

# **Kentucky Equal Justice Center Board**

**September 27, 2019**

Wyatt Tarrant and Combs  
250 West Main Street, Suite 1600, Lexington

## **Agenda**

### **11:00 Welcome and Introductions**

- Welcome New Board and Staff Members
- Approval of Minutes
- Recent Highlights and General Assembly Forecast

### **11:30 Administration and Development**

- Financial Report and Development Update through August
- Audit and 990 Update
- Budget Assumptions for 2020
  - Salary Scales and Comparability

### **12:15 Working Lunch**

### **12:30 Governance and Strategic Planning**

- Staff Reps Election Process
- Strategic Planning Proposal
- Report of the Personnel Policy Committee
- Report of the Legal Work Oversight Committee
- Next Meeting Date

### **1:00 Big Picture: Access to Justice**

- Legal Services Funding

### **1:15 Staff and Partner Reports**

- Public Benefits Quick Catch-Up (Rich, Betsy, Miranda, Tyler)
- Maxwell Street Legal Clinic
- Open Discussion on All Staff Reports

### **1:45 Announcements**

### **2:00 Adjournment**

# Kentucky Equal Justice Center

## Board Minutes

July 11, 2019

**Board Members Present:** Jackie Arakaki, Hailey O’Hair (Client Members); Robert Brown, Rick Clewett, Chris Frost, Amanda Kool, John Rosenberg (Community Members); Joshua Crabtree, Neva-Marie Polley Scott, Amanda Young (Program Directors); Brenda Combs, Nick Maraman, Angela Zeek (Staff Reps).

**KEJC Staff:** Miranda Brown, Beka Bruner Schwartz, McKenzie Cantrell, Ben Carter, Maddy Clark, Allison Crawford, Leah Engle, Michelle Haubner, Allison Hight, Adam Kuhn, Rich Seckel, Betsy Davis Stone.

**Guests:** Chloe Atwater (UK Law student); Sheriffer Chisanga (Berea College student); Nan Hanley, Glenda Harrison (Access to Justice Commission); Amanda Bear, Acena Beck (Children’s Law Center).

### Welcome and Introductions

In the absence of 2018-2019 officers Robert Johns and Mary O’Doherty, a quorum being present, chair emeritus Chris Frost called the meeting to order.

### Highlights of Recent Activity: New Staff and General Assembly

Chris recognized KEJC Director Rich Seckel to share highlights of recent activity. Rich reported on the following:

**Food Justice Fellow:** Right in the middle of the Appalachian Citizens Law Center event on the Martin County water crisis, Rich said, he had gotten word by email: KEJC’s proposal to launch a Food Justice Fellow had been approved by the MAZON Foundation. Rich said the Fellow would help build coalition activity focused on ending hunger. He said MAZON was not shy about advocacy for public benefits.

**Task Force season finale:** Rich said the General Assembly had been followed by “task force season,” with well-attended events on public benefits, consumer and housing and workers’ rights leading up to the largest meeting of all, a Family Law Task Force session in Louisville with close to 40 attendees. The Family Law event featured KEJC board member Nick Maraman presenting on the interaction of tax law and family law.

**VOCA “submit:”** Rich said that he had been pleased to press the “submit” button for this year’s Victim of Crime Act grant one day before the deadline. He thanked board member Brenda Combs for stepping in as the grant’s financial officer in the absence of a Treasurer. He said Brenda’s thumbs up on the budget gave him confidence that the proposal was solid all around. He thanked the VOCA team for its work on the grant narrative.

**Facebook 2000:** Rich said that KEJC had just reached over 2,000 “likes” on Facebook, thanks to a push by new Communications Coordinator Allison Crawford. He said that KEJC social media efforts had begun with defense of Medicaid expansion, but Allison now juggled multiple poverty law issues, from “public charge” to “shark week” on payday loans.

**Welcome Fellow:** Rich welcomed new Health Law Fellow Betsy Davis Stone. He said Betsy would work from the office at 201 West Short Street. He said it was nice to consolidate the program with more project staff in one place. Rich said he was about to improve the phone system accordingly, with a modern cloud-based system offered through Windstream. (The company later dragged its feet on installation.)

**HB 3 good news bad news:** Rich said that a bill with multiple troubling public assistance provisions, HB 3, had been set aside during the 2019 General Assembly. Now, he said, the Legislative Research Commission had approved a task force to review topics that tracked the framework and approach of the bill. The good news: KEJC had been invited to testify.

Rich said that KEJC had a long history of both defensive and pro-active work on public benefits programs, including successful work to preserve parents’ access to post-secondary education as a “work activity” in K-TAP.

### **Approval of Minutes**

Chris invited a motion on the minutes of the last meeting.

- Motion:** John Rosenberg moved to approve the minutes of the April 23, 2019, board meeting.
- Second:** Hailey O’Hair
- Action:** Approved unanimously

### **Administration and Development: Financial Report through 2nd Quarter 2019**

Rich reviewed the cover sheet for the financial report, as follows:

**Profit and Loss Budget Overview FY 2019:** the budget adopted by the board anticipated a loss of -\$59,389, offset by \$80,000 in advance Public Welfare funds for the workers’ rights project.

**Profit and Loss through June 30:** showed a gain of \$67,677 compared to the expected loss of -\$13,652—a positive variance of \$81,329.

**Balance Sheet as of June 30:** showed Total Current Assets of \$430,146—up from \$323,395 on March 31 and up 37.6% percent from \$312,608 on June 30, 2018.

**Income and Expense Charts:** 81.65% of spending was payroll. 70.03% of income was grants.

Rich said that he had revised his end-of-year carryover forecast upward to \$343,971 to take into account projected year-end balances of \$40,689 in new grants that hadn't been in the base budget (see below). Rich said estimated unrestricted assets had bounced back slightly from \$51,003 on March 31 to \$54,011 at the end of June.

For several years, Rich said, the plan had been to build unrestricted assets above 10 percent of budget and then invest the excess above 10 percent in development and a deeper administrative bench. He said the 10 percent goal had proven elusive as the KEJC budget had grown. Rich said that KEJC might need a new strategy to invest in new things, including a more aggressive approach to building operations into grants.

Turning to the Budget vs. Actual report, Rich said income was running at 108% of budget and expense at 91%—a very favorable ratio. He said the low spending figure was brought about mainly by the temporary vacancy in the Health Law Fellowship. He said cash flow also contributed. Example: he paid the bill for the Legal Files case management system in July rather than June.

The good news on income, Rich said, came from a series of new grants that had not been in the base budget. Rich said the grants were easy to spot among the income lines on the Budget vs. Actual page because they had a zero budget amount but a positive actual. New grants since the last meeting included:

- A CLASP Protecting Immigrant Families grant to work on public charge \$10,000
- A Solidarity Giving sub-grant through KCEP to protect public benefits \$25,000
- A Kentucky Civic Engagement Table grant to test workers' rights messaging \$ 2,670
- The MAZON Food Justice Fellowship grant \$64,712

Rich thanked staff for working on the grants, including Ben on the MAZON proposal, Miranda on public charge and Allison Crawford on worker's rights messaging.

Turning to the balance sheet, Rich said that it now included the value of equipment purchases made in 2018. He said unrestricted reserves had risen slightly since March, to a value of 0.73 months of operation, while total reserves would last a healthy 5.79 months. The figures were set out in a spreadsheet, with the trends illustrated in a chart.

Rich's handout on "KEJC Recent Fundraising Effort" showed \$578,809 requested so far in 2019, with \$316,709 awarded (55%) and two large grants still pending: the VOCA grant (\$215,426) and the "Boots on the Ground" grant through the Foundation for a Healthy Kentucky (\$50,000).

Rich said several fundraising initiatives were coming up soon, including a potential 20<sup>th</sup> anniversary event for Maxwell Street Legal Clinic. He said the Clinic had opened its doors as an all-volunteer operation in October 1999. Rich noted that events were labor intensive but that

KEJC had pulled off a nice event with multiple food stations and a short program for the 10<sup>th</sup> anniversary.

### **Administration and Development: Audit and 990 FY 2018**

Rich reported that he had reached out to Auditor Vickie Richardson to begin the audit and 990 process for FY 2018 and would soon begin to compile materials for her.

### **Administration and Development: Salary Scales and Comparability**

Rich said that KEJC had last conducted a salary comparability review in 2013. At the time, the program had set a salary scale for staff attorneys, which in practice also operated as a touchstone for other positions. Rich said the 2013 scale just slightly exceeded the average of Kentucky field programs but now it appeared to have fallen behind.

Rich proposed that over the next year, KEJC should revisit comparability, including salaries for non-attorneys that would reflect job deliverables and responsibilities. He said that as a first step, he would begin gathering scales from Kentucky programs and peer state support programs.

### **Governance and Strategic Planning: Report of the Nominating Committee**

Nominating Committee member Bob Brown reported on the actions of the committee. Bob said the group had met by conference call on July 2 to consider nominations of current members willing to continue, a new member to fill a Community Member vacancy and officers for the coming year.

Bob said the members of the committee were himself, Hailey O’Hair, Neva Polley Scott and Angela Zeek. He said that members recused themselves when their own nominations were considered. Bob said the committee had combined nominations into a slate for consideration by the board. The slate and committee minutes had been included in the Board package.

**Motion:** John Rosenberg moved to approve the slate of nominees put forward by the Nominating Committee, as follows:

#### **Officers (One Year Terms)**

Bob Brown, Chair  
Hailey O’Hair, Treasurer

#### **Members (Two Year Terms)**

Hailey O’Hair, Client Member  
Bob Brown, Community Member  
Rick Clewett, Community Member  
Chris Frost, Community Member

### **Member (To Fill Vacancy in Two Year term)**

Lisa Gabbard

**Second:** Nick Maraman  
**Action:** Approved unanimously

Lisa Gabbard had been nominated to fill out the unexpired term of former Community Member Mary O’Doherty. Several members commented that it was good to continue the tradition of having a board member from Kentucky Coalition Against Domestic Violence.

Newly elected Chair Bob Brown chaired the meeting from this point forward.

### **Governance and Strategic Planning: Report of the Personnel Committee**

In the absence of committee chair Neva Polley Scott, there was no report of the Personnel Committee, which had met once since the beginning of the year to begin a “top to bottom” review and update of the policies. The previous year, the committee had developed and the board had adopted an improved parental leave policy.

Board member Josh Crabtree recommended that KEJC hire expert outside counsel to assist the committee. He said that his program, Legal Aid of the Bluegrass, had engaged an attorney from Dinsmore to review its policies and make recommendations for updates, at a cost of just \$800.

**Motion:** Josh Crabtree moved to authorize Rich to engage outside counsel to assist the Personnel Committee.  
**Second:** Rick Clewett  
**Action:** Approved unanimously

In further discussion, committee members Michelle Haubner, McKenzie Cantrell and Brenda Combs said they were comfortable with the idea of working with counsel. Brenda noted that it took a long time to review the policy details, with the last meeting devoted to just getting started.

McKenzie commented that the board should acknowledge Neva for her work. Josh said that Neva had just emailed him and expressed approval of the idea of engaging counsel.

On the theme of getting assistance where needed, John Rosenberg suggested that Rich engage an event planner to help with the Maxwell Street 20<sup>th</sup> anniversary fundraiser. Rich said that there was precedent: for KEJC’s 30<sup>th</sup> anniversary, he had worked with a planner recommended by KEJC’s first director, Rona Roberts. He said the planner helped keep everything on track.

**Motion:** John Rosenberg moved to authorize Rich to engage an event planner to help with the Maxwell Street 20<sup>th</sup> anniversary, with a budget of up to \$2,500.  
**Second:** Josh Crabtree  
**Action:** Approved unanimously

## **Governance and Strategic Planning: Report of the Legal Work Oversight Committee**

Committee Chair Chris Frost reported that the membership of the Legal Work Oversight Committee consisted of himself, board members Robert Johns, John Rosenberg and Amanda Young and Ben and Rich from KEJC. He said he would also invite program director Leah Engle from Maxwell Street Legal Clinic to participate.

Chris said the committee had tasked Rich and Ben with a review of KEJC case acceptance policies. He said Rob Johns had made available AppalRed Legal Aid's policies as an example. Bob Brown asked what form Rob's suggestions took. Chris said that the Appalred policies, perhaps driven by Legal Services Corporation requirements, were "more granular" than KEJC's on the steps of the case acceptance process and supervisory review.

Ben said that he had convened KEJC's internal Legal Work Committee for discussion of case acceptance policies and other elements of practice management, including a look at practice-related provisions of the program's professional liability coverage. Ben said the internal group was also looking at time keeping options. Ben said he'd begun work on an update to KEJC's case acceptance policy.

Board members discussed the interaction between the procedural aspect of case acceptance policies and substantive case priorities. Josh Crabtree noted that the Legal Services Corporation required LSC-funded program to conduct a case priority-setting process every five years. He said that rather than prescribing priorities, he wanted to acknowledge Ben's role in guiding practice.

Ben noted that his predecessor, Anne Marie Regan, had written a legal needs study. He said that in the current environment, environmental and criminal justice might be emerging areas or frames for new work.

In further discussion, Rich noted that KEJC's 2009-2011 strategic plan set out both structural and substantive areas for work. He said the plan had led to the launch of both the health law fellowship and the workers' rights project. He said the plan was very vivid to him, but that he'd realized recently that only he and Chris of the current board and staff had participated in the planning process.

In further discussion, Rich said that after five years, KEJC's original planner had recommended planning "lite," rather than a full update. He said that starting in 2014, the board had held several input sessions on matters like communications and development. Rich said the "Transparency" page on KEJC's website included key documents on the 2009 plan and 2014 update discussions.

Bob Brown commented that a "decade is long enough" and that it might be time for a full planning process. Amanda Young, director of Kentucky Legal Aid, said that her program's legal needs study offered a clue about current legal needs. She said in the study results, health came in first and consumer law second as legal needs.

In further discussion of planning, Rick Clewett suggested that the board could do some of the facilitation itself. Another board member said that former LABG director Dick Cullison now helped programs with strategic planning.

Rich said that he had run into the facilitator of the 2009-2011 plan at the Martin County Water event. He said he would reach out to her for ideas for process and facilitation. Rich said he could envision a process that unfolded mostly after the 2020 General Assembly.

**Governance and Strategic Planning: Policy Priorities Process**

Rich said that in the distant past, KEJC had done a legislative issues survey with legal services staff to help determine priorities for the General Assembly. He said that even with survey results in hand, KEJC staff had to make multi-dimensional judgments about what issues to pursue. He said that KEJC took a less formal approach after the restrictions imposed on LSC-funded programs in 1996, so that programs would not appear to direct lobbying.

Rich said that in current practice touchstones for legislative priorities included emerging issues identified in task force discussions, grant deliverables, and guidance from trusted national groups—all combined with judgments about capacity and assessment of the roles and division of labor among community partners.

Rich said that the world was changing, with new issues emerging, including matters at the interface of civil and criminal law. He gave the example of the criminal record expungement services offered by many of the programs and the related policy debates in Frankfort. He noted that Ben had identified cash bail as an emerging issue.

Rich proposed that before the Session, staff describe for the board their judgements and choices about policy priorities.

**Governance and Strategic Planning**

Rich said that board meeting dates for the rest of the year were posted with the board meeting materials. Remaining dates for 2019 were

September 27	Friday	Board Meeting
December 12	Thursday	Annual Meeting

**Big Picture: Access to Justice Commission**

Director Glenda Harrison of the Kentucky Supreme Court Access to Justice Commission described activities under the Commission grant from the National Conference of State Courts. She said that eight months in, the grant team had finished the data-gathering phase of the project.

Glenda said that the listening sessions held around the state were “remarkably informative.” She said focus group discussions had revealed widely held respect for the LSC-funded programs and KEJC and that each was to be applauded for it.

During the next stage of the project, Glenda said, stakeholders would offer and sort through ideas for systemic improvement. She noted that the project team also had surveyed judges. She offered the observation that Kentucky was not far along compared with other states in accommodating pro se litigants.

Glenda applauded the Kentucky Bar Foundation for its grant to print an information piece on “Legal Advice versus Legal Information.” She said the piece was intended to encourage court clerks that they could do more for parties without violating the rules on unauthorized practice of law.

Access to Justice Commission Training Director Nan Hanley said that forty-two people were signed up for the education law training set for the week after the board meeting, an event offered in partnership with the Children’s Law Center. Nan said the next up would be a July 26 appellate training to be led by experienced appellate attorneys.

Nan said the appellate event was limited to 25 private and 25 public interest attorneys, with the fee for legal aid attorneys limited to a nominal \$25.

Nan said that the Kentucky legal services Statewide Conference was scheduled for September 18-20 at the 4-H Leadership Center in Nancy. She said she had met with LSC program directors and advocacy directors the previous week to work on the Statewide agenda. She said the agenda would offer tracks for different audiences. Later in the year, Nan said, she might offer a basic trial skills training.

Josh Crabtree complimented Nan and the Commission on the trainings offered during the year.

### **Big Picture: Association of Lawyers for Rural America**

Board member Amanda Kool said that during her teaching days in Boston, it had become clear that law and rurality operated in different silos. She said it appeared that if she were to pursue a career in a firm, she would have no opportunity to go back to her rural roots.

Amanda said there were not enough lawyers in rural areas. To encourage new thinking and activity, she therefore had written an article with other academics and “we just kind of threw up a tent” and a website on the theme of lawyers for rural America.

Amanda said the intention was for the group to grow organically, even if that meant slowly. One encouraging sign: the article had been picked up by the Washington Post. Amanda said the group was looking at how best to use digital platforms to build a network. She invited ideas and input.

## **Big Picture: Legal Services Funding**

Josh Crabtree reported that the House of Representatives had approved an increase of \$125 million in funding for the Legal Services Corporation. He said the increase would amount to somewhere between \$800,000 and \$1,000,000 for each of the four LSC-funded programs in Kentucky. Josh said the final budget figure negotiated between House and Senate would likely be a smaller number.

Josh described several encouraging developments on national funding. He said that the head of the Freedom Caucus has signed off on an increase for LSC, as had 50 Senators. He said the Heritage Foundation had eliminated its concerns about LSC from its website, except for minor issues.

Josh said that the terms of over half the current LSC board had expired. He said the program did not seem to be on the White House “radar screen.” John Rosenberg commented that three recent nominees were “all pretty good.”

Josh added that Republican Senators from rural states had proved to be a voice of support for LSC. He said that on the state level, the hope was to have level funding included in the Governor’s budget.

## **Staff Reports Summaries**

KEJC staff reported on activities, issues, projects and successes. The reports followed the new format begun in 2018, featuring fewer but longer reports and allowing more time for board discussion. Topics at the current meeting included reports from the Health Advocacy and Workers’ Rights teams—including a first report from new Health Law Fellow Betsy Davis Stone.

Because no board action was required in response to the reports, only highlights are included in these minutes. For more detail, see written staff reports—including reports from other staff—on the KEJC board web page under the July 11, 2019, heading at:

<https://www.kyequaljustice.org/board-meetings>

Among the highlights of the reports:

- Betsy said that before coming to KEJC she had been the “third iteration” of Addison Parker at AppalRed, with a focus on consumer law practice. She and Ben had attended oral arguments before the Kentucky Supreme Court in *Moore*, the case challenging UK’s use of the Department of Revenue to collect medical debt.
- Betsy and Ben had also worked over the summer with law student Chloe Atwater to consolidate Kentucky hospital charity care policies in a single spreadsheet, complete with links to the hospitals’ websites. Ben said that helping people claim the charity care hospitals promised could prevent “debt collection that shouldn’t be happening.”

- Betsy said she had written comments on OMB’s plan to use a less robust inflation rate for updating the federal poverty line. She said she planned to comment on proposed Consumer Financial Protection Bureau regulations on the Fair Debt Collections Practices Act and to keep track of proposals to address “surprise” medical bills.
- Miranda said that she had enrolled fifteen people since the last meeting; helped with a healthcare.gov appeal of an unfavorable tax credit decision; and worked with Ben on a denial that could have been prevented through proper application of the “gap filling rule.”
- VISTA Beka Schwartz said that she had developed a postcard for workers to send back to let KEJC know whether self-help wage claim efforts had worked. She said she was working on three new radio show episodes, one each on action by the General Assembly, the Family Medicaid Leave Act and black lung. Beka said recent outreach include tabling at the Dia de las Madres and a presentation for teens at the Fayette County Detention Center.

Board members also discussed updates on the unpaid Black Jewell miners, the recent 6<sup>th</sup> Circuit win over the Social Security Administration in the Eric Conn benefit cutoffs case and the Bail Project. On cash bail reform, Senior Counsel Ben Carter said “our voice ought to be in the mix.”

Josh Crabtree said that John Rosenberg had been presented with a special award for pro bono service at the recent Equal Justice Conference. New chair Bob Brown praised Chris Frost for his many years of service as KEJC board chair, saying “it’s not often that a law professor gets out into the community.”

### **Adjournment**

**Motion:** Brenda Combs moved to adjourn the meeting.  
**Action:** Approved by acclamation

### **Reported by:**

Richard J. Seckel, Director  
 September 17, 2019



Kentucky Equal Justice Center  
201 W. Short Street, Suite 310  
Lexington, KY 40507

T: 859-233-3057  
F: 859-233-0007

## Memorandum

**DATE:** September 15, 2019  
**TO:** Kentucky Equal Justice Center Board  
**FROM:** Rich Seckel, Director  
**RE:** Financial Report through August 2019

---

The following financial reports are attached:

**Profit and Loss Budget Overview FY 2019:** anticipates a loss of -\$59,389 offset by \$80,000 in advance Public Welfare grant funds.

**Profit and Loss through August 31:** shows a gain of \$26,800 compared to the expected loss of -\$46,183—a positive variance of \$72,983.

**Balance Sheet as of August 31:** shows Total Current Assets of \$387,636, down from \$430,146 on June 30 and up 50.54% percent from \$257,505 on August 31, 2018.

**Income and Expense Charts:** 81.67% of spending was payroll. 66.48% of income was from grants.

### Carryover Prediction: Projected vs. Actual Year End Balance

Total Current Assets December 31, 2018	\$362,671
Budgeted Profit & Loss for the Year	- 59,389
Projected end-of-year balance of new grants	+ 42,689
<b>Projected Current Assets December 31, 2019</b>	<b>\$345,971</b>

### Unrestricted Funds

<b>Audited</b>	<b>12/31/12</b>	<b>\$24,254</b>
Audited	12/31/13	\$66,405
Audited	12/31/14	\$87,994
Audited	12/31/15	\$93,513
Audited	12/31/16	\$103,392
<b>Audited</b>	<b>12/31/17</b>	<b>\$101,516</b>
Estimated	12/31/18	\$69,964
Estimated	3/31/19	\$51,003
Estimated	6/30/19	\$54,011
<b>Estimated</b>	<b>8/31/19</b>	<b>\$48,144</b>

# KEJC Unrestricted Funds Balance

August 31, 2019

	<b>Balance</b>
<b>Total Current Assets</b>	<b>387,629.84</b>
 <b>Restricted Funds</b>	
AILA Midsouth	188.31
BGCF Citizenship	0.00
BGCF Capacity	0.00
BGCF On the Table	1,600.00
Catholic Diocese of Lexington	794.86
Center for Responsible Lending	0.00
CLASP Immigrant Families	7,489.24
CLASP ASAP	4,000.00
Fayette County Bar Foundation	0.00
Foundation for a Healthy KY Boots	-17,238.93
Health Law Fellowship	52,341.86
Health Law Match Challenge	20,881.59
Health Gains Communications	22,826.26
Kentucky Bar Foundation	9,034.86
KCEP Solidarity Giving	18,783.46
KCET Civic Engagement	2,167.25
LIN CCC	1,625.60
MAZON Food Justice	63,012.74
Mason Fund	63,515.79
NHeLP Health Defense	7,908.99
Public Welfare Foundation	74,040.55
United Way of the Bluegrass	10,504.16
<b>Total Restricted</b>	<b>343,476.59</b>
<b>Subtotal Unrestricted</b>	<b>44,153.25</b>
 <b>Obligated Funds</b>	
Client Trust	5,911.00
<b>Client Funds</b>	<b>1,920.00</b>
<b>Undistributed Attorneys Fees</b>	<b>3,991.00</b>
<b>Total Unrestricted</b>	<b>48,144.25</b>

## Kentucky Equal Justice Center Profit & Loss Budget Overview January through December 2019

	<b>Jan - Dec 19</b>
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
Grants	489,063.00
In-kind Contributions	20,400.00
Miscellaneous Income	25,000.00
Other Donations	82,000.00
Program Income	180,000.00
Program Services	35,840.00
<b>Total Income</b>	832,303.00
<b>Expense</b>	
Audit	4,650.00
Capital Additions	4,500.00
Case Management	7,860.00
Consultants	15,040.00
Contract Labor	9,200.00
Dues	4,255.00
Equipment Rental	5,812.56
Insurance	8,677.00
Library	2,100.00
Litigation expense	3,300.00
Miscellaneous	1,980.00
Office Supplies	10,320.00
Payroll Expenses	706,015.77
Postage and Delivery	4,062.00
Printing and Reproduction	7,656.00
Professional Fees	300.00
Rent	44,150.00
Repairs	720.00
Task Forces and Meetings	3,840.00
Telephone	16,222.40
Travel	31,211.00
<b>Total Expense</b>	891,871.73
<b>Net Ordinary Income</b>	-59,568.73
<b>Other Income/Expense</b>	
<b>Other Income</b>	
Interest Income	180.00
Other Income	0.00
<b>Total Other Income</b>	180.00
<b>Net Other Income</b>	180.00
<b>Net Income</b>	-59,388.73

**Kentucky Equal Justice Center**  
**Profit & Loss**  
January through August 2019

	<u>Jan - Aug 19</u>
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
Grants	387,336.69
In-kind Contributions	12,741.60
Miscellaneous Income	-216.00
Other Donations	27,470.33
Program Income	135,000.00
Program Services	11,029.40
<b>Total Income</b>	<u>573,362.02</u>
<b>Expense</b>	
Capital Additions	2,652.77
Case Management	2,903.00
Consultants	4,855.00
Contract Labor	2,000.00
Dues	3,722.70
Equipment Rental	3,615.97
Insurance	6,970.40
Library	1,614.00
Litigation expense	3,229.81
Miscellaneous	1,087.66
Office Supplies	9,101.12
Payroll Expenses	453,718.24
Postage and Delivery	3,424.20
Printing and Reproduction	2,696.68
Rent	24,800.00
Repairs	136.49
Task Forces and Meetings	2,829.06
Telephone	10,465.87
Travel	15,760.39
<b>Total Expense</b>	<u>555,583.36</u>
<b>Net Ordinary Income</b>	17,778.66
<b>Other Income/Expense</b>	
<b>Other Income</b>	
Interest Income	76.05
Other Income	8,945.52
<b>Total Other Income</b>	<u>9,021.57</u>
<b>Net Other Income</b>	9,021.57
<b>Net Income</b>	<u><u>26,800.23</u></u>

**Kentucky Equal Justice Center**  
**Profit & Loss Budget vs. Actual**  
January through August 2019

	<u>Jan - Aug 19</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
<b>Grants</b>				
Blue Grass Community Foundation	2,000.00	0.00	2,000.00	100.0%
Catholic Diocese of Lexington	3,250.00	3,000.00	250.00	108.33%
Center for Responsible Lending	5,000.00	0.00	5,000.00	100.0%
CLASP PIF	10,000.00	0.00	10,000.00	100.0%
FHKY RHP Boots	0.00	50,000.00	-50,000.00	0.0%
Health Gains Communications	20,000.00	20,000.00	0.00	100.0%
HFGC Health Law Fellowship	90,000.00	90,000.00	0.00	100.0%
KCEP Solidarity Giving	25,000.00	0.00	25,000.00	100.0%
KCET	2,670.00	0.00	2,670.00	100.0%
Kentucky Bar Foundation	11,000.00	8,000.00	3,000.00	137.5%
MAZON Food Justice	64,712.00	0.00	64,712.00	100.0%
Restricted	0.00	16,000.00	-16,000.00	0.0%
United Way of the Bluegrass	12,960.00	16,000.00	-3,040.00	81.0%
Unrestricted	0.00	1,200.00	-1,200.00	0.0%
VOCA Justice Cabinet	136,744.69	134,976.00	1,768.69	101.31%
<b>Grants - Other</b>	<u>4,000.00</u>			
<b>Total Grants</b>	<u>387,336.69</u>	<u>339,176.00</u>	<u>48,160.69</u>	<u>114.2%</u>
<b>In-kind Contributions</b>	12,741.60	13,600.00	-858.40	93.69%
<b>Miscellaneous Income</b>	-216.00	0.00	-216.00	100.0%
<b>Other Donations</b>	27,470.33	35,000.00	-7,529.67	78.49%
<b>Program Income</b>	135,000.00	135,000.00	0.00	100.0%
<b>Program Services</b>	<u>11,029.40</u>	<u>23,894.00</u>	<u>-12,864.60</u>	<u>46.16%</u>
<b>Total Income</b>	<u>573,362.02</u>	<u>546,670.00</u>	<u>26,692.02</u>	<u>104.88%</u>
<b>Expense</b>				
<b>Capital Additions</b>	2,652.77	3,000.00	-347.23	88.43%
<b>Case Management</b>	2,903.00	3,996.35	-1,093.35	72.64%
<b>Consultants</b>	4,855.00	8,360.00	-3,505.00	58.07%
<b>Contract Labor</b>	2,000.00	8,134.00	-6,134.00	24.59%
<b>Dues</b>	3,722.70	3,335.00	387.70	111.63%
<b>Equipment Rental</b>	3,615.97	3,875.04	-259.07	93.31%
<b>Insurance</b>	6,970.40	8,677.00	-1,706.60	80.33%
<b>Library</b>	1,614.00	1,400.00	214.00	115.29%
<b>Litigation expense</b>	3,229.81	2,200.00	1,029.81	146.81%
<b>Miscellaneous</b>	1,087.66	1,320.00	-232.34	82.4%
<b>Office Supplies</b>	9,101.12	6,880.00	2,221.12	132.28%
<b>Payroll Expenses</b>	453,718.24	469,583.99	-15,865.75	96.62%
<b>Postage and Delivery</b>	3,424.20	2,708.00	716.20	126.45%
<b>Printing and Reproduction</b>	2,696.68	5,104.00	-2,407.32	52.84%
<b>Professional Fees</b>	0.00	300.00	-300.00	0.0%
<b>Rent</b>	24,800.00	29,433.34	-4,633.34	84.26%
<b>Repairs</b>	136.49	480.00	-343.51	28.44%
<b>Task Forces and Meetings</b>	2,829.06	2,560.00	269.06	110.51%
<b>Telephone</b>	10,465.87	10,814.94	-349.07	96.77%
<b>Travel</b>	<u>15,760.39</u>	<u>20,811.00</u>	<u>-5,050.61</u>	<u>75.73%</u>
<b>Total Expense</b>	<u>555,583.36</u>	<u>592,972.66</u>	<u>-37,389.30</u>	<u>93.7%</u>
<b>Net Ordinary Income</b>	<u>17,778.66</u>	<u>-46,302.66</u>	<u>64,081.32</u>	<u>-38.4%</u>
<b>Other Income/Expense</b>				
<b>Other Income</b>				
Interest Income	76.05	120.00	-43.95	63.38%
Other Income	<u>8,945.52</u>	<u>0.00</u>	<u>8,945.52</u>	<u>100.0%</u>
<b>Total Other Income</b>	<u>9,021.57</u>	<u>120.00</u>	<u>8,901.57</u>	<u>7,517.98%</u>
<b>Net Other Income</b>	<u>9,021.57</u>	<u>120.00</u>	<u>8,901.57</u>	<u>7,517.98%</u>
<b>Net Income</b>	<u><u>26,800.23</u></u>	<u><u>-46,182.66</u></u>	<u><u>72,982.89</u></u>	<u><u>-58.03%</u></u>

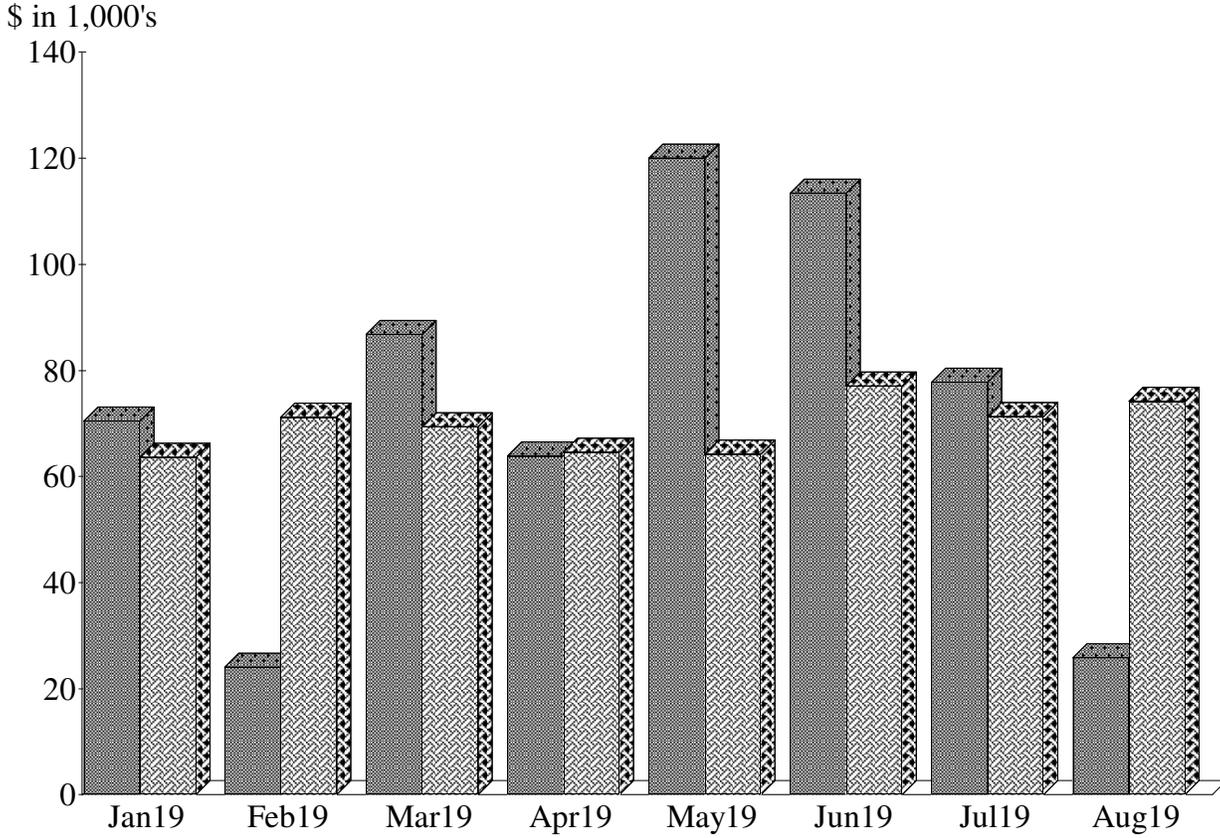
Kentucky Equal Justice Center  
**Balance Sheet**  
As of August 31, 2019

	<u>Aug 31, 19</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Chase Checking	151,454.29
Chase IOLTA	3,620.00
Chase Savings	115,147.75
Vanguard Brokerage	<u>63,515.79</u>
<b>Total Checking/Savings</b>	<u>333,737.83</u>
<b>Accounts Receivable</b>	
Accounts Receivable	<u>53,897.74</u>
<b>Total Accounts Receivable</b>	<u>53,897.74</u>
<b>Total Current Assets</b>	<u>387,635.57</u>
<b>Other Assets</b>	
Accumulated Depreciation - Comp	-54,467.90
Computer and Phone Equipment	61,408.37
Rental Deposit	<u>715.00</u>
<b>Total Other Assets</b>	<u>7,655.47</u>
<b>TOTAL ASSETS</b>	<u><u>395,291.04</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Other Current Liabilities</b>	
Client Trust Funds	5,911.00
Direct Deposit Liabilities	-235.16
Payroll Liabilities	<u>804.07</u>
<b>Total Other Current Liabilities</b>	<u>6,479.91</u>
<b>Total Current Liabilities</b>	<u>6,479.91</u>
<b>Long Term Liabilities</b>	
Accrued leave	<u>33,152.40</u>
<b>Total Long Term Liabilities</b>	<u>33,152.40</u>
<b>Total Liabilities</b>	<u>39,632.31</u>
<b>Equity</b>	
Opening Bal Equity	52,900.79
Retained Earnings	99,164.21
Temporarily Restricted Net Asse	176,793.50
Net Income	<u>26,800.23</u>
<b>Total Equity</b>	<u>355,658.73</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>395,291.04</u></u>

**Kentucky Equal Justice Center**  
**Balance Sheet Prev Year Comparison**  
**As of August 31, 2019**

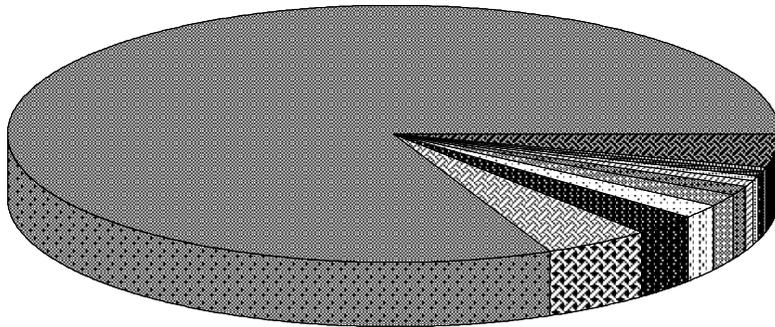
	<u>Aug 31, 19</u>	<u>Aug 31, 18</u>	<u>\$ Change</u>	<u>% Change</u>
<b>ASSETS</b>				
<b>Current Assets</b>				
<b>Checking/Savings</b>				
Chase Checking	151,454.29	18,503.80	132,950.49	718.5%
Chase IOLTA	3,620.00	3,620.00	0.00	0.0%
Chase Savings	115,147.75	85,054.61	30,093.14	35.38%
Vanguard Brokerage	63,515.79	57,652.12	5,863.67	10.17%
<b>Total Checking/Savings</b>	<u>333,737.83</u>	<u>164,830.53</u>	<u>168,907.30</u>	<u>102.47%</u>
<b>Accounts Receivable</b>				
Accounts Receivable	53,897.74	74,334.52	-20,436.78	-27.49%
<b>Total Accounts Receivable</b>	<u>53,897.74</u>	<u>74,334.52</u>	<u>-20,436.78</u>	<u>-27.49%</u>
<b>Other Current Assets</b>				
Undeposited Funds	0.00	18,339.48	-18,339.48	-100.0%
<b>Total Other Current Assets</b>	<u>0.00</u>	<u>18,339.48</u>	<u>-18,339.48</u>	<u>-100.0%</u>
<b>Total Current Assets</b>	<u>387,635.57</u>	<u>257,504.53</u>	<u>130,131.04</u>	<u>50.54%</u>
<b>Other Assets</b>				
Accumulated Depreciation - Comp	-54,467.90	-49,502.54	-4,965.36	-10.03%
Computer and Phone Equipment	61,408.37	61,205.92	202.45	0.33%
Rental Deposit	715.00	715.00	0.00	0.0%
<b>Total Other Assets</b>	<u>7,655.47</u>	<u>12,418.38</u>	<u>-4,762.91</u>	<u>-38.35%</u>
<b>TOTAL ASSETS</b>	<u><u>395,291.04</u></u>	<u><u>269,922.91</u></u>	<u><u>125,368.13</u></u>	<u><u>46.45%</u></u>
<b>LIABILITIES &amp; EQUITY</b>				
<b>Liabilities</b>				
<b>Current Liabilities</b>				
<b>Other Current Liabilities</b>				
Client Trust Funds	5,911.00	5,911.00	0.00	0.0%
Direct Deposit Liabilities	-235.16	172.97	-408.13	-235.95%
Payroll Liabilities	804.07	581.95	222.12	38.17%
<b>Total Other Current Liabilities</b>	<u>6,479.91</u>	<u>6,665.92</u>	<u>-186.01</u>	<u>-2.79%</u>
<b>Total Current Liabilities</b>	<u>6,479.91</u>	<u>6,665.92</u>	<u>-186.01</u>	<u>-2.79%</u>
<b>Long Term Liabilities</b>				
Accrued leave	33,152.40	32,958.13	194.27	0.59%
<b>Total Long Term Liabilities</b>	<u>33,152.40</u>	<u>32,958.13</u>	<u>194.27</u>	<u>0.59%</u>
<b>Total Liabilities</b>	<u>39,632.31</u>	<u>39,624.05</u>	<u>8.26</u>	<u>0.02%</u>
<b>Equity</b>				
Opening Bal Equity	52,900.79	52,900.79	0.00	0.0%
Retained Earnings	99,164.21	70,263.64	28,900.57	41.13%
Temporarily Restricted Net Asse	176,793.50	176,793.50	0.00	0.0%
Net Income	26,800.23	-69,659.07	96,459.30	138.47%
<b>Total Equity</b>	<u>355,658.73</u>	<u>230,298.86</u>	<u>125,359.87</u>	<u>54.43%</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>395,291.04</u></u>	<u><u>269,922.91</u></u>	<u><u>125,368.13</u></u>	<u><u>46.45%</u></u>

Income and Expense by Month  
January through August 2019



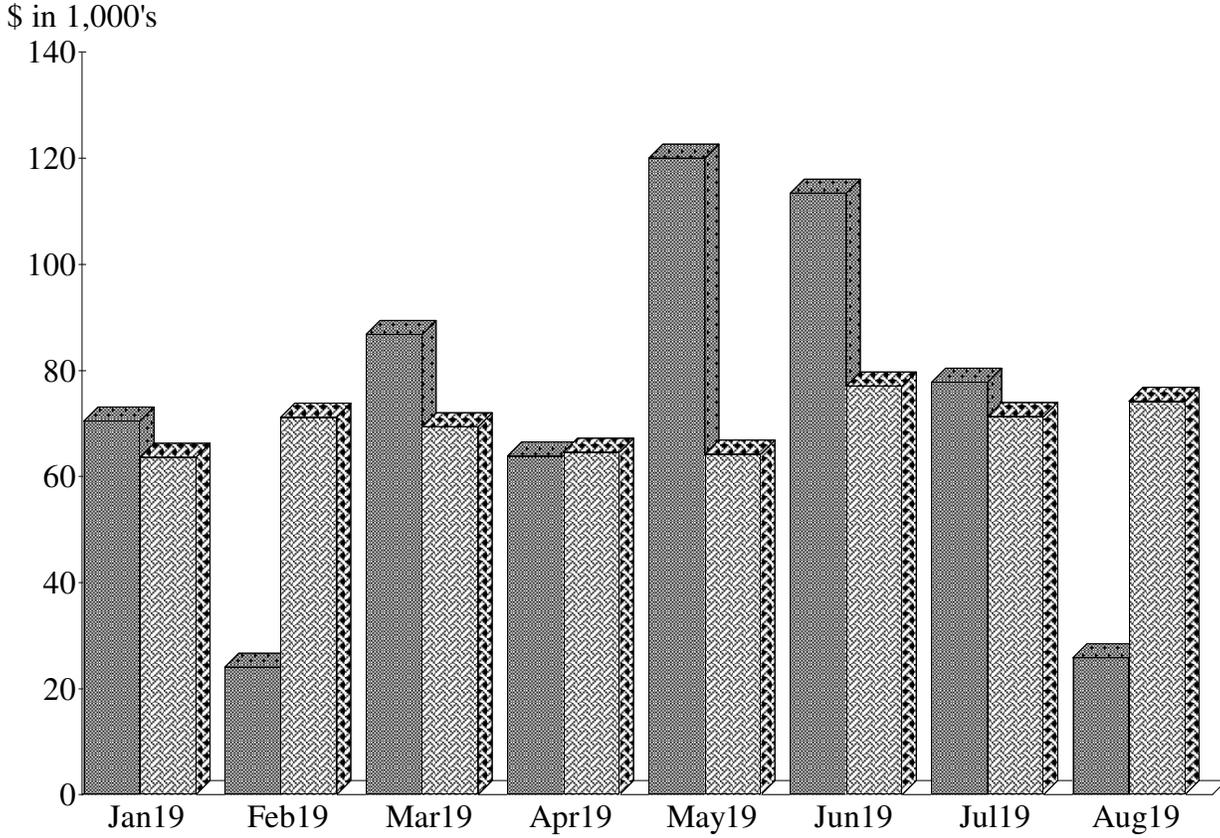
Expense Summary  
January through August 2019

Payroll Expenses	81.67%
Rent	4.46
Travel	2.84
Telephone	1.88
Office Supplies	1.64
Insurance	1.25
Consultants	0.87
Dues	0.67
Equipment Rental	0.65
Postage and Delivery	0.62
Other	3.45
<b>Total</b>	<b>\$555,583.36</b>



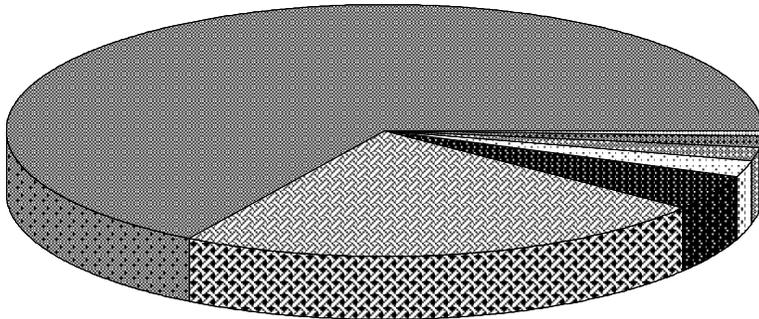
By Account

Income and Expense by Month  
January through August 2019



Income Summary  
January through August 2019

Grants	66.48%
Program Income	23.17
Other Donations	4.72
In-kind Contributions	2.19
Program Services	1.89
Other Income	1.54
Miscellaneous Income	\$-216.00
Interest Income	0.01
<b>Sub-Total</b>	<b>\$582,383.59</b>

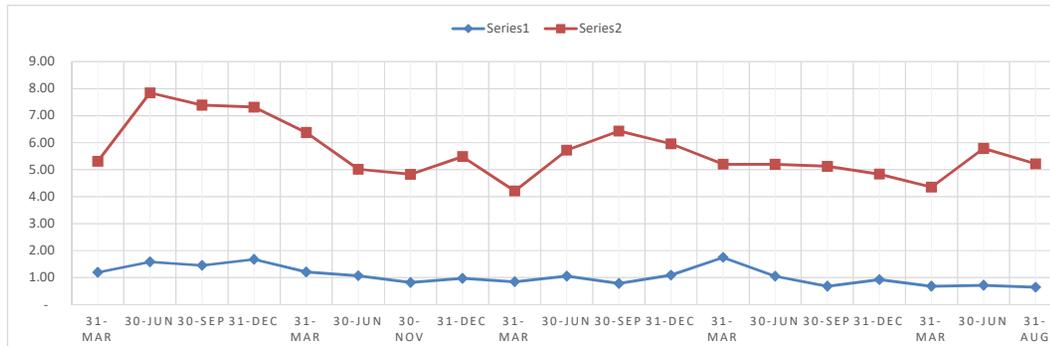


By Account

**Months of Reserves 2015-2019**

Restricted and Unrestricted

	2015				2016				2017				2018				2019		
	31-Mar	30-Jun	30-Sep	31-Dec	31-Mar	30-Jun	30-Nov	31-Dec	31-Mar	30-Jun	30-Sep	31-Dec	31-Mar	30-Jun	30-Sep	31-Dec	31-Mar	30-Jun	31-Aug
Monthly Total Budget	47,409	47,409	49,458	49,458	56,807	56,807	56,807	56,807	53,141	53,141	53,141	56,012	60,198	60,198	74,973	74,973	74,323	74,323	74,323
Unrestricted Assets	56,935	75,220	71,899	82,925	68,665	61,201	46,944	55,565	45,384	56,524	42,052	61,278	105,546	63,228	51,291	69,964	51,003	54,011	48,144
Total Current Assets	251,850	371,785	365,221	361,976	361,976	284,755	274,084	311,418	223,867	304,026	341,756	333,733	313,143	312,638	384,280	362,671	323,395	430,146	387,636
Percent Unrestricted	22.61%	20.23%	19.69%	22.91%	18.97%	21.49%	17.13%	17.84%	20.27%	18.59%	12.30%	18.36%	33.71%	20.22%	13.35%	19.29%	15.77%	12.56%	12.42%
Months of Unrestricted	1.20	1.59	1.45	1.68	1.21	1.08	0.83	0.98	0.85	1.06	0.79	1.09	1.75	1.05	0.68	0.93	0.69	0.73	0.65
Months of Total	5.31	7.84	7.38	7.32	6.37	5.01	4.82	5.48	4.21	5.72	6.43	5.96	5.20	5.19	5.13	4.84	4.35	5.79	5.22



# KEJC Recent Fundraising Effort

2018

2018 Source	For	Status	Requested	Awarded	% Awarded
AILA Midsouth	Immigration	Awarded	5,816	1,000	17%
Blue Grass Community Foundation	Immigration	Awarded	13,200	14,520	110%
Catholic Diocese of Lexington	Immigration	Awarded	6,500	6,500	100%
Fayette County Bar Foundation	Immigration	Awarded	8,124	5,000	62%
Foundation for a Healthy Kentucky Boots	Health Outreach	Awarded	50,000	50,000	100%
Good Giving Challenge 2018*	General Support	Completed	40,000	52,862	132%
Health Law Fellowship Healthy Kentucky	Health Advocacy	Awarded	45,000	45,000	100%
Holiday Letter (11/15 to 1/31)	General Support	Completed	15,000	9,910	66%
Interact for Health	Health Fellowship	Awarded	45,000	65,000	144%
Interact for Health	Health Communications	Awarded	-	20,000	100%
Legal Impact Network CCC	Safety Net Advocacy	Awarded	16,000	16,000	100%
Kentucky Gives Day	General Support	Completed	3,000	2,607	87%
Kentucky Bar Foundation	Immigration	Awarded	12,460	8,000	64%
Public Welfare Foundation	Worker's Rights	Awarded	80,000	160,000	200%
United Way of the Bluegrass	Immigration	Awarded	16,000	16,000	100%
VOCA 2018	Immigration	Awarded	202,463	202,463	100%
<b>Total 2018</b>			<b>\$558,563</b>	<b>\$674,862</b>	<b>121%</b>
<b>2011-2018</b>			<b>\$3,585,834</b>	<b>\$3,200,109</b>	<b>89%</b>

\* Plus \$22,357 endowment prize

## KEJC Recent Fundraising Effort

2019

2019 Source	For	Status	Requested	Awarded	% Awarded	
AILA Midsouth 2018	Immigration	Pending	5,263	-	0%	
BGCF On the Table	Immigration	Awarded	2,000	2,000	100%	
Bluegrass Community Foundation	Immigration	Pledged	14,520	15,000	103%	
Catholic Diocese of Lexington	Immigration	Awarded	8,630	7,500	87%	
CLASP ASAP	Public Benefits	Subgranted	4,000	4,000	100%	
Fayette County Bar Foundation	Immigration	Pending	7,633	-	0%	
Foundation for a Healthy Kentucky Boots	Health Outreach	Awarded	50,000	50,000	100%	
Health Law Fellowship Healthy Kentucky	Health Advocacy	Awarded	45,000	45,000	100%	
Health Law Fellowship Interact	Health Fellowship	Awarded	45,000	45,000	100%	
Interact for Health	Health Communications	Awarded	-	20,000	100%	
Kentucky Bar Foundation	Immigration	Awarded	11,820	11,000	93%	
KCEP Solidarity Giving	Public Benefits	Subgranted	-	25,000	100%	
Kentucky Civic Engagement Table	Worker's Rights	Awarded	2,670	2,670	100%	
Kentucky Gives Day	General Support	Completed	3,000	3,827	128%	
Mazon Emerging Advocacy	Hunger Advocacy	Awarded	90,000	64,712	72%	
Protecting Immigration Families	Public Charge	Awarded	20,000	10,000	50%	
Public Welfare Foundation	Worker's Rights	Awarded	80,000	80,000	100%	
United Way of the Bluegrass	Immigration	Awarded	16,000	12,960	81%	
VOCA 2019-2020	Immigration	Pending	215,426	-	0%	
			<b>Total 2019</b>	<b>\$620,962</b>	<b>\$398,669</b>	<b>64%</b>
			<b>2011-2019</b>	<b>\$4,206,796</b>	<b>\$3,598,778</b>	<b>86%</b>

### Coming Up

Maxwell Street 20th Anniversary	Immigration	Planning	20,000	-	0%	
Good Giving	General Support	Planning	25,000	-	0%	
			<b>Subtotal</b>	<b>\$45,000</b>	<b>\$0</b>	<b>0%</b>

## KEJC Proposed Budget Assumptions for 2020

1. Goal is to make a budget that can be paid for with known or predictable income, while maintaining unrestricted reserves of at least 8 percent of budget.
2. Core staff of Director, Senior Staff Attorney and Maxwell Street program director attorney may be paid for by grants, unrestricted income, or reserves above target.
3. Employment Law, Health Law Fellowship, Food Justice Fellowship, Outreach and VOCA positions will be considered grant-funded.
4. For the DOJ Accredited Rep, KEJC will pursue the sustainability plan created to meet CLINIC Fellowship requirements, including sponsorships, grants, donations, events, etc.
5. Maxwell Street non-VOCA Legal Assistants will be paid from Maxwell Street grants or unrestricted Maxwell Street income.
6. AmeriCorps VISTA position may resume in late summer 2020.
7. The proposed budget will include goals for fundraising and reserves.
8. To the extent possible, grant proposals will include funding for communications, development and administration.
9. The budget may require austerity measures in operational expenses, like:
  - a. Holding off on equipment purchases unless grant funded
  - b. Limiting conference travel to essentials, grant-funded or subsidized events
10. Staff salary increments will take into account findings of the board committee on salary comparability as set out in sample salary scales, with a target increase of 2%. Scales will be updated during the year in preparation for FY 2021. The Director's salary will be set by the Board.
11. The budget will keep employer health premium shares at up to \$735 for individuals and an amount sufficient to ensure that employee shares for family coverage do not exceed shares for state employees.
12. The director may offer alternative budgets for consideration or a budget contingency plan to include potential mid-year adjustments.
13. The Consumer Reports Award will be used sparingly for long term benefit and the Mason Fund will be invested and managed in accord with instructions of donors.

**Question:** What is the Board's tolerance for risk in income projections or new spending?

# **Kentucky Equal Justice Center**

## **Board Meeting Dates**

### **Adopted Schedule 2019**

- |                |          |                |
|----------------|----------|----------------|
| • April 23     | Tuesday  | Board Meeting  |
| • July 11      | Thursday | Board Meeting  |
| • September 27 | Friday   | Board Meeting  |
| • December 12  | Thursday | Annual Meeting |

**KEJC Communications Report**  
 9/25/2019  
 Prepared by Allison Dean Crawford

Group Activity Overview

Impressions  <b>154.4k</b>	Engagements  <b>5,929</b>	Link Clicks  <b>1,019</b>
--	---	---

Audience Growth Metrics	Totals	Total Followers % Change
<b>Total Followers</b>	<b>4,978</b>	<b>↗ 8.2%</b>
<b>Total Net Follower Growth</b>	<b>378</b>	
Twitter Net Follower Growth	95	↗ 4.2%
Facebook Net Fan Growth	245	↗ 12.7%
Instagram Net Follower Growth	38	↗ 10.2%

Total followers increased by

**▲ 8.2%**

since previous date range

Engagement Metrics	Totals	% Change
Twitter Engagements	1,008	↗ 3.9%
Facebook Engagements	4,823	↘ 3.6%
Instagram Engagements	98	↘ 71.3%
<b>Total Engagements</b>	<b>5,929</b>	<b>↘ 6.1%</b>

The number of engagements decreased by

**▼ 6.1%**

since previous date range

Impressions Metrics	Totals	% Change
Twitter Impressions	76,760	↘ 11.3%
Facebook Impressions	75,356	↘ 6.5%
Instagram Impressions	2,312	↘ 38%
<b>Total Impressions</b>	<b>154,428</b>	<b>↘ 9.6%</b>

Total Impressions decreased by

**▼ 9.6%**

since previous date range

Message volume increased by

**▲ 18%**

since previous date range

Message volume increased by

**▲ 15.8%**

since previous date range

Betsy Davis Stone  
September 2019

### Health Law Fellow Board Report

**Networking.** For the last quarter, I've focused on establishing personal connections with KEJC's existing partners. By attending several events hosted by the Foundation for a Healthy Kentucky, I've had the opportunity to form a closer relationship with one of our largest grantors. At Georgetown University's Center for Children and Families Annual Conference in July, I met several of our national partners in person and connected with the Health Policy Director and Health Policy Fellow at Arkansas Advocates for Children and Families, who helped organize Arkansas' 1115 waiver case. I've met with Kentucky Legal Aid's Advocacy Director to discuss their current strategies and policy concerns in the public benefits arena, and I'm scheduling similar meetings with benefit specialists from the other three legal aid programs. Fostering connections with some of KEJC's oldest partners is leading to new policy goals and ideas just in time for General Assembly strategizing.

**Policy Advocacy.** Speaking of the General Assembly, planning for the 2020 Session is well underway. In terms of health equity and access, we look forward to championing a pre-filed bill that would end co-pays for Medicaid recipients. We'll also be ready for whatever role a decision in *Moore v. University of Kentucky* (challenging the university's right to use the Department of Revenue to collect unpaid medical bills) might play in the 2020 session, and we plan to closely monitor charity care issues and proposed federal legislation on surprise and balance medical billing and prescription affordability. In furtherance of those policy goals, I registered as a lobbyist, and we've continued commenting on important federal rulemaking, including proposed changes to the Fair Debt Collection Practices Act and to the civil rights protections in the Affordable Care Act.

**Litigation.** Allowing our policy work to inform our litigation strategy, we've talked to a variety of potential litigants for challenging UK's debt collection practices, but we're waiting on a decision from the Kentucky Supreme Court in *Moore* which could allay some of our concerns. We're also on the look-out for potential plaintiffs for a surprise and/or balance billing challenge, and I'm getting my feet wet in the Federal Marketplace appeal process working on a case Miranda surfaced through her outreach work. Finally, in consultation with the National Health Law Program (NHeLP) and the Center for Budget and Policy Priorities (CBPP), we've advised the Insure Kentucky coalition on the feasibility of litigation challenging recent changes to the Kentucky Integrated Health Insurance Premium Payment Program (KI-HIPP).

**Community Education.** We continue to view partnering with legal aid programs as an important piece of our own policy advocacy and litigation strategy. Each month, I send an email to our legal aid listserv with a summary of all the important Kentucky appellate decisions released in the previous month, keeping communications open with legal aid attorneys by

providing what we hope is a helpful resource. Last week, I presented about Issue Spotting strategies at the Statewide Legal Aid Conference, and Ben and I are in the process of organizing an in-depth consumer law training for a small group of legal aid attorneys from each program in October. Because of my op-ed that I published before joining KEJC, I had the opportunity at the Berea City Council's last Workgroup to discuss a proposal to adopt the Uniform Residential Landlord Tenant Act in Berea.

**Enrollment.** Lastly, I'm still learning about the challenges and opportunities that come with being a Certified Application Assister. In the last quarter, I've assisted at least three different clients with enrollment or recertification questions.

# Board Report

Friday, September 27, 2019; Ben Carter, Senior Litigation and Advocacy Counsel



## Substantive

- Oral Arguments in Medicaid Waiver Case on **October 11**
- Status Hearing in First Amendment challenge to Kentucky's arbitrary process of restoring (or not) the voting rights of people with felony convictions: **October 18**
  - Survived Motion to Dismiss
- Continuing to research and work up cases relating to medical debt, surprise medical billing, and KCPA claims related to mortgage servicing, eviction
- Continued work on [Public Assistance Reform Task Force](#)

## Procedural

- Updated Case Acceptance Policy
- LegalFiles training for staff
- Launched Brief Bank
- Working with Code for Kentuckiana to develop a "comment collector" for regulations.gov
- Meeting with lobbying team (Rich, Betsy, Tyler, me) on workflow
- Moved non-MSLC work to Google Drive/GSuite

## Upcoming

### Events/Opportunities

- October 7: Public Assistance Reform Task Force
- October 8: Consumer Law Crash Course
- October 11: *Stewart* Oral Arguments *and* Kentucky Voices For Health annual meeting
- November 21: Consumer/Housing Task Force
- December 5: Public Benefits/Health Task Force
- December 6: Environmental Lawyers Meeting
- December 9-10: Auto Fraud Trial (co-counseling with Stefanie Ebbens Kingsley)

### For December Board Meeting

1. Final Versions of Case Acceptance Policy, Case Management Policy, Legal Supervision Policy
  2. Tour of Brief Bank
  3. Update on Consumer Law practice group
-

## **Maxwell Street Legal Clinic Board Report 09/27/2019**

### **Highlights since 07/11/2019**

- Michelle welcomed the newest addition to the Haubner family, Elliot Michelle, on August 3!
- Allison appeared in court in Kentucky for the first time, getting a custody order for one of her SIJS clients!
- We're excited to celebrate our 20th anniversary (date to be announced)!

### **Caseload Summary**

- Cases handled from 07/09/2019 to 09/24/2019: 134
- Cases handled in the last year: 534
- Averaging 716 calls a month this summer
- Leah filed the Clinic's first asylum case in 10 years for Allison's T visa client in removal proceedings
- With the new public charge regulation, we are working to file as many family petition cases as possible before it goes into effect on October 15
- The future of DACA remains uncertain. The Supreme Court will hear the DACA case on November 14

### **Funding**

- Client fees from 07/01/2019 until 09/15/2019 were \$4,650
- Blue Grass Community Foundation grant renewed for \$15,000
- Fayette County Bar Foundation grant application submitted
- For the second year, we'll be charity partners at the Thoroughbred Classic 5k on Thanksgiving. Come volunteer with us!

### **Outreach, Media and Community Involvement**

- Since the last board meeting in July 2019, we have participated in the following outreach, media, training, and community events:
  - We've continued our radio show with Victor Palomino at Lexington Community Radio, once a month we have a bilingual conversation about immigration issues. Recently we have provided "know-your-rights" information and information about public charge
  - Allison served as a panelist at the Interfaith Alliance of the Bluegrass' screening of "The Unafraid," and discussion following the film
  - Allison and Miranda tabled at the Lights for Liberty Vigil on July 12
  - We had 2 family petition information sessions, providing information on the family reunification process, and will continue having monthly sessions due to increased demand
  - Leah and Rich have been participating in the Justice For All project through the Access to Justice Commission
  - Nathalie has been representing KEJC at a Language Access Working Group, through the Justice and Public Safety Cabinet, trying to improve language access for crime victims throughout Kentucky

## Outreach Staff Report

### July 10 – September 24, 2019

#### Outreach Update

- ✓ **20 outreach presentations, events, clinics, and meetings:** Outreach and Maxwell Street Legal Clinic staff activity reaching almost 400 people in-person with information on immigration, workers, and healthcare rights.
- ✓ **Outreach Highlights:** presented to monthly meetings of people on probation and parole; handed materials out to over 150 Spanish-speakers at the annual Festival Latino Health Fair, Guatemalan Mobile Consulate event, and Back-to-School rallies; spoke with over 80 college students at BCTC events; trained Louisville's Neighborhood House staff on worker rights issues; met with staff and partners of Fayette Regional Juvenile Detention Center about targeting outreach to their youth and parents; spoke with over 30 adults at the Catholic Church in Somerset about workers' rights, specifically for agricultural workers, healthcare access, and "Know Your Rights" for immigrants.
- ✓ **Radio:** McKenzie, Miranda, Beka, and intern Sheriffer Chisanga produced 6 new KY Equal Justice Radio episodes in English and Spanish for Lexington Community Radio (LCR). New episodes cover mental health in the workplace, working in the heat, Kentucky's new law on pregnant workers, and social media use guidance for workers and job candidates.

#### Health Insurance Enrollment

- **Assisted 9 new individuals and families** since July 9, 2019, as well as previously established cases.
  - Mostly Medicaid and KCHIP enrollments/renewals, 4 complete healthcare.gov applications
  - 2 new applicants from **Natalie's Sisters**, a day shelter for sexually exploited women
  - **5 immigrant applicants** from MSLC, Kentucky Refugee Ministries, Bakhita Empowerment Initiative (trafficking victims and survivors), and other referrals

#### Healthcare Advocacy: Miranda

- ❖ Participated in monthly update meetings with the Kentucky Health Benefit Exchange.
- ❖ Alerted KHBE staff to technical and call handling issues:
  - A benefit application error in which the Emergency Medical Condition question caused the case to pend even though the applicant was applying for regular Medicaid rather than for emergency medical assistance
  - A benefit application results error in which results were pending without any request for additional information
  - DMS call center worker mishandling of a request for access to care for a dire need.
- ❖ Attended a meeting of the Consumer Rights & Patient Needs Technical Advisory Committee to Kentucky's Medicaid Advisory Council

## Workers' Rights Team

- **6 claimants** attended a self-help clinic or met with us about a wage claim July-September
- Completed assistance with **2 demand letters**, others pending additional information

## Grants Work

- ✓ **On the Table Mini-grant:** With the help of local chef Dan Wu, Beka launched this grant project. We will be distributing the “Immigrants & Refugees Belong Here” signs this Saturday, September 28, in Lexington’s Woodland Park at 11:00 a.m. We’ll distribute the signs to local businesses to place in their windows. If you know of a business owner who may want a sign, please let us know! Volunteers for distributing signs can sign up here: <https://forms.gle/kDnhUTsEvgzHLern7>
- ✓ **Protecting Immigrant Families Grant:** MSLC, Miranda, and Allison have worked together to frame messaging around the public charge rule which was finalized in August and which discourages immigrants to enroll in public benefits. Few of our clients are directly affected by the policy change, but many are confused and scared by it. The PIF Campaign has funded us to do advocacy, outreach, coalition building, and story gathering around public charge and other new and proposed policies that harm or will potentially harm immigrant families.
  - Betsy addressed Limited English Proficiency concerns in KEJC’s public comments on the HHS and OCR’s Notice of Proposed Rulemaking on Nondiscrimination in Health and Health Education Programs and Activities (Section 1557)
  - KEJC released a statement on our blog in response to the final public charge policy.
  - MSLC, Miranda, and Tyler have incorporated public charge myth-busting into our outreach materials and presentations.
  - Miranda gave an overview of the policy to legal aid staff at the Statewide Conference last week, and to the Migrant Network Coalition at their September meeting.
  - Miranda is connecting local service providers with the National Immigration Law Center to share stories of how they see this policy creating a chilling effect among immigrants in their community.
  - Miranda, Leah, and Nathalie will record new KY Equal Justice radio segments on the topic in October.



**KY  
EQUAL  
JUSTICE  
RADIO**

Tune-in to learn about your rights at work, in health care, and more!

Live on 93.9 FM  
**Thursdays at 11:30 a.m.**

Podcasts Available On:  
LexingtonCommunityRadio.org  
KYEqualJustice.org/ReclamaTusDerechos

Lexington Community Radio App  
@KEJCRadio

Logos for Lexington Community Radio, WLXU 93.9FM, and PULSO are also present.



ESCUCHA  
**RECLAMA TUS DERECHOS**

¡Sintonice para aprender de sus derechos en el trabajo, sus derechos a cuidado de salud, y más!

En Vivo en 95.7 FM

<b>lunes</b> 4:00 pm	<b>viernes</b> 9:00 am	<b>domingo</b> 10:30 am
-------------------------	---------------------------	----------------------------

PODCASTS DISPONIBLE EN:  
LexingtonCommunityRadio.org  
KYEqualJustice.org/ReclamaTusDerechos  
El Pulso 95.7FM App

Logos for Lexington Community Radio, WLXU 93.9FM, PULSO, and KEJC are also present.

## **Kentucky Equal Justice Center**

### **Director's Activity Highlights**

**July 10 to September 25, 2019**

#### **Governance**

- Hosted KEJC Board Meeting (July 11)
- Reached out to potential strategic planning consultants
- Held board orientation call with new Community Member (September 25)

#### **Management and Administration**

- Reconciled accounts with Treasurer (August 9)
- Provided requested materials to auditor (August 26)
- Completed interviews and welcomed new Food Justice Fellow (August 23)
- Coordinated Legal Files case management training webinars (August 28, September 5)
- Participated in Legal Work Committee meeting (September 6)

#### **Grants and Fundraising**

- Filed grant reports:
  - United Way of the Bluegrass
  - Kentucky Bar Foundation
  - Public Welfare Foundation
  - Catholic Diocese of Lexington (with Leah)
- Filed grant proposals or agreements:

	Amount	Status
○ "Boots on the Ground"	\$50,000	awarded
○ Fayette County Bar Foundation	\$7,633	requested
- Interviewed potential event planners for Maxwell Street Legal Clinic 20<sup>th</sup>
- Updated Good Giving portrait and registered for Good Giving Challenge 2019

#### **Task Forces**

- Held planning calls with chairs of Welfare and Health Task Force and Family Law Task Force and moderated Emerging Issues session at Statewide Conference.

#### **Workers' Rights Advocacy**

- Brainstormed workers' rights messaging with Allison, Ben and McKenzie on three themes: make work pay, make it safe, make it family friendly (August 15, September 10)
- Launched email thread to help coordinate response to Black Jewell failure to pay miners in the wake of company bankruptcy (with McKenzie) (July 30)

## **Health and Public Benefits Advocacy**

- Held planning call with Center on Budget and Policy Priorities experts and Kentucky allies for potential KEJC testimony before Public Benefits Reform Task Force (July 10)
- Recruited Elaine Waxman of Urban Institute as potential expert witness for Public Benefits Reform Task Force and secured initial agreement for her to appear (later canceled)
- With advocacy partners, met with Senators Humphries, Westerfield and Wise on topics before the Public Benefits Reform Task Force (July 19, August 19)
- Attended Public Benefits Reform Task Force meeting (August 19)
- Participated in Kentucky Voices for Health:
  - InsureKY coordination calls (almost weekly)
  - Advocacy workshop planning meeting (July 30)
  - Advocacy workshop in Lexington (August 13)
  - Drafting process for SNAP reg comment collector
- Reviewed staff comments on multiple federal rules

## **AmeriCorps VISTA**

- Met with new VISTA coordinator Shawn Bumpase at the Plantory (August 27)

## **Communications**

- Met periodically with Allison re messaging (plus frequent email communication)

## **Attended or participated in . . .**

- Legal Impact Network Convening (July 15-16)
- Access to Justice Commission convening (July 19) and conference call (September 12)
- Good Giving Campaign 2019 Orientation as panelist (September 3)
- Kentucky Legal Services Statewide Conference (September 18-19)
- Foundation for a Healthy Kentucky Best Forum (September 24)
- Foundation for a Healthy Kentucky Community Advisory Council (September 25)
- Lexington Community Radio “On Common Ground” event (September 27)