

Kentucky Equal Justice Center

December 14, 2023

Staff Report Highlights

Outreach & Language Access — Miranda Brown

Networking/Outreach/Communications

- **Outreach:** KEJC staff spoke directly with over 800 people since the last board meeting, not counting housing outreach. Five staff members presented to an audience of about 100 people at the Substantive Law Overview Training with the legal aid organizations. Many KEJC staff and volunteers pitched in to host a series of three “know your rights” workshops in different Lexington locations in partnership with Neighbors Immigration Clinic and Patchwork Cooperative Loan Fund. The [“Our Power” workshops](#) attracted 36 participants, in addition to the many interpreters and volunteers, who learned about workplace rights, general rights especially for immigrants, and information and resources for worker cooperatives!

Direct Service

- **Health Coverage Enrollment Assistance:** Our healthcare team recruited and hired Suraya Shalash as our new Health Coverage Specialist! Suraya began work with KEJC on November 20th and completed her kynector onboarding on December 6th. She has been shadowing Miranda through helping established clients with Qualified Health Plan application and enrollment, identifying, and escalating systemic issues along the way. Suraya is a natural at identifying system issues!

Advocacy Feedback Loop

- **Medicaid Technical Advisory Committees (TACs):** Miranda serves on the [Consumer Rights & Client Needs TAC](#). She invited Jennifer Ballard-Kang, Refugee Health Promotion Coordinator for the Kentucky Office for Refugees, to speak to the committee about the barriers that refugees and their Community Health Workers have faced with booking interpreters for medical appointments. Jennifer shared that often medical providers inform CHWs that they must request interpretation services through the Medicaid MCO rather than directly through the healthcare provider. According to Title VI of the Civil Rights Act, any provider in receipt of federal funds must provide language interpretation. Department for Medicaid Services' Senior Deputy Commissioner, Veronica Judy-Cecil offered to clarify the requirements to providers and to clarify in communications to Medicaid members their rights and the grievance process when their rights are not upheld. Additionally, the TAC recommended that DMS create a process for beneficiaries to report when they are unable to access an in-network provider within time and distance standards.

Language Access

- Thanks to Jackson’s work coordinating outreach with the Louisville Tenants Union, we have now contracted with a second American Sign Language interpreter provider. ASL Interpreting Services serves the Louisville area, while our other contracted provider, Sign Language Network of Kentucky, serves the Bluegrass area.
- Miranda met with the Access to Justice Commission about improving language access in Kentucky’s courts and in Access to Justice’s self-help materials.
- Miranda worked with the Foundation for a Healthy Kentucky to coordinate a webinar designed for healthcare professionals to improve their language access. 167 people registered to hear speakers from the interpreting profession, healthcare, and city government. You can watch the recording of [Health for a Change: Breaking Down Language Barriers to Accessing Quality Care](#) at this link.

Health Justice and Substance Use — Jane Connell Young

Education

On **October 9 and 10, 2023**, Jane and Carmen attended **the KY Opioid Symposium in Lexington**. The Kentucky Opioid Abatement Advisory Commission (KYOAAC) held the Commonwealth's first-ever Kentucky Opioid Symposium. The inaugural two-day conference featured presentations and workshops by experts in their fields to foster increased awareness of the impact of the opioid epidemic and to bolster a collaborative approach to combating substance use issues.

Connection

On **December 8, 2023**, Jane and persons from Legal Action Center (Sally Friedman, Jenn Stinton, and Diane Johnston) met virtually with Leah Dick and Kirby Allen of the University of Kentucky College of Public Health regarding Recovery Housing and the new legislation regarding medication for SUD. We also corresponded via email with officials from the Kentucky Cabinet for Health and Family Services regarding Recovery Housing. Further meetings will be scheduled so that we may better understand the ramifications of new legislation and allowed medication.

Presentations

- On **November 9, 2023**, Jane presented the KEJC project to **Welfare and Health Task Force**, including Legal Aid personnel throughout Kentucky.
- On **November 14, 2023**, Ben led the KEJC participation in the Legal Aid SUD Program Session with other Kentucky Legal Aid offices regarding the response to the Opioid crisis.
- Jane began attending several of the “Town Hall” meetings initiated by the Kentucky Judicial Commission on Mental Health. Jane attended sessions in **Lexington (Oct. 11)**, **Louisville (Nov. 8)**, **Paducah (Oct. 25)** and **Pikeville (Nov. 15)**. Justice Lambert of the Kentucky Supreme Court chaired these meetings. Service providers and community agencies, such as

KEJC and Legal Aid, were present as persons directly affected by SUD told their personal stories to court and administrative agency representatives, providers and other attendees who are in recovery.

- On **December 13, 2023**, Jane will assist Sally Friedman of Legal Action Center in her virtual presentation to the Society of Hospital Medicine (Kentucky Chapter), “Using Civil Rights Laws to Advance Justice for People Who Use(d) Drugs—The Essential Role of Hospitalists.”

Maxwell Street Legal Clinic — Allison Hight

Staff Updates

- Maxwell Street has unfortunately had a tough quarter for staffing. Benji Smith, one of our newly hired attorneys, left Maxwell Street in October for a position in Alaska. Paola Schwartz, who has been a legal assistant at Maxwell Street for nearly four years, recently announced that she is leaving for a full-time position in the Fayette County Attorney’s Office. We are now hiring for two open attorney positions and one legal assistant position.
- We have offered Michelle’s former position to Katie Taylor, an immigration attorney with expertise in asylum and deportation defense. She is waiting to accept or decline the offer until she learns more about KEJC’s budget and salary scale for next year.

Case Progress

- We have had 32 cases approved since the last board meeting, including 17 DACA renewals, 4 citizenship cases, and 3 T visas for victims of human trafficking. We have opened 88 new cases, including 19 citizenship cases and 45 cases for victims of crime.
- Five of our recent DACA approvals can be credited to Gaby Dawson, our newest practitioner who received DOJ accreditation in August. Gaby continues to grow in her practice, and in addition to DACA renewals, green card renewals, work permit renewals and citizenship cases, she has also taken on and is learning how to prepare Temporary Protected Status and DACA Advance Parole cases.
- Abigail is also expanding her reach and recently accepted two citizenship cases for clients who require a disability waiver because they are unable to take the citizenship exam in English. These cases are notoriously difficult and, as a result, are in high demand. This is the first time we have been able to help clients with this case type in several years.
- Additionally, Abigail recently helped two clients with U visas, a humanitarian visa for victims of crime in the United States, apply for green cards. Both clients originally applied for their U visa nearly a decade ago. They have been working through the immigration system for a long time and both are very excited to soon have secure, long-term status in the United States.

Naturalization Clinic

- As mentioned in our previous board report, Maxwell Street held a naturalization clinic in conjunction with the University of Kentucky law school in October. The clinic was a

success: guided by Maxwell Street staff members, 14 UK law students volunteered to assist 10 clients with applications for citizenship. Maxwell Street is continuing to monitor and provide full representation for those 10 clients. We plan to repeat the experience and hold another joint naturalization clinic next year.

Health Justice — Chloe Atwater

***Alexander v. Miller* (UK HealthCare case)**

- After the case was pending for almost a year, Judge Van Tatenhove granted UK Healthcare's motion to dismiss at the end of September. While we are disappointed and are preparing for an uptick in individual collection actions against UK Healthcare patients, many of the case's goals were achieved when, in response to this case, the General Assembly changed the law to prevent the Department of Revenue from collecting medical debts.

Direct Representation

- KEJC began representing a client in a case against a lawyer who misled the client, whose husband was in a nursing home now closed by CMS for poor living conditions, into thinking that she could be held personally liable for her husband's nursing home debts. She cannot be held liable under the Nursing Home Reform Act, and misleading her in this way constitutes a violation of the Fair Debt Collection Practices Act.

Public Health Emergency (PHE) Unwinding

- Following extensive conversations with the National Health Law Program, Kentucky Voices for Health, and Legal Aid partners, Chloe and Ben sent a letter to the Cabinet for Health and Family Services near the start of September asking for a pause in Medicaid terminations. The letter yielded a response from the Cabinet, which, in addition to their responses to separate inquiries from Kentucky Voices for Health and other allies, produced a feedback loop between Kentucky advocates, the Center for Medicaid Services, and the Consumer Financial Protection Bureau.

While the Cabinet has never admitted to incorrectly applying federal statutes or regulations, the high number of change order requests and changes responsive to advocates' requests suggests that information KEJC and others have provided to regulators has had the desired effect of changing policies without resorting to litigation. Over time, the unwinding issues left unresolved have narrowed, and KEJC is still interested in pursuing administrative or legal remedies to those issues. Legal Aid partners have access to a Google Form to report current issues to KEJC.

Trans Health and Medicaid

- KEJC was recently made aware of 2021 revisions to Kentucky's Medicaid Managed Care Organization (MCO) contracts that state that the Department for Medicaid Services will not provide reimbursement for gender affirming care. This exclusion has been found to be illegal

in several state and federal cases and will almost certainly violate forthcoming Biden Administration nondiscrimination rules even more clearly. Chloe is working with Kentucky Health Justice Network and the Trans Legal Defense and Education Fund to address this.

Media Mentions

- Chloe was recently quoted in a [Louisville Public Media article](#) on Norton Healthcare flouting charity care regulations, and KEJC was referenced in a Kaiser Family Foundation piece citing the [Cabinet's response](#) to our September letter.

Lexington-Fayette Housing Stabilization — Bill Pauley

Legal representation is necessary to make any legislation meaningful and effective

- I have only worked with KEJC for a matter of months now. However, once I made my first court appearance, I realized just how important the legal aspect of our work is. In my time in court, I don't recall ever seeing a private attorney representing a tenant. On the other hand, landlords are often equipped with attorneys to argue their case. In fact, one attorney boasts on his website that he handles over 3,000 eviction cases per year. That's 3,000 chances to explain to judges how the law works in favor of the landlords, and 0 chances for the tenants to reply without organizations like ours. Without people to inform tenants of their rights, and to fight for them in court, any political or legal advances become meaningless.

Affordable housing is quickly becoming a crisis in Fayette County (and elsewhere)

- It's undeniable that housing prices have spiked quickly and considerably in just the past few years. Communities are beginning to pass legislation to curb the harmful effects of temporary rentals on residential properties, but that can only do so much. In fact, the situation has reached a point that Lexington is on track to have over 900 homeless students. This would be the highest number of homeless students since the previous record set only last year. See WKYTV coverage "[Parents of at-risk Fayette Co. students anxious as rental assistance funding dries up.](#)"

Lexington/Fayette County's funding for rental assistance has ended

- In order ease some of the effects from the pandemic, government funds were provided to help keep people in their homes. In Fayette County, these funds came to an end just weeks ago (see the above article). Tenants now no longer have access to an incredibly useful program that would help keep their housing secure. The ripple effects from this change are incalculable. A small economic change such as an unexpected medical bill could prove to be devastating. Our work can help to keep families sheltered until they are back on track, rather than to strip them of one of life's basic necessities.

Communications — Natalie Chambers

Rental Assistance petition campaign

- In December, KEJC launched a petition campaign using Action Network with the goal of convincing Lexington city officials to redirect part of the city’s budget for a new town hall to replenish the now-depleted rental assistance fund. The petition was shared via targeted email and social media posts, and in just a week has garnered more than 40 signers, with an initial goal of 50 (our signer goals will increase with subsequent promotional pushes). The campaign is ongoing and a similar campaign in Ashland to pass URLTA is in the works. [Link to petition](#)

Good Giving 2023

- In November, KEJC participated in the statewide Good Giving fundraising event. Leading up to and during the week-long event, communications efforts included:
 - an email campaign that highlighted KEJC client stories
 - An email campaign that highlighted via statistics the work KEJC does in the community
 - A social media campaign that compelled audiences to participate in the Good Giving matching challenges

The challenge allowed KEJC to raise almost \$25,000, with more to come when final matches and prizes are tallied.

‘Our Power’ Worker’s Rights workshops

- Throughout October, KEJC partnered with Neighbors Immigration Clinic and Patchwork Cooperative Loan Fund to host a series of worker’s rights workshops available in various languages. Communications efforts included co-branded social graphics and posts, a dedicated webpage on the KEJC website, and a registration form that allowed all partners to gain essential contact info for potential clients and organizers.

Ben Carter Senior — Litigation and Advocacy Counsel

Support and Supervision (and not much else)

- Ben attended MIE’s “Supervising Legal Work” training in Philadelphia in October. ClioCon in Nashville with Jackson Cooper, one of KEJC’s new Housing Justice Attorneys, followed the next week. ([Clio](#) is the case management software that non-MSLC practitioners at KEJC use. ClioCon is the annual training convention for Clio customers.)

- Following these two opportunities, Ben developed a Q4 Workplan that made an explicit, deliberate shift to support/supervision of our four non-MSLC legal projects (KHC statewide housing, LFUCG housing grant, Vital Strategies, and Health Justice). This shift and his workplan were informed by a new appreciation for:
 - how much work it takes to do a good job supporting and supervising nonprofit lawyers and firm staff
 - how much impact good support and supervision can have on a co-worker and the organization's work
 - feedback staff and board members provided in the [June 2023 Workplace Culture Survey](#) and directly to him, and
 - Stefanie Ebbens' departure which precipitated the need for Ben to (try to) show up for and support:
 - two experienced attorneys (but not in housing law)
 - our all-new SUD Discrimination team
 - Our all-new LFUCG eviction outreach team

More details are provided in [the workplan](#) itself.

Food Justice — Tyler Offerman

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). The most exciting development has been the hiring of our new KFAN Coordinator. Robin started in August and has really hit the ground running! We are seeing a large increase in membership and efficiency across the Network.
 - **The Farm Bill:** working with legal aid partners across the nation to stop harmful SNAP claims/overpayments/fraud policy changes from being included in the Senate Farm Bill draft
 - **Food is Medicine:** have completed one focus group and the other is expected to happen in January. Beginning conversation with Medicaid Commissioner Lee to get CHFS to apply for an 1115 waiver to get medically tailored meals and housing covered as a reimbursement expense.
 - **Advocacy Training Series:** this week we are finishing up our 5-part virtual training series which has so far engaged over 50 people in discussion about our 2024 legislative priorities and the skills needed to communicate with legislators during the general assembly

Legislative and Administrative Advocacy

- **Legislative:** We continue to engage around Sen. Westerfield's BR8. You can find a [section breakdown here](#), but some highlights include:

- 3 cross program administrative improvements
 - Prohibition on sole-use of algorithms and computer generated “proof” when bringing accusation of intentional program violations
- 9 healthcare related measures
 - Basic Health Plan
 - Appropriating funds to pay for all needed Home and Community Based Waiver slots
- 6 food assistance related measures
 - Pre-release waiver for SNAP enrollment before re-entry
 - SNAP transitional benefits program
- 3 childcare related measures
 - Continue all pandemic-era supports to CCAP
- 2 tax credits
- 3 housing related measures
 - New, permanent rental assistance programs for pregnant people and families with children
 - Eviction expungement
- 1 education related measure
- 1 general enabling measure

Administrative Advocacy

SNAP IPV: we continue to see a massive drop in bad IPV decisions from CHFS and we believe this to be the results of our more than 3 years of administrative advocacy efforts in collaboration with legal aids BUT we are beginning to see some troubling cases involving language access issues. We are investigating this with the legal aid programs.

WIC CIAO

KEJC recently secured funding to work on WIC outreach and program improvements. We have surveyed hundreds of WIC participants, analyzed data received through ORR, and had conversations with local health departments across the state. And we got our first referrals to our legal aid partners! Andrew Chandler at LAS had the idea to reach out through their Medical Legal Partnership. Through that connection, Andrew has received several referrals of clients applying for WIC but languishing on a waitlist to get their initial interview. This is in direct violation of the state’s timeliness requirements and Andrew has filed for fair hearings.

Operations Management — Heather Darby

General operations

- Since starting at the end of September, I am gradually taking on some of the operations duties that Rich has been completing up until this point. I have been fully oriented to handle bill pay and am working on smoothing the process to ensure bills are paid in a timely manner. I am in the process of learning how to fully utilize Nextiva, our phone system, and have ordered updated business cards for most staff members.

Executive Search

- As my first project, Rich asked me to write the Request for Proposals for our Executive search. We received 3 bids from contractors who were referred to us (Thred Partners, Monday Morning, and Koya Partners), and one bid from Management Information Exchange (MIE), which is a nonprofit focused on supporting management at Legal Aid organizations. All proposals have been shared with Bob and the Executive Committee.

Statewide Housing Justice Report — Jackson Cooper

Direct Services

- The statewide housing team has engaged in direct services in a number of ways. Laura Harper Knight led the efforts to assist tenants seeking rental assistance. She, along with the team of University of Louisville law school interns, helped to prevent 62 evictions in Jefferson County with this work. The statewide housing justice attorneys (previously Stefanie Ebbens Kingsley and now Jackson Cooper) have filed a variety of legal claims on behalf of Kentucky tenants, including actions to recover rental deposits, retaliation claims, fair housing discrimination cases, and actions to seal eviction records to minimize harm as people seek new housing.

Outreach

- Laura Harper Knight has knocked 351 doors of Kentuckians facing eviction in Warren County since the April start of the statewide eviction diversion program. She also supported in-court navigation services at 32 Warren County eviction dockets, offering support and referrals for countless tenants.

Coalitions

- The statewide housing team has worked together with several housing-focused coalitions in Kentucky. These coalitions are banding together to address policies related to eviction, homelessness, rental assistance, source of income discrimination, and eviction expungement.

Grassroots Organizing

- A new focus of the statewide housing team has been the support of tenants' unions across the Commonwealth. Laura Harper Knight has been working together with the residents of the Kentucky Gardens mobile home park to demand fair treatment from the landowners. Jackson Cooper has initiated a recurring clinic to provide legal support to the Louisville Tenants Union, helping its members with legal issues and bringing together attorneys of like mind who want to help. We continue to find ways to expand our support of these groups across the state to help shift the balance of power.

Resource Organizer - Raaziq El-Amin

End of Year Appeal

- Raaziq was committed to getting the End of Year Appeal letter mailed out sooner than in recent years. Thanks to Heather's input and Natalie's design assistance, the appeal included an insert that listed the multiple ways donors could make their gifts. We're seeing good results with many people already showing their support!

Good Giving Challenge

- Raaziq dedicated a good amount of time to planning Good Giving outreach with Natalie. In the end, we raised \$24,679 (before matches and prizes are applied) thanks to support from close to 100 donors. Quite a few board and staff members showed up to help promote our involvement in Good Giving. Thank you to everyone who pitched in and gave!

Looking ahead!

- Raaziq has been gearing up for the new year by preparing for and drafting the 2024 Development Plan. Raaziq has met with multiple board members to cultivate deeper relationships and to discuss future involvement in fundraising activities. Raaziq has also encouraged staff input by sharing a survey and through one-on-one conversations. Next steps include digging into the 2023 donor list and adapting the plan to align with the adopted budget for 2024.