

2020

Setting the Table for Food-Based Pro Bono Opportunities: A Resource Guide for Pro Bono Attorneys

FALL 2020 (FIRST EDITION)

UCLA

School of Law

**Resnick Center for
Food Law & Policy**

INTRODUCTORY LETTER & ACKNOWLEDGMENTS

Michael Roberts, UCLA Resnick Center for Food Law & Policy, Executive Director

There is a tremendous need for pro bono legal services to help those in America who are food insecure. This pro bono guide is intended to facilitate the delivery of these services. To this end, this guide focuses on how these services can best be delivered to make a real difference in the daily lives of those who suffer from food insecurity.

The federal nutrition safety net has been the most effective way to provide much needed food to food insecure Americans. Unfortunately, this net misses many who lack access to assistance that can help them obtain, maintain or re-establish benefit eligibility for SNAP, WIC, and school meals programs. In addition, the resources of food assistance and anti-hunger organizations are stretched too thin to provide sufficient help for all those who really need it. Most legal services and direct service organizations have only limited ability to provide benefits assistance.

This guide paves the way for the delivery of these essential services by augmenting the resources of food assistance and anti-hunger organizations using the assistance of pro bono attorneys. The benefits of these services can be profound. Pro bono service provides excellent opportunities for attorney and personal development. These pro bono services specifically support the operations of food assistance and anti-hunger organizations and helps them to better serve their communities. In order to be responsive to programmatic changes and social changes, this pro bono resource guide will be updated periodically.

This pro bono resource guide is a project of the UCLA Resnick Center for Food Law & Policy. The Resnick Center's mission is to perform cutting-edge legal research and scholarship in food law and policy to improve health and quality of life for humans and the planet. The Resnick Center executes this mission in part by publishing and contributing to scholarship that is foundational to food law and policy. It is difficult to imagine scholarship that is more foundational to the daily lives of Americans in need than this guide.

This Resource Guide was jointly authored by Tommy Tobin, a member of the Resnick Center's Advisory Board, and MAZON: A Jewish Response to Hunger. The Resnick Center gratefully acknowledges the generous support of Perkins Coie LLP. The Guide would not be possible without the efforts of MAZON's President & CEO Abby J. Leibman, Vice President of Programs, Mia Hubbard, Board Member David A. Lash, and its Program Manager Sarah Pratter. Thanks also go out to Rebecca Grube of Perkins Coie who provided layout services.

MAZON

A Jewish Response
To Hunger

PERKINScoie

TABLE OF CONTENTS

Introductory Letter & Acknowledgments	i
I. Introduction	1
II. Food Assistance and Anti-Hunger Programs	2
A. National School Lunch Program	3
B. Supplemental Nutrition Assistance Program	4
C. WIC	5
III. How Can Law Firm Pro Bono Departments Assist Food Assistance & Anti-Hunger Organizations?	6
A. Direct Client Service	6
B. Legislative Research and Model Bills	7
C. Advocacy, Regulatory Comments, and Impact Litigation	9
D. Organizational Assistance	10
IV. Best Practices & Recommendations	11
V. Conclusion	11
Appendix: Sample Outreach Emails	13
A. Direct Client Service	13
B. Legislative Research and Model Bills	13
C. Advocacy, Regulatory Comments, and Impact Litigation	14
D. Organizational Assistance	14

I. INTRODUCTION

Nearly 40 million people in America were struggling with food insecurity before the coronavirus pandemic. The pandemic and its corresponding increase in food insecurity have exposed gaping holes in our food-related safety net. According to data from the Brookings Institution's Hamilton Project, an estimated 35% of American households with children experience food insecurity.¹ This figure is more than double that of 2018. There is no more basic nor essential human need than the need for food.

While the problem of food insecurity is particularly acute during times of economic uncertainty and crisis, the current public health emergency is significantly and dangerously exacerbating existing issues facing individuals who are having trouble accessing healthy, nutritious food on a regular basis.

“The coronavirus pandemic is a food and nutrition emergency.”

- Saima Akhtar, Senior Attorney,
National Center for Law and
Economic Justice, Albany, NY

Feeding America's Map the Meal Gap tool demonstrates that food insecurity exists in every American community.² As of 2018, more than one in ten Americans faced food insecurity. The food insecure in America already numbered more than 37 million individuals before the COVID-19 pandemic, including seniors, veterans, college students, single mothers, members of the LGBTQ+ community³, individuals with disabilities, and children. Indeed, children face particularly high rates of food insecurity, and more than 15% of all American children are food insecure. The risk of hunger is exacerbated by longstanding systemic racial injustice. Black and Latinx households consistently face rates of food insecurity higher than the national average,⁴ a disparity that has only increased during the COVID-19 pandemic.⁵

¹ Joseph Llobrera, *COVID-19 Surveys Show Rapidly Rising Food Needs*, Off the Charts: Center for Budget & Policy Priorities Blog (May 11, 2020) <https://www.cbpp.org/blog/covid-19-surveys-show-rapidly-rising-food-needs>, archived at <https://perma.cc/6HT4-NCRX>.

² Feeding America, *Map the Meal Gap: Food Insecurity in the United States*, <https://map.feedingamerica.org/>, archived at <https://perma.cc/YV57-RVHB>.

³ Wilson, B.D.M., Badgett, M. V. L., & Gomez, A. G. H. (2020, June). EXPERIENCES WITH FOOD INSECURITY AND FOOD PROGRAMS AMONG LGBTQ PEOPLE. LOS ANGELES, CA: THE WILLIAMS INSTITUTE. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQ-Food-Bank-Jun-2020.pdf>, archived at <https://perma.cc/VJ6A-5DEE>.

⁴ Coleman-Jensen, A., Rabbitt M.P., Gregory C.A., Singh A. (2019, September). HOUSEHOLD FOOD SECURITY IN THE UNITED STATES IN 2018. ECONOMIC RESEARCH SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE. <https://www.ers.usda.gov/webdocs/publications/94849/err-270.pdf?v=1826.4>, archived at <https://perma.cc/YN6N-W4LG>.

⁵ Helena Bottemiller Evich, *Stark racial disparities emerge as families struggle to get enough food*, Politico (July 6, 2020) <https://www.politico.com/news/2020/07/06/racial-disparities-families-struggle-food-348810>, archived at <https://perma.cc/W7EP-J2V9>

Many organizations offer direct assistance and policy advocacy on behalf of the food insecure. These organizations have seen a tremendous upsurge in need for such assistance in recent years as they have increasingly needed to do more with less while operating amidst a changing—and challenging—policy environment.

Pro bono attorney time from law firms can be of significant assistance in helping food assistance and anti-hunger organizations to achieve results for those they serve as well as working to create systemic change to support their overall mission. In addition, pro bono work for these organizations can provide high quality pro bono legal opportunities for attorneys at law firms with meaningful, tangible impact.

This pro bono resource guide is designed to inspire new partnerships between law firms and food assistance and anti-hunger organizations.⁶ Involvement opportunities with varying levels of commitment can achieve results for partner organizations and create substantial results for individual clients.

II. FOOD ASSISTANCE AND ANTI-HUNGER PROGRAMS

Before diving into specific pro bono opportunities, it is useful to provide an overview of the policy environment in which food assistance and anti-hunger organizations operate. Specifically, this pro bono resource guide provides an overview of the National School Lunch Program (“NSLP”); the Supplemental Nutritional Assistance Program (“SNAP”), (which was formerly known as food stamps); and the Special Supplemental Nutrition Program for Women, Infants, and Children (“WIC”).

The charitable food system in the United States provides more than 4 billion meals each year and includes hundreds of food banks that collect, warehouse and distribute large quantities of food to the tens of thousands of food pantries and soup kitchens that are the direct food providers for those in need.⁷ This effort complements the more significant government response to hunger, which provided nearly 40 billion meals in 2019.⁸ Many national as well as local anti-hunger organizations work to ensure that these government programs remain robust, accessible and nondiscriminatory. Other organizations, including legal service providers,

⁶ As used here, the term “food assistance and anti-hunger organizations” refer to direct service providers, such as food banks, food pantries, and soup kitchens, as well as organizations that engage in policy change and advocacy as their primary mission.

⁷ Feldman, M., Schwartz, M.B. (March 2018) A TIPPING POINT: LEVERAGING OPPORTUNITIES TO IMPROVE THE NUTRITIONAL QUALITY OF FOOD BANK INVENTORY. LOS ANGELES, CA: MAZON: A JEWISH RESPONSE TO HUNGER. <https://mazon.org/assets/download-files/MAZON-TippingPointReport-FINAL.pdf>, archived at <https://perma.cc/GLY2-PBAU>.

⁸ Dan Charles, *Food Banks Get The Love, But SNAP Does More To Fight Hunger*, NPR (May 22, 2020) <https://www.npr.org/sections/thesalt/2020/05/22/859853877/food-banks-get-the-love-but-snap-does-more-to-fight-hunger>, archived at <https://perma.cc/29YQ-GB5Y>.

facilitate access to these hunger-fighting programs and ensure that those who need them can get these vital benefits.

While there are many other programs that provide food to at-risk populations, the following programs are foundational, representative examples of the types of programs with which food assistance and anti-hunger organizations work.

It is critical to note that at the time of writing this Resource Guide, USDA has proposed changes to some of these programs. This summary presents the rules as they currently exist, but new limits may become law if these changes move forward.

A. NATIONAL SCHOOL LUNCH PROGRAM

The NSLP is among the nation's largest anti-poverty programs. It is a federally-assisted school meal program through which students gain access to free or reduced-price school meals. Signed into law in 1946, the program serves more than 30 million children per year.

While the NSLP is a federal program, it is administered at the state level through contracts with the food authorities for local schools. Schools are reimbursed for meals served to eligible children.

Families have two methods of qualifying for free or reduced-price lunches: individual qualification or categorical eligibility. In addition, certain schools can utilize community eligibility provisions to allow any student attending the school to receive breakfast and lunch at no cost.

A student may individually qualify for free or reduced-price school lunches based on household size and family income. Generally, families with income at or below 130% of the federal poverty line qualify for free school lunches. In 2020, the federal poverty line for a family of four was \$26,200. Families with incomes between 130% and 185% of the federal poverty line may qualify for reduced-price school lunches. In addition, an individual may be categorically eligible through their family's participation in certain public benefit programs, such as SNAP, or their status, such as special status for migrant or homeless children.

Certain schools and school districts in high-poverty areas may qualify for "community eligibility" for free meals for all students. Pursuant to a 2016 final rule, codified at 7 C.F.R. § 245.9(l), this community eligibility allows schools to serve free breakfast and lunch to any student at the school without requiring each household to submit individual applications. Instead, schools are reimbursed based on the number of students that are categorically eligible for specific federal programs, such as SNAP. Regulatory restrictions regarding SNAP eligibility would have the effect of limiting eligibility for free meals through this provision; the fewer students and their

families receiving SNAP benefits, the less likely the communities are to meet the threshold required to participate on a “community eligibility” basis.⁹

B. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

SNAP, formerly known as food stamps, is the nation’s largest and most widely-recognized food assistance program. This federal entitlement program is administered on the state level. Federal law, codified at 7 U.S.C. §§ 2011-2036d, sets out the eligibility criteria and benefit levels. SNAP beneficiaries are issued an electronic benefits transfer (“EBT”) card, similar to a debit card, which they may use to purchase food.

Generally, households must earn 130% or less of the federal poverty line after excluding certain household expenditures to be eligible for SNAP benefits. As of February 2020, approximately 37 million individuals received SNAP benefits with an average per person benefit of \$121.36 per month.

Work requirements are applicable to certain groups of SNAP recipients, especially those who are able-bodied adults without dependents. According to the Center for Budget and Policy Priorities, approximately two-thirds of all SNAP recipients are not expected to work because they are individuals with disabilities, are elderly, or are children.¹⁰ Certain changes to the rules applicable to these work requirements were challenged in federal court and were temporarily stayed from implementation per court ruling in March 2020 and summary judgment was granted against the USDA’s proposal in October 2020.¹¹

C. WIC

WIC is a federal benefit program intended to supplement the nutrition of women, infants, and children where a member of the household is considered “at nutritional risk.” While WIC is a federal program, it is administered at the state level. As of February 2020, over 6 million individuals received WIC benefits.

⁹ Evie Blad, *Thousands of Students Could Lose Free School Meals if SNAP Changes*, Education Week: Politics K-12 Blog, <https://blogs.edweek.org/edweek/campaign-k-12/2019/07/snap-school-lunch.html>, archived at <https://perma.cc/4ZW8-QKZ6>.

¹⁰ Center on Budget and Policy Priorities, *Policy Basics: The Supplemental Nutrition Assistance Program (SNAP)*, <https://www.cbpp.org/research/food-assistance/policy-basics-the-supplemental-nutrition-assistance-program-snap>, archived at <https://perma.cc/7QPV-CTWE>.

¹¹ See Tommy Tobin, *Federal Judge Finds Food Stamp Restrictions ‘Likely Unlawful’ And Blocks Implementation*, Forbes (Mar. 17, 2020), <https://www.forbes.com/sites/tommymtobin/2020/03/17/federal-judge-finds-food-stamp-restrictions-likely-unlawful-and-blocks-implementation/#72d3701f6439>, archived at <https://perma.cc/P23J-726G>; Spencer S. Hsu, *Federal Judge Strikes Down Trump Plan to Slash Food Stamps for 700,000 Unemployed Americans*, https://www.washingtonpost.com/local/legal-issues/trump-food-stamp-cuts/2020/10/18/7c124612-117a-11eb-ad6f-36c93e6e94fb_story.html, archived at <https://perma.cc/7GQH-EE5N>.

There are four general qualifications for WIC eligibility, with the last, “nutrition risk” often being the most onerous for applicants due in part to the degree of subjectivity involved. Applicants must be within the category of eligible individuals, which includes pregnant or breastfeeding women, infants, and children up to age five. WIC applicants must also be residents of the state in which they apply for benefits and must meet certain income eligibility requirements. In addition, WIC applicants must be deemed to be “at nutritional risk.” This must be verified through an evaluation by a healthcare provider that the individual has medical or dietary-based conditions.

Similar to SNAP, WIC benefits are generally transferred onto an EBT card. The foods available for WIC purchase are more restricted than those available for purchase using SNAP dollars.

III. HOW CAN LAW FIRM PRO BONO DEPARTMENTS ASSIST FOOD ASSISTANCE & ANTI-HUNGER ORGANIZATIONS?

A. DIRECT CLIENT SERVICE

One of the most direct ways for pro bono attorneys to make a tangible impact in the fight against hunger and food insecurity across America is to partner with a food assistance and anti-hunger organization to provide individual client service.

Many anti-hunger and legal aid organizations are engaged in representing individuals in obtaining, maintaining and/or re-establishing social benefit eligibility. For example, Bread for the City, a D.C. non-profit organization providing food, legal, and medical assistance to the community, partnered with the Washington office of an international law firm to refer nearly a dozen individuals seeking food benefits.

According to Allison Miles-Lee, a managing attorney at the organization, food stamps cases are often resolved simply by one or two communications between the department administering the program and the pro bono attorney. Bread for the City provided training to the pro bono program participants, as well as ongoing support in handling public benefit case referrals. According to Ms. Miles-Lee, “there’s something about a lawyer who can send a well-written email that can get [the Department’s] attention more than [a client] going in by themselves.”¹²

For more complex cases, an administrative hearing might be necessary after a denial of benefits and appeals process. A hearing such as this can provide junior attorneys with a

¹² Jeffery Leon, *Bread for the City’s Miles-Lee: Poverty, Food Access, and How Lawyers Can Help*, (Oct. 26, 2017) D.C. Bar News, <https://www.dcb.org/about-the-bar/news/expanded-feature-bread-for-the-city.cfm>, archived at: <https://perma.cc/W8R6-KEJ3>.

valuable opportunity to stand up in court before a judicial officer. Further, such cases can involve limited fact-finding, client interviews, and negotiations with government attorneys to achieve results for the client.

The partnership between Bread for the City and the international law firm resulted in meaningful impact for individuals seeking benefits. For example, the partnership provided one individual whose SNAP benefits were reduced from \$150 per month to \$5 per month with over \$1,000 in back benefits that the D.C. government had failed to provide the individual due to an administrative error.

“I was shocked,” said the associate handling the referred pro bono matter, “that a relatively small-time investment could lead to such a result, as this involved only a few emails with the department. I don’t often get to see the human impact of my day-to-day work, and the client called me saying he had fruit for the first time in six months thanks to our work. I am excited to continue work like this making a difference for individuals.”

B. LEGISLATIVE RESEARCH AND MODEL BILLS

While administrative actions are an incredibly meaningful way to effect change on an individual basis, the results rarely set precedent or drive large-scale change. On a more systemic level, many anti-hunger organizations are engaged in tracking state-based proposals regarding nutrition benefits. Much of the food safety net involves federal programs, such as SNAP, administered at the state level. States can, and often do, have varying requirements and administrative procedures. These variations can result in meaningful differences in individual access to affordable, healthy food. Tracking these differences is an important step in informing an organization’s overall strategy to assist the clients it serves.

A case study is illustrative. For MAZON: A Jewish Response to Hunger, legislative research was key to better understanding how states are addressing issues of unpaid school lunch debt across the country. This unpaid debt arises when low-income families are eligible for reduced price, but not free, meals for their school-aged children. When families cannot pay these charges, the all-too-commonly seen result is that the children are the ones punished for a parent’s financial difficulties. They become victims of “lunch-shaming”, which leads directly to hunger and humiliation. These “lunch-shaming” practices take many forms, including forcing students to discard a served lunch, receiving a nutritionally deficient meal instead, losing the ability to attend school functions, eating in separate areas, performing chores, or facing public announcements about their inability to pay.

For MAZON's President and CEO, Abby Leibman, "lunch-shaming is an abhorrent practice and must not be tolerated, let alone condoned by state and local school officials. No child should be shamed at school for their family's poverty."

"MAZON is a remarkable organization whose work has a profound impact on the life of those currently living with food insecurity and the lives of those who someday will face the same struggles. Volunteer lawyers can use their legal skills in a variety of ways to assist advocacy organizations like MAZON, in addition to supporting other organizations that provide direct service to individuals who struggle with hunger in America. These pro bono attorneys can help address policy issues through legal research and fact-gathering, conduct legislative research and analysis, draft model legislation, represent MAZON and other advocacy organizations in amicus briefs addressing many of those policy matters, and launch litigation to challenge statutes and practices that exacerbate food insecurity. Pro bono volunteers can also represent individual low-income clients of the direct service organizations who are facing troubling problems with the nation's safety net, including applications for SNAP and appeals from denials of SNAP. Finally, pro bono lawyers can provide legal guidance to groups themselves so as to keep their governance, infrastructure and relationships strong and sustainable. Such work can leverage the resources of large firms and provide much-needed assistance to inform and help support the good work of these vital organizations."



*David Lash**

Managing Counsel for Pro Bono and Public Interest Services at O'Melveny & Myers LLP

** Opinions expressed are the author's alone*

With the assistance of the pro bono departments from two international law firms, MAZON is conducting a 50-state survey to better understand the legislative landscape regarding lunch shaming. This work will assist MAZON in efforts to identify and educate policymakers across the country on best practices, create model legislation to avoid lunch-shaming in schools nationwide and if need be, to challenge arcane rules and practices that deny children both essential food and dignity.

C. ADVOCACY, REGULATORY COMMENTS, AND IMPACT LITIGATION

The policy environment in which food assistance and anti-hunger organizations operate can be challenging.¹³ Exacerbated by the Great Recession and now the economic disruption caused by the COVID-19 pandemic, food insecurity remains a fact of life for millions of Americans. Anti-hunger organizations are well-positioned to draw attention to the issues of food insecurity and advocate to strengthen the food safety net.¹⁴

Recently proposed regulatory changes to SNAP, for example, may materially change how SNAP benefits are administered throughout the country.¹⁵ For example, off-sets to income for heating bills and more stringent work requirements were proposed. When enacted, changes would increase administrative difficulties in enrollment coordination and eligibility alignment between SNAP and other social benefit programs. This especially impacts those who receive Medicaid and Temporary Assistance for Needy Families (more commonly known as “TANF”).

One option for anti-hunger pro bono work is the submission of regulatory comments. Pro bono attorneys can leverage the subject matter expertise of food assistance and anti-hunger organizations to provide well-researched and well-organized comments on behalf of these organizations in response to proposed regulations that would materially affect their clients, as well as millions of others similarly situated. Lawyers who get involved in the comments would then be well-suited to launch a regulatory challenge as the rule is finalized, should one be needed.

In addition, pro bono attorneys could build upon a 50-state survey or model bill to advocate for best practices as applied to particular food safety net programs, especially given the substantial variation in program administration across programs and across states. Pro bono attorneys can assist food assistance and anti-hunger groups in fighting unnecessary burdens involved in

¹³ See Helena Bottemiller Evich, *‘There’s only so much we can do’: Food Banks Plead for Help*, POLITICO (Jun. 8, 2020), <https://www.politico.com/news/2020/06/08/food-banks-plead-for-help-306492>.

¹⁴ See Tommy Tobin and Mark Brennan, *Putting Hunger Back on Our Policy Menu*, THE HILL (Feb. 8, 2020), <https://thehill.com/opinion/civil-rights/481400-putting-hunger-back-on-our-policy-menu>.

¹⁵ See Tommy Tobin, *Federal Judge Finds Food Stamp Restrictions ‘Likely Unlawful’ And Blocks Implementation*, FORBES (Mar. 17, 2020), <https://www.forbes.com/sites/tommymtobin/2020/03/17/federal-judge-finds-food-stamp-restrictions-likely-unlawful-and-blocks-implementation/#72d3701f6439>, archived at <https://perma.cc/P23J-726G>.

applying for and maintaining food assistance benefits. This might even include, for some attorneys, helping craft public testimony in support of such a project.

In the District of Columbia, for example, Hogan Lovells partnered with the National Center for Law & Economic Justice (“NCLEJ”) and the Legal Aid Society of the District of Columbia (“D.C. Legal Aid”) in launching a lawsuit on behalf of D.C. residents and Bread for the City regarding the District’s administration of the SNAP program.¹⁶ The lawsuit alleged that the D.C. government had failed to timely process initial and recertification SNAP applications, leading to thousands of residents losing SNAP benefits. The case was initially filed in August 2017,¹⁷ and the federal district court certified multiple classes of D.C. residents whose benefits were potentially affected.

“I’ve been fortunate to work on several meaningful, high impact pro bono matters in my time at Hogan Lovells. This opportunity stands out among the pro bono matters I’ve been involved with due to the tight knit working relationship between our team at Hogan Lovells and the teams at DC Legal Aid and the National Center for Law and Economic Justice. Each group brings unique and valuable experience and perspectives, and brought together, the whole is greater than the sum of its parts.”



Lance Y. Murashige, Senior Associate, Hogan Lovells

The impact of Hogan Lovells’ efforts was immediately apparent, and the associates working on this matter for the firm each earned DC Legal Aid’s top prize for volunteer excellence. According to the Executive Director of DC Legal Aid, Eric Angel, these associates went “above

¹⁶ Hogan Lovells, *Hogan Lovells Joins Legal Aid and National Center for Law and Economic Justice in Federal Suit Against DC Department of Human Services Over SNAP Benefits*, (Aug. 29, 2017), <https://www.hoganlovells.com/en/news/hogan-lovells-joins-legal-aid-and-national-center-for-law-and-economic-justice-in-federal-suit-against-dc-department-of-human-services-over-snap-benefits>, archived at <https://perma.cc/E2GV-RD9V>.

¹⁷ *Garnett et al., v. Zeilinger*, No. 1:17-cv-01757-CRC, (D.D.C. Aug. 28, 2017).

and beyond, distinguishing themselves with their work in the field alongside Legal Aid staff to help build the factual underpinnings for the lawsuit.”¹⁸

D. ORGANIZATIONAL ASSISTANCE

Social sector organizations often have need for external legal assistance in corporate governance, tax, real estate, intellectual property, and other transactional matters. Food assistance and anti-hunger organizations are no different. These opportunities provide a great opportunity for corporate and other transactional attorneys to take ownership of projects and contribute to the overall operation of food assistance and anti-hunger organizations.

As employers, food assistance and anti-hunger organizations, like all nonprofit organizations, may face internal questions about hiring, termination, or reasonable accommodations given to employees.

In addition, charitable organizations are subject to limits on certain activities associated with lobbying. Advice and counsel on the applicability of state and federal tax and corporate law governing such activities, and guidance on how to structure programs and activities to ensure compliance with those laws is an invaluable service Non-profit entities must ensure they maintain compliance with their 501(c)(3) obligations under federal tax law as well as any applicable local laws.

As food assistance and anti-hunger organizations grow to meet burgeoning food insecurity needs, external lawyers might assist partner organizations with environmental and real estate law questions about locations for new physical sites for this expanded work. In addition, pro bono volunteer attorneys can counsel organizations as to whether the expanded scope of proposed work requires a change in corporate structure or whether it would be advisable to create an entirely new, separate entity to handle the new type of work to be undertaken.

Food assistance and anti-hunger organizations also have intellectual property, including logos and slogans, that they may wish to assess and protect. These organizations might partner with pro bono attorneys to guide an audit of their current intellectual property, establish protections for this intellectual property, and create an intellectual property strategy for the organization moving forward.

Pro bono lawyers looking for opportunities to be further involved in the operations and management of food assistance and anti-hunger organizations might seek out opportunities to engage with or serve on the boards of such entities. Board service can be a rewarding

¹⁸ Eric Angel, *2019 Klepper Prize for Volunteer Excellence to be Awarded to Hogan Lovells Associates*, DC Legal Aid: Making Justice Real (Mar. 28, 2019), <https://www.makingjusticereal.org/2019-klepper-prize-for-volunteer-excellence-to-be-awarded-to-hogan-lovells-associates>, archived at <https://perma.cc/QB6Y-CTQK>

opportunity for both the pro bono attorney as well as the organization and can further cement a relationship between an individual attorney, a firm, and the non-profit entity.

IV. BEST PRACTICES & RECOMMENDATIONS

Pro bono legal departments have much to offer food assistance and anti-hunger organizations. As with any client relationship, learning about the environment in which partner organizations operate is critical. Lawyers working on these projects are encouraged to learn about food policy and other related food programs at the federal, state, and local level.

Stand-up court experiences are crucial for litigation attorneys. Administrative appeals of food stamp benefits allow for such opportunities. These types of stand-up experiences are particularly helpful to allow associates to build muscle memory when responding to judicial officers, presenting a case to the court, and negotiating with opposing counsel.

Further, working with food assistance and anti-hunger organizations can create unique opportunities for pro bono lawyering for transactional attorneys. Transactional attorneys can leverage their skillsets to advance organizational goals regarding appropriate corporate governance, tax, and other compliance matters. Further, transactional attorneys can actively assist in an anti-hunger organization's growth, especially with regard to financing and land use issues as organizations contemplate expansion.

The Appendix to this resource guide provides sample outreach emails to facilitate pro bono activity within law firms to support food assistance and anti-hunger organizations.

V. CONCLUSION

Amid the sharp rise of food insecurity due to the economic disruption caused by the COVID-19 pandemic, the need for food assistance and anti-hunger organizations has grown. All too often, these organizations are forced to do more with less, especially given a challenging policy environment facing food assistance and anti-hunger policies in recent years.

Partnerships with law firm pro bono departments offer a win-win-win scenario. For food assistance and anti-hunger organizations, pro bono attorneys provide much-needed assistance without the legal fees that would normally accompany such services. For pro bono departments, their firm gains access to unique pro bono opportunities that allow their attorneys, particularly associates, opportunities to develop their skills. Most importantly, individual clients are better served.

Pro bono opportunities expand food assistance and anti-hunger organizations' ability to address issues of food insecurity in their communities and around the country. Hunger is a problem we can address together.

APPENDIX: SAMPLE OUTREACH EMAILS

Below are example emails that pro bono leaders within law firms can modify and use to promote pro bono service to support the important activities of food assistance and anti-hunger organizations.

A. DIRECT CLIENT SERVICE

Looking to make an impact in an individual's ability to put food on the table? All too often individuals fall through the cracks in food assistance programs. We are looking for pro bono attorneys to handle referred individual client matters in establishing and re-establishing eligibility for food assistance and other social benefit programs. Representative cases include individuals whose income levels have been miscalculated, including individuals whose SNAP benefits were ended after the agency neglected to off-set rent from their income eligibility levels. Work on these appeals can help individuals and families choosing between food and paying for their medicine or the rent.

This is a great opportunity for junior attorneys looking for stand-up experience in administrative court. Many cases can be resolved via a few emails and phone calls with the client to gather information. But complex cases may involve representation before an administrative court and active negotiations with department attorneys. Our pro bono partner organization has agreed to provide coaching and guidance throughout the process.

For more information, reach out to me [___], and the firm will be hosting a training on public benefit assistance on [___].

Thanks!

B. LEGISLATIVE RESEARCH AND MODEL BILLS

A few hours shy of your pro bono goal? We are looking for attorneys to contribute to a 50-state survey on behalf of our food assistance and anti-hunger pro bono client. While federal laws govern much of the food safety net, these laws are administered on the state level, leading to great variation on how individuals apply for and receive benefits.

Attorneys would research the applicable laws in one or more states. The work product will inform the organization's approach to future advocacy issues on this important topic and may become a useful guide for other advocacy organizations as well.

For those looking to help, we have a template available so the lift for any individual state should not be more than a few hours. For more information, reach out to me [__].

Thanks!

C. ADVOCACY, REGULATORY COMMENTS, AND IMPACT LITIGATION

Want to make a difference and advocate for change? Our pro bono partner organization, [__], is looking for pro bono attorneys to assist in pre-litigation research into whether it can bring a class action case on behalf of its clients. The lawsuit would allege that the individual clients, and the organization itself, have been materially affected by the state's purported mismanagement of food social benefit programs, namely the SNAP program.

Eager associates are welcome, especially those hungry for digging into a case with the potential to change how this state administers its food assistance programs. The organization wants to change the way the state is running the program through impact litigation, and this work will undergird the factual basis for a potential suit.

There is good precedent from other jurisdictions that impact litigation in the food assistance arena that can lead to meaningful change for partner organizations like [__] and the clients they serve.

For more information, reach out to me [__].

Thanks!

D. ORGANIZATIONAL ASSISTANCE

Calling transactional attorneys! To better serve its growing client population, our pro bono partner organization [__] is looking to expand its operation. As part of this expansion, the organization will need advice related to expanding its physical footprint.

Attorneys would review construction agreements and assist the organization with real estate advice, particularly regarding contractual obligations and financing. This is a great opportunity to advise an organization from start to finish as it considers a major expansion in serving the food insecure in our community.

For more information, reach out to me [__].

Thanks!



UCLA School of Law
**Resnick Center for
Food Law & Policy**

MAZON

A Jewish Response
To Hunger

PERKINScoie