

*Love v. Veneman, Secretary of the United States Department of Agriculture*

Arent Fox Kintner Plotkin and Kahn, PLLC and the Washington Lawyers' Committee for Civil Rights and Urban Affairs are presently lead counsel for Plaintiffs, a putative class of women farmers who sought and were denied access to certain farm loan programs because of their gender during a period in which the United States Department of Agriculture ("USDA") had all but dismantled its own civil rights office charged with investigating and remedying such complaints in *Love v. Veneman, Secretary of the United States Department of Agriculture*, Case No. 1:00CV02502. The case was originally filed on October 19, 2001 by the law firm of Conlon, Frantz, Phelan & Pires, LLP and is currently pending in the United States District Court for the District of Columbia.

The discrimination at issue in *Love* arose out of the structure, policies and practices of the USDA's farm loan program, which has been administered at the local level almost exclusively by white male local county committees who have been vested with near unfettered discretion in applying excessively subjective standards for determining farmer participation in the USDA's farm loan programs. This unfettered discretion and excessive subjectivity permitted the local officials to engage in a pattern and practice of deterring and excluding women and other minority farmers from participating in farm loan programs, subjecting them to discriminatory terms and conditions for farm loans, and causing them to suffer severe harm.

Arent Fox became involved in the case in late January 2002 and on February 11, 2002, Arent Fox filed Plaintiffs' Supplemental Memorandum in Support of Plaintiffs' Motion for Class Certification (the "Motion") to supplement the arguments raised in Plaintiffs' Original Class Certification Motion. In the Motion, Plaintiffs argued that the USDA's excessively subjective standards violated ECOA, 15 U.S.C. § 1691 *et seq.*, which prohibits gender discrimination in the extension of credit, and created the common question of law that is necessary for class certification pursuant to the Federal Rules of Civil Procedure. On March 20, 2002, after hearing oral argument on the Motion, Judge James Robinson decided against ruling on the class certification Motion until the parties had completed discovery. Presently, the parties are conducting discovery.