping with the aftereffects of Hurricanes Katrina and Rita, many families in New Orleans have split up. Spouses have moved out of LA, and the remaining spouses often seek a divorce. The Pro Bono Project (TPBP) currently has over 40 clients who are seeking an uncontested divorce. Pro bono attorneys would receive the applicable forms and training, and would work under the supervision of an attorney at TPBP. A volunteer attorney in Boston would interview the client by phone and draft the petition for divorce and other necessary papers for filing in the LA Family Court. The attorney at TPBP would file the papers and handle the court appearances.

Volunteer attorneys must first be certified by the Louisiana Attorney Disciplinary Board to provide legal assistance to New Orleans residents.



Tent City, Duncan Plaza, New Orleans 11-07

How to Obtain Certification to Represent or Advise New Orleans Residents

Prior to providing legal assistance to any resident of Louisiana an out-of-state attorney must become certified under the Supplemental Emergency Pro Bono Legal Assistance Rule adopted by the Louisiana Supreme Court. Applications for this certification must be filed with the Office of Disciplinary Counsel of the Louisiana Attorney Disciplinary Board.

A copy of the application appears at the end of the supplemental rule issued on July 7, 2006 available on line at:

<http://www.lasc.org/rules/orders/2006/SupplementaryProBonoCivilLegalAssistanceRuleAmended.pdf>

The original 2006 rule (which all applicants should read) and the order extending the rule are available (respectively) at:

<http://www.lsba.org/2007MemberServices/CourtOrders/LASupCtOrderSupplementalProBonoAssistance.pdf>

and

<http://www.lasc.org/rules/orders/2007/EmergencyProBonoCivilLegalAssistanceExtension1208.pdf>

A copy of the Emergency/Disaster Training Manual for Volunteer Attorneys (which attorneys must certify they have read as part of the application) is available on line at:

<http://www.texasbar.com/Template.cfm?Section=Home&Template=/ContentManagement/ContentDisplay.cfm&ContentID=12756#2>

Attorneys must also certify that they have read the Louisiana Rules of Professional Conduct. A copy of those rules is available on line at:

http://www.ladb.org/Publications/rules_of_prof_conduct.pdf

Attorneys must also submit certificates of good standing from each jurisdiction in which they are admitted to practice with the application. A list of offices to request certificates from each state is available on line at:

http://www.pabarexam.org/Application_Information/Applications/PDFS/Repositories/CGRRep.pdf

In Massachusetts the application for a certificate of good standing is available on line at:

<http://www.sjccountyclerk.com/pdf/Application.pdf>

Completed applications should be sent to:
Office of Disciplinary Counsel
Louisiana Attorney Disciplinary Board
4000 S. Sherwood Boulevard, Suite 607
Baton Rouge, LA 70816
Voice: (225) 293-3900



Become Trained Before Volunteering

Training for Boston area attorneys will be provided in several ways during 2008:

- 1) an attorney from NOLAC will be in Boston at the end of January to run a training session for FEMA appeals and to answer questions concerning other pro bono projects.
- 2) NOLAP has arranged with NOLAC and TPBP for their staff attorneys to provide supervision and training on an ongoing basis by phone and by teleconference.

FOR MORE INFORMATION CONTACT:

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