



**The Barbara McDowell and Gerald S. Hartman Foundation
National Center for Law and Economic Justice - Final Report
August 1, 2016**

Overview

In early 2012, NCLEJ and Greater Hartford Legal Aid sued the Connecticut Department of Social Services (*Briggs v. Bremby*) when it was evident that the State was severely delaying and, in some instances, outright denying food stamps to eligible households. In Connecticut, where the cost of living is already quite high, the timely provision of food stamps can make the difference to keep children from going hungry and families from being forced to divert other necessary resources to feed themselves.

Connecticut was doing quite poorly, with more than 40% of the applications for food stamps being processed late, often weeks late. The sources of the delays include problems with document imaging, reliance on call centers, the elimination of brick and mortar offices, the reduction in staffing, and the increase in need following the recession.

The Connecticut Attorney General's office has vigorously opposed all relief at every stage. It has moved to dismiss the claims, resisted discovery, and strenuously opposed class certification and preliminary injunctive relief.

After expensive and time-consuming discovery, we were able to secure a preliminary injunction, which the State immediately appealed to the Circuit. We argued the appeal and, in a first-in-the-nation holding, the Court unanimously ruled in July 2015 that the provisions of the Food Stamp Act under which we filed are enforceable. However, during the time of the appeal, the District Judge stayed further action.

The Court previously set a trial date in July 2016, which was later deferred pending settlement discussions. The critical issues for the Court will be whether the State has improved sufficiently to relieve it of continued Court oversight. If the Court rules that the defendant has not improved sufficiently, the plaintiffs will secure a permanent injunction and we anticipate a hearing on the scope of that permanent injunction to secure a lasting and durable remedy.

Progress to Date

We are pleased to report that NCLEJ, working in partnership with Greater Hartford Legal Aid, has continued to make very significant progress toward securing relief for the class. We have been active on a number of fronts:

- As we noted in our interim report, we moved for summary judgment as to the question of whether the State is processing food stamp applications in a timely manner. The argument also addressed Connecticut's failure to have effective monthly reporting. The Court held a hearing in May 2016 and indicated that it believed that the parties would be best served by negotiating the remedy phase. We have been working with a Magistrate-Judge to craft a durable remedy;
- We continued to engage in extensive discovery – reviewing thousands of pages of documents and conducting two of four depositions, including of the Commissioner of the state agency. We have learned much about how the State processes applications, the causes of lateness, and the deficiencies of the State's data reporting systems;
- Subsequent to the submission of the interim report we also deposed the State's expert witness, who testified as to why, in his opinion, Connecticut could not necessarily do more to improve and why the State's methodology for measuring compliance ought to be preferred by the Court;
- Following the submission of the interim report, NCLEJ determined that the plaintiffs should offer independent expert rebuttal testimony to address the State's more than 20-page expert report and the expert's testimony. We were able to identify a nationally respected expert on processing food stamps applications, including the best manner in which to measure whether the State is timely processing those applications. NCLEJ defended his deposition.

Conclusion

The assistance from the Barbara McDowell and Gerald S. Hartman Foundation supports our efforts to ensure that the residents of Connecticut do not go hungry due to failures of the State by enforcing our existing preliminary injunction against the State and securing a permanent injunction. This assistance has been absolutely essential to our work, which has been very resource intensive. However, we believe that, subsequent to the summary judgment hearing, we have turned a corner and that a favorable outcome is highly likely through settlement or trial.

As we anticipated, we incurred considerable expenses for depositions, the retention of an expert witness, and other pre-hearing litigation costs. If settlement does not occur and we are forced to go to a hearing, we will incur considerable additional expenses in preparing and litigating the claims.

The Barbara McDowell and Gerald S. Hartman Foundation's generous grant has been critical in facilitating this work. We could not be more grateful for the support – it is truly making a significant difference for the low-income residents of Connecticut.

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