

Kentucky Equal Justice Center

December 16, 2021

Staff Report Highlights

Food Justice — Tyler Offerman

- **DCBS Chaos:** Staffing shortages and COVID have synergized with past underfunding and understaffing to create a perfect storm in state government. Basic services like being able to accept SNAP applications over the phone or going to an office have become increasingly difficult to maintain. KEJC has tried to proactively coordinate communication channels between the legal aid programs, clients, and administrators on the state and federal levels to address these challenges.
- **Kentucky Food Action Network:** We continue to work with the Kentucky Center for Economic Policy, Community Farm Alliance, and Feeding KY to support the Kentucky Food Action Network (KFAN). Membership has reached 109 individuals and organizations. KFAN has pivoted to focusing on training members and supporting them to participate in policy advocacy in the upcoming General Assembly. We recently started a 6-part training series focused on this outcome.

Kentucky Food Action Network


Advocacy Trainings

Advocacy 101 →


December 9 @ 2-3:30pm EST
Guest Speaker: Dr. Sheila Schuster
will share tips on how to strengthen your advocacy skills.

Storytelling →

December 16 @ 2-3:30pm EST
Your story is the strongest advocacy tool you have. Learn how to use it, how to communicate effectively, and some basic facts/myths around food, farm and hunger.



January 6 @ 2-3:30pm EST
Learn why evidence-based policy solutions are important and the advocates' role in how they are made in Kentucky.



January 13, 20, 27 @ 2-3:30pm EST
Issue-specific trainings on:
1/13 - Food and Nutrition Assistance
1/20 - Agriculture and Food Systems
1/27 - Child Feeding Policy

← Evidence-Based Policy

← Issue Specific

- **2022 General Assembly Priorities**

- Public benefits defense will be our main priority. Rumors of draconian public benefits legislation around SNAP and TANF have emerged, but no credible threat has been identified yet.
- In partnership with the Community Farm Alliance, we are supporting the allocation of a General Fund appropriation of at least \$600,000 to create the Healthy Food and Farm Fund to support the Farmer's Market Nutrition Programs. We have secured a House and Senate sponsor as well as the support of KDA and Commissioner Quarles.
- In partnership with the Kentucky Farm To School Network, we are supporting allocation of a General Fund appropriation to fund a pilot project to reimburse schools for purchases of locally produced foods. We have secured the support of KDA and Commissioner Quarles.

Maxwell Street Legal Clinic – Allison Hight

- **Staffing Updates**

- **Gaby Dawson** started as our full-time VOCA legal assistant on October 1. Gaby has been working for Maxwell Street for three years as a part-time legal assistant and so has been able to transition smoothly to her full-time role with minimal training. She has years of experience as a certified medical interpreter that are a valuable contribution to our work.
- We hired **Yokohana Dionisio** as our new part time legal assistant, and she started in November 2021. Yoko is a native Spanish speaker who was born in the Dominican Republic and moved to the United States at a young age. She lived in Ohio for over twenty years and recently moved to Lexington. She has interpreted informally for family and friends for years and is excited to be in a position where she can help the immigrant community.
- **Leah Engle** left her job as program director of Maxwell Street on October 21 for a new position in Chicago. **Allison Hight** is filling in as interim director while we search for a full-time replacement. Unfortunately, we have yet to find any viable candidates for the position.

- **Volunteers**

- While we remain short-staffed, we are drawing on and expanding our attorney volunteer base to take cases that our staff is currently unable to handle. Monique Winther, a longtime Maxwell Street volunteer, recently took on a U visa case, and Marilyn Daniel has agreed to co-counsel a family petition next quarter. We have also reopened a dormant relationship with the private law firm Dentons Bingham Greenebaum, and they are helping us with a citizenship case pro bono.

- **Notable cases**

- **Approvals and openings:** We have had 37 cases approved since the last board meeting, including 28 DACA renewals. Our practitioners have also opened 37 new cases.
- **Special Immigrant Juvenile Status:** Angela Rojas recently won sole custody for one of our clients as the first step in a Special Immigrant Juvenile Status (SIJS) case. SIJS is an immigration benefit that protects children who have been abused, neglected, or abandoned by one or both of their parents and involves a dual process between state court and federal immigration law. The client came to our office after she had been struggling to complete the required state court portion with another organization for over a year. Angela has extensive courtroom experience from her time as a prosecutor and was able to complete it in just a few months. Allison is now working to finalize the federal immigration application to protect the child from further abuse.
- **Naturalization:** Michelle Haubner recently assisted a return client with a naturalization case. Michelle previously helped the client to remove the conditions on her green card and now will be able to see her across the finish line, a rare victory when immigration cases can take years or decades. By returning for a second application, the client also demonstrated that she trusts and has confidence in the Maxwell Street staff and the services that we provide.

Resource Organizer — Raaziq El-Amin

- **Donor Management System**

- The set-up stage of our new donor management system is ongoing but nearing the end! With the Bloomerang Conversion team, Raaziq has pulled in relevant data from other systems like Salesforce (our previous donor database), Constant Contact (our email platform), and Network for Good (our donation transaction processor) to make the new system fit our unique needs. If all goes as planned, we'll be completely set up in January!

- **Donor Connections**

- Raaziq has made an intentional effort to form relationships with donors. He writes personalized letters weekly with the goal of having one-on-one conversations with KEJC supporters. He's already met with a number of donors and plans to connect with many more in the new year!

- **Good Giving**

- We did it! We exceeded our goal for the Good Giving Challenge, raising \$36,390. 142 partners joined in to make this possible, including staff and board members. Quite a few donors even donated multiple times to amplify their gifts through the various match prizes. Raaziq helped streamline the process by coordinating with staff to collect and write up stories, creating [social media](#) and [blog posts](#) and email templates, and staying in touch with donors.

- **Outreach — Miranda Brown, Emma Anderson**

- **Networking, Outreach and Communications**

- **Welcome Housing Outreach Worker Emma Anderson!** Since early November, Emma and volunteers have knocked on 450+ doors of tenants facing eviction. They connect tenants to rental assistance, remind them of court dates, refer them to Legal Aid of the Bluegrass, and answer questions. Emma has also begun reaching out to property managers and landlords so that they are aware that their tenant is applying for rental assistance. Even if the landlords will not accept rental assistance money, by encouraging tenants to go to court, we increase the likelihood that they can get an extension on moving out and are able to connect to other resources. Emma and Miranda also visited the new community center, the Waypoint Center, run by United Way of the Bluegrass. Emma is visiting the center weekly to help with rental assistance applications and referrals.
- **Workers' Rights Task Force:** Our November meeting featured Bruce Maples of Forward Kentucky and Carla Wallace, cofounder of Showing Up for Racial Justice. Twenty-eight legal aid staff, labor representatives, and other partners in Kentucky and across the South attended for updates on Kentucky OSH, Unemployment Insurance reform, and the General Assembly.
- **RADIOLEX:** Miranda recorded and aired time-sensitive content in [English](#) and [Spanish](#) covering Open Enrollment for Medicaid, Medicare, and kynect, Kentucky's State Based Marketplace. Miranda and Emma recorded a rent and eviction assistance update to air next week!

- **Direct Service**

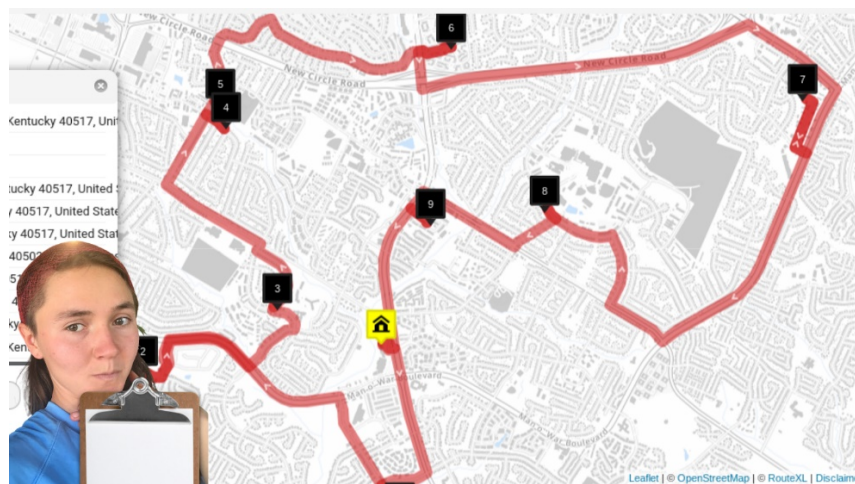
- **Delaying Eviction: A Stark Example:** Emma talked to a woman the evening before she was scheduled to have her baby. Her court date was the next day, but she thought she had squared everything away with her property manager. She had a lot of other things on her mind (like giving birth). At her court date, the property manager asked for an eviction judgment because the tenant was not present. The judge was going to move forward with that request. Because Emma had talked to the tenant the day before, she was able to tell the judge that the tenant was in labor. He continued the case for two weeks.
- **Lexington Wage Claim Clinic:** Since the last meeting, we've assisted two new wage claimants and two previous claimants with ongoing claims.
- **Health Coverage Enrollment Assistance:** Miranda helped nineteen new individuals and families with health coverage in addition to previous clients.

- **Advocacy Feedback Loop**

- **Housing Stabilization Program:** Reaching out to tenants and observing in court has given Emma perspective about improvements that need to be made to the Lexington Housing Stabilization Program, including addition of an option for direct payments to

tenants when landlords refuse rental assistance. She has worked with Tyler and housing allies to think through advocacy strategies to win program improvements.

- **Kentucky Health Benefit Exchange (KHBE):** Enrollment assistance put Miranda in touch with multiple immigrant families who received incorrect Medicaid eligibility determinations, which could harm their future immigration applications and is currently preventing them from enrolling in appropriate health plans with the Advanced Premium Tax Credit. She helped identify this issue in meetings with KHBE and escalate these cases for DCBS to fix manually while a systemic fix was in the works. Among other issues that she has reported is a problem transferring member names to the Managed Care Organization (MCO). Five clients reported that their first names were cut off on their MCO cards. The MCO says that is the complete name they have in their system. The pharmacist and doctor's office refused to see one of the members, so Miranda escalated all five cases to be corrected and reported this issue through KHBE's Open Enrollment Issue Tracker.
- **Notice Improvement:** Advocates at Legal Aid of the Bluegrass notified KEJC of issues with Medicare Savings Program enrollees. One of the concerns has to do with the confusing eligibility notices that MSP enrollees have received regarding kynect Open Enrollment. Rich and Miranda continue to participate in weekly Zoom meetings with CHFS, so Miranda raised this issue to the Notice Improvement Project. KHBE is removing the confusing language from the notice to make it clear that MSP and other Medicaid recipients are eligible for Qualified Health Plans (QHPs), though they do not need to enroll in a QHP because they already have coverage through Medicaid.
- **Advocacy partnerships:** Along with Health Law Fellow Shannon Rempe, Food Justice Fellow Tyler Offerman, and Maxwell Street Legal Clinic staff, Miranda participated in several meetings with the Center on Budget and Policy Priorities, National Health Law Program, Protecting Immigrant Families Campaign, and Community Catalyst regarding the Medicare Savings Program enrollment issues, but also regarding Emergency Medicaid eligibility for immigrants with COVID symptoms. We also discussed strategies for removing barriers for immigrants in Kentucky to access regular Medicaid and QHPs.



Impact Litigation and Advocacy — Ben Carter

- **Judicial Candidate Survey**

- The primary lesson of Ben's essay, "[Using Equity to Confront and Correct Systemic and Individual Racism](#)" in the Shriver Center Report's, "Race Equity at the Core of Consumer Law" (released July 2021) is that we should ask people who want to be judges better questions about systemic racism, cash bail, evictions, judicial discretion and the role of equity in judicial decision-making and the administration of the court system before those people become judges. Lots of other organizations agree with this very humble and obvious conclusion. We are in the process of assembling a judicial survey to distribute to judicial candidates with L-SURJ (Louisville Showing Up for Racial Justice) and other organizations in advance of the May primary. KEJC had a chance to participate in a call with Bolder Advocacy recently and got good guidance on how to do these kinds of surveys as a 501(c)(3).

- **Disappointments in Litigation**

- The [Rowan County Circuit Court dismissed our case](#) challenging the legality of Ordinance 2020-20 establishing the Morehead Gateway Development Area. The Court found our clients—former residents of the North Fork Mobile Home Park displaced by the planned “development”—lacked standing. We are appealing that decision. We continue to provide legal support to the work organizers are doing in both Rowan County and Louisville to organize residents of mobile home parks.
- The [Franklin County Circuit Court dismissed one of our two cases](#) challenging various aspects of Kentucky's practice of disenfranchising Kentuckians with felony convictions in their past. In this case, we challenged Governor Beshear's position that he did not have to notify 891 Kentuckians who submitted completed applications to the previous Governor that they must reapply to Beshear directly if they want their applications considered. We are not appealing that decision but hope to work with allied organizations to reach those Kentuckians.
- On October 4th, [the Sixth Circuit agreed with us in the other, more impactful case](#) and found our clients' claims were not moot. That case is now back in the Eastern District of Kentucky for a decision on the merits. Both the Herald-Leader and Courier-Journal ran an op-ed by me and co-counsel Jon Sherman of the Fair Elections Center [detailing the ways Kentucky still lags far behind](#) the rest of the nation (and popular opinion) on this issue. (Paywall).

- **Slow Progress but Progress on Vacant and Abandoned Properties**

- Ben has worked with U of L legal interns for the past two semesters to identify owners of properties who live next door to vacant and abandoned properties (VAPs) available for purchase from the city for reduced rates through 2-3 different programs designed to recycle the city's stock of VAPs into productive use. Because of the danger of gentrification and perpetuating/worsening the absentee landlordism in

Louisville's West End, we have worked very hard to limit our future outreach in this project to ONLY those people (not businesses) who live in the neighborhoods affected by vacant and abandoned property. After help from these two legal interns, we have a list of those residents and hope to begin outreach in the new year.

Health Justice & Advocacy – Shannon Rempe

- **Impact Litigation - UK Healthcare debt collection**
 - Shannon has taken the lead on compiling deposition preparation memos for each named Plaintiff and scheduling depositions and prep sessions.
 - Shannon has prepared one of the five named Plaintiffs for deposition and will prepare the others in January, with depositions scheduled for that same month.
- **Sexual and Reproductive Rights**
 - Shannon attended the Take Root 2021: Red State Reproductive Justice Virtual Conference hosted by the Kentucky Health Justice Network (KHJN) to learn more about the challenges and strategies of reproductive rights advocates in southern states.
 - Shannon has been in contact with Oliver Hall, Trans Health Director at KHJN, to discuss administrative advocacy efforts concerning gender-affirming care and to generate related resources for KHJN clients.
 - Shannon was invited to join NHeLP's Southern Reproductive and Sexual Health Advocates group.
 - Shannon is interested in drafting a statement on KEJC's stance on reproductive rights given the recent attacks on women's rights and anticipated outcome of the Dobbs v. Jackson Women's Health Organization case pending at the U.S. Supreme Court. (Strategy Test discussion on this is forthcoming.)
- **Other Advocacy**
 - **QMB Application Support:** Shannon has made the case to members of the Cabinet that DCBS has not been properly accepting and processing Medicare Savings Program applications, which has caused delays in coverage and in some instances failure to automatically enroll beneficiaries in Medicare Part B. Shannon will follow up soon to get our legal aid partner's clients covered.
 - **Medical Debt Action Group:** Shannon started attending the monthly calls for this new action group created by Community Catalyst to learn more about this advocacy space and hear from advocates across the U.S. on their work to secure medical debt protections in their states. On the last call, we heard from advocates in Colorado who were successful in getting critical legislation passed to protect patients. Shannon is eager to explore this space to see how some of these efforts could be incorporated in Kentucky, especially given our lawsuit.

- **HepFree KY Coalition:** The Viral Hepatitis Program at the Kentucky Department for Public Health invited Shannon to join the HepFree KY Coalition to help develop a Hepatitis C Elimination Plan for Kentucky. The first meeting was at the beginning of November. Shannon is excited to continue to work on these issues with this coalition and to figure out more about how they can intersect with maternal health work in Kentucky, especially given the prevalence numbers connecting pregnancy and substance abuse/harm reduction.
- **Pregnancy and Dental Care:** Shannon met with Tricia Marmontello (at NY FQHC) to discuss collaboration on developing research/possible subsequent educational training concerning the fear of litigation among dentists causing a substantial barrier to accessing dental care for pregnant women. Both of us attended the Pregnancy and Dental Care Go Together webinars.