



Winston & Strawn Wins Reversal of Order Denying Request by Black Farmers Association to Intervene in Defense of Federal Debt Relief Program

APRIL 25, 2022

Winston & Strawn won an important Fifth Circuit victory on behalf of pro bono client Federation of Southern Cooperatives, a nonprofit association of Black farmers.

Last year, as part of the American Rescue Plan Act, Congress directed the U.S. Department of Agriculture (USDA) to provide minority farmers and ranchers about \$4 billion in loan forgiveness to help remediate USDA's longstanding discriminatory lending practices, the consequences of which were exacerbated by the pandemic. Arguing that the debt-relief program unconstitutionally discriminated on the basis of race, a group of white farmers sued USDA in the Northern District of Texas to block the implementation of the program.

Winston, with co-counsel at the Lawyers' Committee for Civil Rights Under Law and Public Counsel, filed a motion to intervene, arguing that the Federation had a right to participate as a party to the lawsuit to help defend the law. Winston argued that the Federation, whose members had come to rely on the promised debt relief and would suffer greatly if the law were overturned, had a vital interest in defending the constitutionality of the debt-relief program. Winston further argued that the USDA was not able to adequately represent the Federation's interests because it has strong incentives against presenting robust evidence of its ongoing discrimination against Black farmers—evidence that one court has described as “crucial” to the successful defense of the program.

The district court denied the motion to intervene in December, and Winston promptly appealed on behalf of the Federation. The team worked through the holidays—first, preparing motions to stay the district court proceedings and to expedite the appeal and then, once the expedition was granted, drafting our opening merits brief. Partner Andy Tauber presented an oral argument before a Fifth Circuit panel on March 7, and the panel issued its opinion reversing the district court's order on March 22. Winston is now preparing to return to the district court to advocate on behalf of the Federation, which is now a full party to the case. This win is significant as it plays an important part in advancing the firm's Racial Justice & Equity CEASE Initiative.

The Winston team working on this matter includes partners **Kobi Kennedy Brinson**, **Chase Cooper**, and **George Lombardi**, associates **Janelle Li-A-Ping**, and **Jackson Smith**.

Learn more about Winston's commitment to excellence in serving the public interest and the firm's Racial Justice & Equity CEASE Initiative [here](#).

2 Min Read

Related Locations

Charlotte

Chicago

Dallas

Los Angeles

Washington, DC

Related Topics

PBIA

Agriculture

Black Farmers

Discrimination

Related Regions

North America

Related Professionals



Kobi Brinson



Chase J. Cooper



George Lombardi



Jackson C. Smith