

## Kentucky Equal Justice Center Board

April 21, 2020

### Staff Report Highlights

#### Food Justice Fellow — Tyler Offerman

- **Fighting public assistance barriers:** KEJC advocates spent much of the first quarter trying to improve or stop [HB 1](#), a measure filled with new barriers to public assistance. Working with partners in the ThriveKY coalition, KEJC facilitated over 40 meetings with elected leaders, coalescing in a strategy to build a firewall of opposition among Senate Republicans. HB 1 passed the House but never got a hearing in the Senate.
- **Building a new network on SNAP and WIC:** Tyler is working with the Kentucky Center for Economic Policy to provide support and structure for a newly formed SNAP and WIC Technical Assistance Group and for Kentucky's existing Food Policy Network. The SNAP and WIC group met online in January, February, and April. As Tyler describes it:

*“We continue to do the long-haul work of building strong and sturdy coalitioning spaces among farmer advocates, feeding organizations, policy advocates, and legal aid programs.”*

- **Getting the help you need:** To support allies and consumers in the new world of COVID-19, Tyler regularly updates his popular blog on the KEJC website with recent changes to public benefits and tips on how to apply. See [“Get the Help You Need.”](#) In April, he won certification as Application Assister, joining Betsy and Miranda to wield what Rich calls the “superpower” to help consumers negotiate the [benefind](#) multi-benefit platform.

#### Maxell Street Legal Clinic — Leah Engle

- **New software integrates forms:** Maxwell Street Legal Clinic has new case management software. Says Leah, “On April 1, we started using eImmigration, allowing us to combine our forms and case management software in a single system.”
- **Case data in the hundreds:** In the past year, Maxwell Street Legal Clinic staff and volunteers worked on 470 cases, including over 150 DACA renewals and 140 VOCA cases. Especially urgent in the COVID-19 era: work on DACA renewals with their so far unchanged deadlines.
- **Remote work is working:** Maxwell Street has transitioned to remote work during the COVID-19 crisis. The team set up a Google Voice number for clients to reach them on or offsite. Case handlers continue work on their cases. Legal assistants focus on

translations and training. VOCA Attorney Allison Hight put together an infographic and FAQs on whether and when immigrants qualify for the stimulus funding. Says Leah, “We’re hard at work for our clients!”

### **Outreach Coordinator — Miranda Brown**

- **KEJC on RADIOLEX:** Since January, Miranda has recorded five new radio episodes in [English](#) and [Spanish](#), covering agricultural workers’ rights, the 2020 census, pandemic information on workplace safety, unemployment benefits, work leave, and taxes. The programs featured interviews with staff of Southern Migrant Legal Services, the 2020 Census, and United Way of the Bluegrass.
- **Governor signs letter on public charge:** Together with attorneys at Maxwell Street, Kentucky Office for Refugees, and Kentucky Refugee Ministries, Miranda drafted a statement on public charge for the Cabinet for Health and Family Services (CHFS). The statement was designed to reassure immigrants, inform service providers, and let caseworkers know the status of public charge rules. Governor Andy Beshear, CHFS Secretary Eric Friedlander, and Medicaid Commissioner Lisa Lee put their names to the letter. On April 17, they gave advocates permission to start disseminating it.
- **Healthcare enrollment:** Since December 10, Miranda and Betsy helped 25 new individuals and families with health enrollment, while also offering hands-on assistance in established cases. They connected with applicants via outreach to multiple community partners who help at risk Kentuckians, including:

*Probation and Parole, New Life Day Center, organizations helping survivors of human trafficking (Bakhita Empowerment Initiative and Natalie’s Sisters), Village Branch Library, Kentucky Refugee Ministries, Legal Aid of the Bluegrass, the Refuge Clinic, Rebound Recovery, SAP Aftercare, and Lexington Mutual Aid (coronavirus pandemic response group)*

### **Health Law Fellow — Betsy Stone**

- **Op-Eds call out HB 1:** Says Betsy, “Hopefully, my [Op-Ed](#) and the [Op-Ed](#) we worked on with Julianne Van’t Land, one of my clients, helped weaken support for the punitive measures in House Bill 1.” The Op-Eds argued that the measure was driven by faulty stereotypes instead of statistical data. They got wide distribution:
  - Julianne’s Op-Ed ran in the Lexington Herald Leader, Frankfort’s State Journal, the Richmond Register, and the Oldham Era.
  - Betsy’s Op-Ed ran in the Louisville Courier Journal, the Lexington Herald Leader, and Hopkinsville’s New Era.
- **Open line of communication:** Over the last several months, KEJC and allies established monthly meetings with leaders at the Cabinet for Health and Family Services (CHFS),

offered input at a demonstration of the benefit Self-Service Portal redesign, and participated in CHFS' newly minted Notice Improvement Project. Says Betsy:

*“The opportunity to re-forge positive connections with CHFS has allowed us to address serious access issues in Kentucky’s public benefit programs that we’ve identified from our own work as Assisters and our relationships with legal aid.”*

- **Progress on medical billing lawsuit:** Working with Ben, Betsy has put together a draft of a class-action complaint. Ben and Betsy are waiting to file as they negotiate a co-counseling agreement with a national advocacy group. Says Betsy, “The agreement will provide us with legal expertise and connect us with pro-bono private counsel to cover expenses.” Another noteworthy development came in the form of news coverage. See Betsy’s quotes in:
  - A Kentucky Center for Investigative Reporting [piece](#) about UK Healthcare’s billing practices (“Insult To Injury: State Adds 32% When It Collects UK Medical Debt”)
  - WFPL’s [recent article](#) about Department of Revenue’s collection methods during the COVID-19 crisis (“The State Has Halted Debt Collections — But Not Collection Notices”)
- **Surprise medical billing:** Betsy worked closely with fellow advocates and the sponsor to make a lot of progress on surprise medical billing with [SB 150](#). Says Betsy, “It’s unfortunate that it got derailed because of this current crisis, but we are glad that it was converted into a good unemployment insurance bill. We’ll plan on starting up the fight again next session, hopefully with the same opportunity to comment on the consumer-friendly changes that we advocated for this year.”
  - [Here’s](#) a copy of Betsy’s testimony at the Senate Health and Welfare Committee in support of the original bill.

### Litigation and Impact Advocacy — Ben Carter

- **Evictions, evictions, evictions:** Ben’s primary work in response to the COVID–19 crisis has been getting materials to the public and partners now about renters’ rights and working to make sure the eviction process is fair when the courts open back up.
- **Litigation on multiple fronts:** Ben serves as co-counsel on a case with Legal Aid Society on a RESPA violation and with a private attorney on air ambulance service balance-billing. In the air ambulance case, the patient was covered by Medicaid. Ben is also working to wrap up two open records cases. Says Ben, “One big case to come and almost certainly going to be suing some landlords soon.”
- **Task Forces and Crisis Response Groups:** KEJC will have to reformulate task forces for online gatherings and remote collaboration for the medium-term. We’re considering convening them as Response Groups to handle COVID–19-specific time sensitive issues.

Says Ben, “Finding the time to coordinate and collaborate on offerings/materials/needs has been challenging.” Further:

“I am very concerned about the volume of legal needs in the coming year and interested in getting as many 1) changes to court processes and 2) consumer-facing self-help tools in place as possible because I’m worried even robust pro bono recruitment and education will not be enough.”

- **Document creation:** Ben has experimenting with the document and form creation tools available at [community.lawyer](#) and reports being impressed by the platform’s power and ease of use. Here is a [letter Ben prepared for Kentuckians who cannot pay rent during this crisis](#) as an example of the way the “interview” process works. Ben comments:

“This platform allows storage of client information and populating PDFs (court forms). So, someone who used the tool to generate a letter (or their social worker, attorney, etc.) could return months later and quickly file a response to a forcible detainer action without having to re-enter information they’ve already provided. The uses for this in a poverty law practice are practically limitless (intake, dispute letters to credit reporting agencies, small claims complaints, letters to lawmakers, etc.) and also provide an opportunity to connect and form relationships with people who can help us build power in other forums (legislature, public opinion, etc.) Pretty exciting.”

## **Workers’ Rights — McKenzie Cantrell**

**Partnership with La Casita:** Louisville Bar Foundation has granted KEJC funds to launch a Louisville-based wage claim clinic with community partner La Casita.

McKenzie heads up a project team that also includes Miranda, new part-time Wage Claim Coordinator, Lizz Perkins and a potential U of L law school summer intern. The COVID-19 pandemic calls for some creative outreach, plus online handling of claims.