

Kentucky Equal Justice Center

Board Minutes

July 15, 2021

Board Members Present: Bob Brown, Rick Clewett, John Rosenberg (Community Members); Robert Johns, Neva-Marie Scott, Amanda Young (Program Directors); Kristin Alexander, Katina Miner, Jacob Taulbee (Staff Reps).

KEJC Staff: Miranda Brown, Ben Carter, Raaziq El-Amin, Leah Engle, Tyler Offerman, Angela Rojas, Rich Seckel.

Guests: Lauren Neal (U of L Law intern).

Welcome and Introductions

As participants gathered on Zoom, Chair Bob Brown called the meeting to order and invited Rich to conduct a roll call. Rich said that KEJC's new Health Law Fellow, Shannon Rempe, had begun working remotely from St. Louis but would move to Lexington within a few weeks.

Rich pointed out a connection between Shannon and past Health Law Fellow Cara Stewart. He said that one of Shannon's references, Prof. Sydney Watson, had co-authored an article with Cara on litigation and advocacy around Medicaid waivers.

John Rosenberg noted that board member Tiffany Pyette had recently had a back injury and so couldn't participate for the time being. He expressed the hope that she would recover soon.

Highlights of Recent Activity

KEJC Director Rich Seckel said there were lots of worthy details coming up in the [staff reports](#), so he would keep his update short. Rich singled out the following highlights:

Town Hall on Infrastructure: Rich said KEJC had hosted a timely Town Hall on the Congressional infrastructure debate on June 15, featuring House Budget Chair Rep. John Yarmuth and three union workers. Rich said the workers talked about how both the "roads and bridges" and "human infrastructure" elements of current proposals would help them.

Maxwell Street case: Rich foreshadowed the Maxwell Street Legal Clinic report, highlighting Allison Hight's work to win approval of a VAWA self-petition. VAWA self-petitions allow survivors to seek lawful permanent residence without having to rely on a family member who abused them.

Shriver Center consumer law article: Rich said that the Shriver Center, the pre-eminent national poverty law center for the legal aid movement, had just published Ben Carter's article "[Race Equity at the Core of Consumer Law](#)." Rich said Ben was scheduled appear soon as a panelist in a Shriver Center webinar on race and consumer law.

Chair Bob Brown commented on the Town Hall, saying that he had found Rep. Yarmuth’s commentary on the “deficit myth” intriguing and that he had looked up the book Rep. Yarmuth mentioned, *The Deficit Myth* by Stephanie Kelton. Bob also noted Rep. Yarmuth’s recognition of KEJC board member John Rosenberg as an inspiration for his work.

Approval of Minutes

Bob invited a motion on the minutes of the previous board meeting.

- Motion:** John Rosenberg moved to approve the minutes of the April 20, 2021, board meeting.
Second: Robert Johns
Action: Approved unanimously

Administration and Development: Financial Report Q2 2021

Rich recapped the cover sheet for the financial report through June 30, 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 received in 2020.

Profit and Loss through June 30: showed a gain of \$21,228 compared to the expected loss of -\$13,478—a positive variance of \$34,706, that included \$14,498 in Vanguard brokerage account gains.

Balance Sheet as of June 30: showed Total Current Assets of \$720,827, up from \$643,245 on March 31 and up 10.01% from \$655,048 on June 30, 2020.

Income and Expense Charts: 85.77% of spending was payroll. 66.7% of income was from grants.

Rich said his prediction for carryover at the end of the year had not changed. Relying on the budgeted figures for the year, he predicted carryover of \$526,733 into 2022.

Rich said that his tally of unrestricted reserves had declined slightly, from \$241,345 on March 31 to \$196,192 on June 30.

Turning to the Budget vs. Actual printout, Rich said that income was running at 93% of budget and spending at 89.6%, a favorable ratio. He added several comments on the details, noting that:

- income lagged mostly because Interact for Health had not yet contributed its matching share of \$45,000 toward the Health Law Fellowship
- income included a new \$30,000 sub-grant from Community Farm Alliance to help with its campaign to dedicate tobacco settlement funds to the SNAP double dollars program at farmers’ markets

Commenting on additional details in the supporting documentation, Rich said that:

- Depreciation of the value of KEJC equipment in 2020 had been added to the books and that KEJC generally replaced equipment after five years, when its value declined to zero.
- Total Current Assets on the balance sheet were holding up—and in fact increasing—despite the fact the KEJC had begun to spend down the \$250,000 two-year Public Welfare Foundation grant it had received in 2020.
- Total reserves would last 7.88 months in the unlikely event that KEJC received no new income, up slightly from the last report, while unrestricted reserves would last 2.10 months, down slightly.

Turning to recent funding raising efforts, Rich said that KEJC had applied for or planned campaigns to raise a total of \$688,700, with \$316,466 approved to date, an approval rate of 33 percent with most of the rest pending rather than turned down.

Rich said the biggest pending item was a request for \$281,178 in Victim of Crime Act funds. He said the figure reflected the full cost of VOCA activities, including the 20% that in prior years would have been required match.

Rich said he had included in the fundraising table an \$80,000 subgrant from Legal Aid of the Bluegrass for housing outreach. Jacob Taulbee said that LABG had signed or was about to sign the agreement with Lexington Fayette Urban County Government for the project. Rich said the subgrant would allow KEJC to add a Housing Outreach Worker to its outreach team.

Bob Brown asked Rich to explain the acronym CLASP in the budget versus actual page. Rich said it stood for Center for Law and Social Policy. He said that CLASP had given KEJC a grant to address public charge through community education and immigration case advice.

Administration and Development: ARPA and KHC Housing Funds

KEJC Senior Counsel Ben Carter recapped the flow of dollars to Kentucky to help forestall an eviction crisis and described ongoing discussions with Kentucky Housing Corporation (KHC) about the role of legal aid programs.

Of the funds coming through KHC, Ben said, \$6 million could be used for housing stability services over a four-year period. He said the funds could be used to support legal aid program efforts to scale up intake and attorney staffing.

Ben said that KEJC's role in the potential housing stability project would be to build systems to reach people before eviction and help them apply for rental assistance. He said KHC would likely fund additional community partners to connect people with aid.

Ben said one idea that came up in discussions with KHC was a housing hotline. Ben said that, after he crunched the numbers, he concluded that the \$6 million pool wouldn't go very far. He said that KHC already had 15 people staffing its hotline and was adding 5 more to meet the need.

Ben said he envisioned KEJC housing stability staff building document-creation apps and otherwise expanding the legal aid toolkit.

John Rosenberg asked whether any funding was available to create low-income housing. Ben said that while the housing stability funds didn't provide for that, other money flowing to localities for pandemic-related relief—including \$380 million coming to Louisville—could be used for multiple purposes including housing development. Ben said Louisville advocates were pressing for a significant portion of the \$380 allocation to be used for housing.

Amanda Young of Kentucky Legal Aid affirmed that statewide assistance through KEJC would be helpful in a statewide housing stability effort, especially with 15-20 new attorneys coming on board. Amanda brought up the idea of a “boot camp” for the cohort of new practitioners. Amanda said it was important to include funds for grant management and subgrant monitoring in the project budget.

Several participants talked about the state of rental assistance and court procedures in their program areas. Ben described the current state of affairs as the “wild west” and expressed the need to put pressure on the courts and the Administrative Office of the Courts to create uniform procedures that would make eviction rare.

Governance and Strategic Planning: Report of the Nominating Committee

Chair Bob Brown reported for the Nominating Committee, which had met July 13. Members present at the committee meeting had included Bob, Neva-Marie Polley Scott, and Kristin Alexander. Bob said that the committee tackled three items:

- Nominations of Community Members willing to continue
- Nomination of a new Community Member to fill an unexpired vacant term
- Nominations of officers

Since Bob was a nominee in two categories, he said he would hand over the discussion to Neva and would turn off his sound until invited back into the meeting. Neva summarized the committee's discussion and offered related motions, as follows.

Motion: Neva-Marie Polley Scott moved to nominate:

- current members Bob Brown, Rick Clewett, and Christopher Frost to new two-year terms on the board
- Dan Wu to fill the Community member slot left vacant with the resignation of Lilia Asnaya, with T. Bruce Simpson as alternate should Dan be unable or unwilling to serve

Second: John Rosenberg

Action: Approved unanimously

Motion: Neva-Marie Polley Scott moved to nominate Bob Brown as Chair, Lisa Gabbard as Treasurer and Raaziq El-Amin as Assistant Treasurer, each for a one-year term.

Second: Robert Johns

Action: Approved unanimously

Bob said that Hailey O’Hair appeared to have moved on, creating a client member vacancy. He said that the Nominating Committee had recommended that Rich send a call for Client Member nominations to board and staff in time for potential action at the September meeting. Rich said he would do so.

Bob also invited additional board members to volunteer for the Nominating Committee.

Meeting Dates for 2021

Rich drew members’ attention to the remaining board dates for the year, set out in the board package as follows:

September 24	Friday	Board Meeting
December 16	Thursday	Annual Meeting

Governance and Strategic Planning: Strategic Plan Update

Bob said he had found the July 8 Strategic Planning Retreat valuable and observed that the energy in the room grew as discussions went on. He invited Rich to report on next steps. Rich said that facilitators Marian and Gene Guinn were compiling input from the retreat and updating the documents that had been circulated before the meeting.

Rich said that three items appeared to have emerged as top priorities for planning and action: back-office building and succession planning; racial justice as a more intentional element of KEJC’s operation and advocacy; and the potential housing project launch discussed earlier.

John Rosenberg recapped the hope he had raised at the retreat that legal services programs would increase their contributions to KEJC, which had stayed at the same level for many years. Chair Bob Brown said he would be in touch with program directors about the idea. John emphasized the need for good technology, space, and back-office support for staff to do good work.

Rick Clewett commented that “I can see this coming together now” and “I think we can bring this home.”

Big Picture: Legal Services Funding

John Rosenberg said visits with Congress members on ABA Days had gone well. Robert Johns noted that President Biden had put \$600 million in his budget for the Legal Services Corporation, up from the current funding of \$425 million.

Tyler Offerman asked whether any of the funding bills in Congress would ease the restrictions on advocacy by LSC-funded programs. Amanda Young said that the House committee had considered lifting LSC restrictions from non-LSC funding that flowed through the programs but ultimately didn't include the provision.

John Rosenberg noted that Gene Vance, Treasurer of Legal Aid of the Bluegrass, was running unopposed to serve next year as Chair of the ABA House of Delegates. John said that Mr. Vance also had joined the Legal Services Corporation Leadership Council, an advisory and advocacy body that included private bar and business representatives.

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](https://www.kyequaljustice.org/board-meetings) on the KEJC Board web page under the July 15 heading at: <https://www.kyequaljustice.org/board-meetings>.

Adjournment

Motion: John Rosenberg moved to adjourn the meeting.
Second: Katina Miner
Action: Approved unanimously

Reported by:

Richard J. Seckel, Director
September 22, 2021