

## Kentucky Equal Justice Center

### Board Minutes

April 26, 2022

**Board Members Present:** Tiffany Pyette (Client Member); Bob Brown, Rick Clewett, Lisa Gabbard, John Rosenberg, Dan Wu (Community Members); Jefferson Coulter, Joshua Crabtree, Robert Johns (Program Directors); Kristin Alexander, Brandie Ingalls, Jacob Taulbee (Staff Reps).

**KEJC Staff:** Emma Anderson, Miranda Brown, Ben Carter, Raaziq El-Amin, Angela Evans, Michelle Haubner, Allison Hight, Ebony Lee, Tyler Offerman, Shannon Rempe, Rich Seckel.

### Welcome and Introductions

As the group gathered on Zoom, members greeted each other. Chair Bob Brown called the full meeting to order and invited KEJC Director Rich Seckel to conduct a roll call.

Rich welcomed new Maxwell Street Program Director Angela Evans, new Communications Associate Ebony Lee, and newly elected Attorney Staff Rep Brandie Ingalls and invited them to share a little extra about their backgrounds during the roll call that followed.

### Highlights of Recent Activity

Bob recognized Rich to present highlights of recent activity. Rich said highlights included:

- **Housing Outreach:** Approval of initial paperwork for a multi-year grant agreement with Kentucky Housing Corporation on housing stability services (see below);
- **New director at Maxwell Street:** great teamwork at Maxwell Street during the transition leading up to Angela Evans' start as program director; and
- **"All's well that ends:"** a tough General Assembly that saw a few bright spots, including a bill to extend Medicaid post-partum coverage to a year.

Rich said that outcomes of General Assembly reflected the new supermajority's agenda, including tax cuts, barriers to public benefits, and new limitations on access to reproductive health services. He said he was pleased to find that members of our email list—initially compiled to reach potential donors to Maxwell Street—responded quite well to action alerts.

Rich said that his least favorite bill was HB 4, which diminished unemployment insurance benefits. He said one unheralded bit of good news was full funding of Medicaid and Medicaid expansion.

## **Resolution Honoring Chris Frost**

Chair Bob Brown noted that KEJC Board member Prof. Christopher Frost had passed away on January 13, 2022. Bob had drafted a resolution honoring his memory. The resolution described Chris' years on the board as member and chair, his astute judgement, quick wit, deep legal experience, and devotion to community service.

Bob recognized Rich to share his thoughts and recollections about Chris. Rich said he first saw Chris in action in court, as a member of the Attorney General's legal team challenging the takeover of nonprofit Kentucky Blue Cross by Anthem, a case that led to formation of the Foundation for a Healthy Kentucky. Rich said he was thrilled when this brilliant lawyer agreed to join the board.

Rich said that he had learned during Chris' memorial service that Chris had been first in his class at UK College of Law. Classmate Ben Chandler had recalled during the service that Chris was a motorcycle riding scholar. Rich said that he also was fascinated during Zoom calls to see a blue Fender Stratocaster behind Chris in his home office.

John Rosenberg said the memorial service had been held at the newly remodeled law school, giving him a chance to see the "really lovely addition." KEJC Resource Organizer Raaziq El-Amin also had attended the memorial. He said that the remarks by students during the service stood out for him.

Rich said he decided to look back to 2001 when Chris joined the board. At the time, KEJC staff was just himself part-time—compared to 16 people today. He expressed appreciation for Chris' support and guidance during the period of growth and his interest in sustainability.

**Motion:** Rick Clewett moved to adopt the resolution honoring Chris' memory  
**Second:** Joshua Crabtree  
**Action:** Approved unanimously

## **Approval of Minutes**

Bob Brown invited a motion on the minutes of the last board meeting. John Rosenberg requested a correction to make clear that Kentuckian Gene Vance was the incoming rather than current chair of the ABA House of Delegates.

**Motion:** John Rosenberg moved to approve the minutes of the December 16, 2021, with the correction that Kentuckian Gene Vance was the incoming chair of the ABA House of Delegates.  
**Second:** Robert Johns  
**Action:** Approved unanimously

Bob Brown asked where Gene Vance practiced. Joshua Crabtree said that he was a member of Stoll Kennon in Lexington and served as Treasurer of the Legal Aid of the Bluegrass board.

### **Administration: Financial Report for FY 2021**

Bob next recognized Rich to give the financial report. Rich began with a walk-through of the end-of-year FY 2021 report in the board package, starting with the cover sheet, as follows:

**Profit and Loss Budget Overview FY 2021:** anticipated a loss of \$175,438 offset primarily by \$170,000 in advance Public Welfare Foundation funds.

**Profit and Loss through December 31:** showed a gain of \$13,670 compared to the expected loss of \$175,438—a positive variance of \$189,108 that included \$30,032 in Vanguard brokerage gains.

**Balance Sheet as of December 31:** showed Total Current Assets of \$712,327, down from \$719,652 on November 30, 2021, but up 1.5% from \$701,774 a year earlier on December 31, 2020.

**Income and Expense Charts:** 85.06% of spending was payroll. 66.14% of income was from grants.

Rich said that income for the year had come in at 108.66% of budget and expenses at 92.77%, a favorable ratio. He said KEJC had benefited in 2021 from the upturn in the stock market, with over \$30,000 in gains and returns in the Vanguard brokerage account, a story that reversed in the first half of 2022.

Rich said that KEJC had held its own instead of losing ground during 2021. He said it was the first year during which donations had exceeded 10 percent of income.

### **Administration: Financial Report for Q1 2022**

Turning to the FY 2022, Rich recapped the cover sheet for the report as follows:

**Profit and Loss Budget Overview FY 2022:** anticipated a loss of \$144,463 to be offset primarily by one-time carryover funds.

**Profit and Loss through March 31:** showed a loss of \$48,258 compared to the expected loss of \$123,778—a positive variance of \$75,521 despite \$8,386 in Vanguard brokerage losses.

**Balance Sheet as of March 31:** showed Total Current Assets of \$676,433, down from \$712,327 on December 31, 2021, but up 5.27% from \$642,603 on March 31, 2021.

**Income and Expense Charts:** 82.72% of spending was payroll. 72.26% of income was from grants.

Rich predicted carryover at the end of 2022 at \$567,864. He said that unrestricted funds had held strong at an estimated \$283,248 on March 31.

Rich said that income in the first Quarter was running at 121% of budget, with expenses at 86.9%—another favorable sign, though driven in part by staff vacancies. He estimated that unrestricted funds would last 2.67 months and total reserves 6.37 months if KEJC had to operate on them alone, a good indicator of financial health.

Turning to recent fundraising, Rich said that KEJC now had in hand a new \$100,000 grant from the Families and Workers Fund, to be shared with the four legal services programs and Kentucky Center for Economic Policy. The goal of the grant was to improve equity in unemployment insurance.

Rounding out his report on recent fundraising, Rich noted that multiple grants totaling \$586,600 were in the planning and preparation stage. He said the largest among them were renewal of the Victim of Crime Act (VOCA) grant for Maxwell Street, at over \$200,000 and a \$100,000 partnership proposal to the Protecting Immigrant Families (PIF) campaign.

Rich said Miranda had taken the lead on the PIF grant, drawing together partners including Foundation for Latin American and Latinx Culture and Arts (FLACA), Kentucky Voices for Health, RADIOLEX, and Community Response Coalition of Kentucky.

#### **Administration: Audit Bid For 2021**

Bob said that he had directed Rich to seek a bid from current auditor Vickie Richardson to conduct the audit and prepare the IRS 990 for FY 2021.

#### **Administration: KHC Housing Project Update**

Bob invited Rich to talk about “the elephant in the room,” a potential multi-million, multi-year grant to deploy American Rescue Plan Act (ARPA) funds to prevent eviction and promote housing stability. Rich said the grant would come from Kentucky Housing Corporation (KHC). He invited Ben to describe discussions with KHC.

Ben said that Adrienne Bush from the Homeless and Housing Coalition of Kentucky knew of his desire to fund a housing attorney at KEJC and set up the initial meeting with KHC staff to explore the idea of using ARPA funds.

Ben said that KHC was open to large scale “transformational” approaches and that the discussions led to a plan to deploy \$7.7 million in ARPA funds over three and a half years. Ben said that KEJC would receive about \$500,000 a year to serve as a hub for the project, with

enough funds to hire a new housing attorney, a dedicated grants manager, and a programmer to create eviction-related apps and systems for the project.

Louisville Legal Aid Society Director Jefferson Coulter said he was preparing contract language and a “statement of work” for KHC with a focus on data reporting and a goal of ensuring that programs could use data systems already in place to deliver required information.

John Rosenberg asked whether any of the grant funds would go to homeless services, including hotel stays. Legal Aid of the Bluegrass Director Josh Crabtree said the current grant was focused on legal help in eviction but that ARPA funds could be used for homeless services.

Ben said that the KEJC housing attorney would focus on impact, systems, and helping people that LSC-funded programs couldn’t help, including undocumented people. Rick Clewett affirmed the importance of helping undocumented people.

### **Governance: Strategic Plan Volunteers and Implementation**

Bob asked Rich to update the group on implementation of elements of the Strategic Plan adopted the previous fall. Rich shared his screen to display the version of the plan that invited people to sign up for implementation subgroups.

Rich said that the General Assembly had absorbed some bandwidth, but implementation was picking up, with activity in the following areas:

**Racial Justice DEI:** Tyler had held individual conversations with all the volunteers and planned a first meeting in May. The budget for the year contained \$10,000 for training and consultants.

**Fundraising Plan:** Raaziq had begun crafting a development plan for feedback and participation by a new board fundraising committee to be appointed by Bob.

**Back Office:** Rich had created and shared with the Executive Committee an inventory and analysis of accounting, compliance, and administrative tasks that showed he spent upwards of 330 a year on them and pointed toward a skilled part-time administrator.

**Personnel Policies:** Bob said had invited Jacob Taulbee and Lisa Gabbard to serve as members of a newly reconstituted Personnel Committee. He asked for volunteers among program directors. Josh Crabtree volunteered. Rich pointed out that, among staff, Raaziq El-Amin and Michelle Haubner had signed up to participate in the personnel discussions.

**Strategy Test:** Rich said the reproductive health had emerged as the first potential application of the Strategy Test for new initiatives, with Shannon, Lisa, and Rick stepping forward to participate.

### **Governance: Board Committees**

Bob said that the Executive Committee was fully now formed, with Amanda accepting his appointment to take Neva's place as a program director representative and John Rosenberg, with his consent, moving from "ex officio" participation to fill in Chris' slot. John consented.

Bob said that he would also like to fill out membership on the Nominating Committee. He invited members to consider volunteering. Rich said that KEJC had tried in the past to constitute a Nominating Committee with the Chair plus representation from each segment of the board: Community Members, Client Members, Program Directors, and Staff Reps.

### **Governance: Governance Tasks 2022**

Rich also gave a tally of Community and Client Board members whose two-year terms would end in 2022. Among Community Members, the terms of Lisa Gabbard, John Rosenberg, and Dan Wu would end, as would Client Member terms of Aka Kpla and Tiffany Pyette.

As well, Rich said, Chris Frost's unexpired Community Member term was open, and the bylaws also allowed for a third Client Member.

Rich said he would reach out to members with expiring terms soon to see whether they would like to remain on the board. He said he would report their wishes to Bob and the Executive Committee before the next meeting. He invited members to think about potential new board members for vacant slots.

### **Governance: Meeting Dates 2022**

Bob Brown recapped the remaining meeting dates for the year: July 14, September 23 and December 15.

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

Legal Aid of the Bluegrass Director Josh Crabtree said that "all the wonderful increases" proposed for civil legal aid had shrunk in final Congressional action to a small increase, in turn moderated by adjustment in the Census-driven funding formula, with two Kentucky programs seeing net increases and two seeing decreases.

Josh said that during the 2002 Session the General Assembly had "flatlined" funding to the programs at the current level, which was below the peak reached several years earlier. He said that proceeds from the filing fee add-on in civil cases also were trending down. Josh noted that Lexington and Louisville and passed through funding to legal aid. All told, he said, the funding picture was good.

John Rosenberg put in a word for private attorneys to participate in ABA Days, an opportunity to lobby Congress for funding. He described meetings with Kentucky Reps. Barr and Guthrie,

including discussion of disaster-related assistance in the wake of the western Kentucky tornados back in December.

John later announced that on May 5, Apple TV+ would air a documentary about on Eric Conn, the eastern Kentucky attorney who had allegedly “fixed” Social Security disability cases and whose activity led to disturbing cutoffs for clients who had nothing to do with his “con.”

### **Staff Reports**

The board heard staff reports on multiple issues and projects. No board action was required in response to the reports. For details, see the Staff Reports on the KEJC Board web page under the April 26, 2022, heading at <https://www.kyequaljustice.org/board-meetings>.

### **Adjournment**

**Motion:** John Rosenberg moved to adjourn the meeting.  
**Second:** Joshua Crabtree  
**Action:** Approved unanimously

### **Reported by:**

**Richard J. Seckel**, Director  
July 10, 2022