

Randi Ilyse Roth

Attorney at Law

Monitor

Pigford v. Glickman (D.D.C.)

Brewington v. Glickman (D.D.C.)

Office of the Monitor

P.O. Box 64511

St. Paul, MN 55164-0511

Toll-Free Phone:

1-877-924-7483

June 2, 2000

Dear Claimant:

I was recently appointed to be the Monitor in *Pigford v. Glickman*—this is the case in which African-American farmers sued the United States Department of Agriculture (USDA) alleging race discrimination. I am writing to you and to all of the other people who filed claims in *Pigford* (and its sister case, *Brewington*) to explain my role as Monitor and how I might be able to assist you.

I. Introduction

A. The Consent Decree

As you know, the *Pigford* and *Brewington* cases settled—that means that the parties entered into an agreement which they pledged to follow instead of going to trial. That agreement is written up in a document called the “Consent Decree,” which was approved by the Honorable Paul L. Friedman, the judge who presided over these cases. The Consent Decree sets forth the rules and procedures that the claimants and the government must follow in carrying out the settlement of this case. (“Claimants” are those who filed claims in this case.) If you would like to see the Consent Decree, please call my office toll-free at 1-877-924-7483, and we will send you a copy at no charge. If you have access to the internet, you can find a copy of the Decree at www.dcd.uscourts.gov/97-1978h.pdf.

B. The Monitor’s Role

One part of the Consent Decree calls for the appointment of a Monitor. It provides that the Monitor is *independent*. I do not work for the lawyers on either side of this case. I was chosen by Judge Friedman and, for the next five years, I will work as an agent and officer of the Court in carrying out the jobs assigned to the Monitor. These jobs are explained below.

C. My Background

For the past 14 years I have worked as a lawyer at a nonprofit organization that provides legal assistance to family farmers throughout the United States. I have spent most of my time working with farmers throughout the Southeast and Midwest on issues related to government loans. A significant part of my practice has involved work on behalf of African-American farmers.

D. Office in Memphis, Tennessee

My office in Minnesota is very distant from most of the claimants in this case. To make it easier for you to meet with my staff and me in person, I will set up office hours in Memphis, Tennessee, on a regular basis. Our first meetings with claimants in Memphis will be in July 2000. To make an appointment to meet with us in person, please call my office toll-free at 1-877-924-7483.

I will be able to meet with you about many types of problems, including any problems you may have with injunctive relief (see explanation below). However, as I will explain below, under the terms of a recent court order, I will *not* be able to meet with you regarding the decision made by the Adjudicator, Arbitrator, or Facilitator in your case.

II. The Monitor's Jobs

I have three basic jobs as Monitor. They are: (A) reviewing decisions, (B) solving problems, and (C) issuing reports.

A. Reviewing Decisions

This part of my job involves reviewing Petitions for Monitor Review. You may send me a Petition for Monitor Review if you filed a Track A or Track B claim under the Consent Decree and you were denied any aspect of relief. When you ask me to review your Petition, my job is to determine whether the decision in your case contained a "clear and manifest error resulting in or likely to result in a fundamental miscarriage of justice." I put those words in quotes because they came from the Consent Decree. If I find such an error, I will send your claim back to the Adjudicator, Arbitrator, or Facilitator with a letter explaining the error. The Adjudicator, Arbitrator, or Facilitator must then reexamine the decision they made in your case.

The government likewise has the right to petition for Monitor review if it believes that a decision approving a claim contained a "clear and manifest error resulting in or likely to result in a fundamental miscarriage of justice."

I enclose a booklet that gives detailed answers to many important questions about the review process.

My office will review your case if you write to me yourself *or* if you have an attorney prepare a Petition for Monitor Review for you. Under the terms of a recent Court order, I cannot talk with you about your Petition for Monitor Review—I must base my review only on the papers in your file and the papers that are submitted in the Petition process in your case.

Preparing your paperwork can be complicated. You are not required to have a lawyer, but I strongly suggest that you contact a lawyer to represent you in your Petition for Monitor Review. Assistance from a lawyer can give you some important advantages (see question number 3 in the enclosed booklet).

You have the right to be represented by any lawyer whom you choose. The lawyers who represented the class of farmers in this case will provide you with a lawyer at no charge. They are called "Class Counsel." They asked me to tell you that if you want their help, you should send them (1) a letter giving them permission to represent you, and (2) a photocopy of the decision denying you relief.

They can be contacted as follows:

Alexander J. Pires, Jr.
Conlon, Frantz, Phelan and Pires, LLP
1818 N Street NW, Suite 700
Washington, DC 20036
Phone: 202-331-7050 or
Toll-free: 1-800-448-FARM
Fax: 202-331-9306

Lawyers other than Class Counsel may also agree to represent you at no charge and seek payment of their fees from the government. See question number 3 in the enclosed booklet.

If you choose not to use a lawyer, which is your right, and you want to have your case reviewed, you must write to me to ask me to review your claim. The best way to write that letter is by filling out the enclosed form entitled "Petition for Monitor Review." My staff and I will review all the details of your Petition and the other papers in your file very closely whether or not you use a lawyer.

If you have any questions about how the review process will work, please contact my office at 1-877-924-7483. Please remember, though, that I cannot discuss the details of your individual Petition for Monitor Review.

B. Solving Problems Not Related to the Decision About Your Claim

My office has broad power to try to find solutions to many types of problems that you may encounter with the Consent Decree. Examples of problems that the Monitor's office can help you with include:

1. Problems with "injunctive relief." Injunctive relief includes approved claimants' rights to:
 - Priority consideration for certain kinds of new loans;
 - Priority consideration for buying or leasing land from the government;
 - Adequate technical assistance from someone acceptable to them at their local USDA offices;
 - Have their applications for certain kinds of loans and for the purchase or lease of inventory property viewed in the "light most favorable" to them.
2. Farmers with approved claims not receiving their relief on a timely basis.

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If you are having these or other problems as a class member, please call my office toll-free at 1-877-924-7483, and the phone operators can make an appointment for you to talk with my staff or me on the phone or to meet with us in person in Memphis. **My goal is to do what it takes to get your problem solved.**

Also, to learn more about injunctive relief, call my office and ask to be sent the "injunctive relief booklet" free of charge. The booklet should be available in June 2000.

Please note, though, that my staff and I cannot talk to you to try to solve problems related to your Adjudicator, Arbitrator, or Facilitator decision—any problems with those decisions must be handled through the Petition for Monitor Review process described above.

C. Issuing Reports

As Monitor, I will issue reports to the Secretary of Agriculture, the Court, and the lawyers for both sides of the case at least every six months. These reports are about the "good faith implementation of the Consent Decree." The reports will explain how the implementation of the Consent Decree is going, and they will talk about whether the organizations and individuals involved in this process are getting their jobs done properly.

These reports will be available to the public. If you would like to receive a copy of the first report when it is issued this summer, please call 1-877-924-7483 and ask to be put on a list to receive reports.

III. Contact Information

You may contact my office by writing or calling toll-free to:

Office of the Monitor
P.O. Box 64511
St. Paul, MN 55164-0511
Toll-free phone: 1-877-924-7483

When you call, trained phone operators will try to assist you. They will ask you to explain what kind of help you need from the Monitor's office. They will be able to help you on the spot with answers to some basic kinds of questions. If the phone operators are not able to help you, they will direct your call to me or to the right person in my office.

Sincerely,

Randi Ilyse Roth
Monitor