

Moving for Justice



The Campaign for Legal Aid of the Bluegrass



If we are to keep democracy, there must be a commandment:
Thou shalt not ration justice. – *Judge Learned Hand*



Dear Friend,

On the pages ahead, you will read about the achievements and high quality legal services of Legal Aid of the Bluegrass. You will better understand the impact of our work to resolve the most important civil legal problems of 9,726 poor and vulnerable people we served in 2013. We believe you will agree that by providing access to justice, we are alleviating human suffering.



We will share our plans for the future that include a new office in Lexington that will be better suited for our clients, volunteers, attorneys and support staff. It will allow us to increase accessibility, expand volunteer opportunities and increase client service.



We hope as you read that you will give heartfelt consideration to the personal impact you can have upon the poor and vulnerable in our community with your support of Moving for Justice. You hold the key to a better future where justice is served. We invite you to open the door.

Sincerely,

Joshua Crabtree
Executive Director

James R. Kruer
President, Board of Directors

Palmer Gene Vance
*Co-Chair
Moving for Justice*



Mindy Barfield
*Co-Chair
Moving for Justice*

High Quality Legal Services for the Poor and Vulnerable



Legal Aid of the Bluegrass was formed in 2002 when Central Kentucky Legal Services merged with Northeast Kentucky Legal Services and the Northern Kentucky Legal Aid Society. We provide civil legal assistance designed to alleviate the most brutal problems low income people endure. These services are typically in the areas of government benefits, consumer, housing and family law. The service that our attorneys provide is a tool that helps people in emergency situations meet their need for food, shelter, medical care, and freedom from financial or physical abuse. The public service that LABG has provided and continues to provide in the face of crises is extraordinary.

We are a model for a successful, well-run legal services program. Staffed with intelligent, driven and dedicated professionals, we elicit private bar assistance where necessary, and prepare for and respond to immediate and future concerns. We tirelessly seek alternative funding sources and responsibly use them. We continue to provide outstanding legal representation and services, while operating in the black.

Mission

To resolve the most important problems of low income and other vulnerable people by providing high quality legal assistance through direct representation, education, advice, advocacy and coordination with other community resources.

Vision

A community where all are treated with dignity, respect and fairness and do not lack the basic necessities of life.

Legal Aid of the Bluegrass provides legal services to low income and elderly clients who might not otherwise have access to the courts. This is a valuable service to society. Certainly, an efficient and safe working environment is essential to the organization's effort.

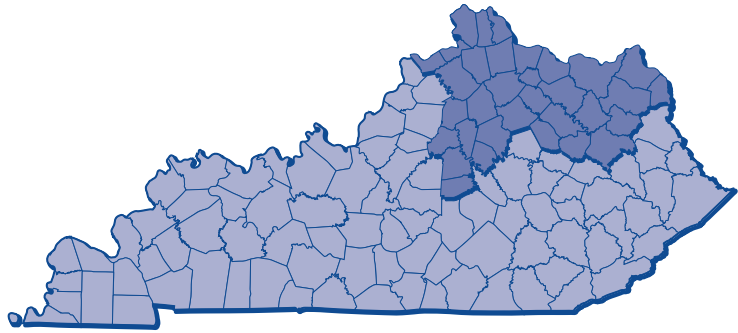
— *The Honorable
Mary C. Noble,
Justice Supreme Court of Kentucky, Fifth District*

We have a keen sense of justice and concern for equal treatment under the law. We cannot achieve this goal if the poorest and most vulnerable among us cannot access the courts. The skilled attorneys at Legal Aid of the Bluegrass provide representation in court, as well as education and advice to victims of domestic violence, the elderly, the working poor, and many others. These fine lawyers need a decent, appropriate space to work where their clients can access justice.

— *The Honorable
Michelle M. Keller,
Justice, Supreme Court
of Kentucky
Sixth District*

Numbers that Matter

- ▶ **3.9 million** Annual budget for 2013
- ▶ **4,939** cases closed serving **6,805** adults and **2,921** children in 2013
- ▶ **40%** of the above number were served from our Lexington office.
- ▶ **4** offices in Lexington, Covington, Ashland and Morehead
- ▶ **10** counties with 6 lawyers 4 paralegals and numerous volunteers from our Lexington office.
- ▶ **213,120** people living at or below 100% poverty in our service area (2010 U.S. Census)
- ▶ **2/3** of our clients are at 125% of the federal poverty guidelines. Some clients have circumstances that place them up to 200% of poverty.
- ▶ **54%** of the families who seek our services and meet our geographic, income and priority guidelines cannot be served because of LABG's resource limitations



Priorities

We recently conducted a comprehensive community legal needs assessment to assure that we continue to serve those with the most brutal, unmet needs so we can fulfill our mission. The findings establish that securing and maintaining basic human needs, such as access to subsistence income, food, shelter, physical security, health care, and family integrity should be our priorities. We found that increasing numbers veterans of the United States Armed forces have need of for civil legal assistance.

▶ Strengthening Families and Children

Sometime in their lives, one in four women will experience domestic violence. In 40% of the homes where domestic violence occurs, children under age 12 live and child abuse occurs more frequently. The legal help that we provide paves the way for physical safety and self-sufficiency. Every day, experienced Legal Aid of the Bluegrass attorneys, paralegals, and support staff provide vital legal help to families ripped apart by domestic violence or abuse.

▶ Faye lived with her 2 children and their father Mike, who is violent when he drinks. To protect herself, Faye often slept with the bedroom door locked. One night, Mike broke the bedroom door down and began choking her. The children came out of their bedroom, and witnessed the event. Faye ran to a nearby gas station to call the police because Mike had previously broken her cell phone. He was arrested and charged with assault. Faye went to the hospital and was treated for severe bruising around her neck. She filed for an EPO. LABG represented Faye at the DVO hearing wherein Faye received a Domestic Violence Order which kept Mike away, granted Faye custody and ordered Mike to pay child support.

▶ When we litigate custody cases to protect the family, we average 27 hours per case. In 2013, the most intensive case took 150 hours.

The partnership between GreenHouse17, formerly known as Bluegrass Domestic Violence Program, and Legal Aid of the Bluegrass is critical for victims of intimate partner violence and their children. While we are equipped to address survivors' emotional and physical safety needs, Legal Aid is able to walk our families through complicated legal proceedings. Legal Aid's dedicated professionals provide quality service. Having an attractive, professional atmosphere will inspire the confidence of Legal Aid's clients.

- Darlene Thomas, Executive Director, GreenHouse17

▶ Preventing Homelessness

Mortgage foreclosure rates are at an all time high, and the court dockets are stuffed full of foreclosure suits. Our staff is adept at responding to families who are homeless or at the brink because of a housing crisis. Our work includes helping families transition to other housing or stay in their homes through eviction defense and defending those victimized by predatory mortgage lending tactics. Predatory mortgage lending is a combination of harsh loan terms and pressure tactics that puts vulnerable borrowers at risk of overpaying and losing their homes.



▶ Bill and Marcia, a middle aged couple, were about to lose their home in foreclosure because Marcia lost her job, and they fell behind on their payments. We discovered that they had been victimized by predatory lending in that their interest rate was 14%. We negotiated a refinancing arrangement which extended the term of the loan so that the arrearage would be paid off at the end of the loan. The new interest rate was lowered to 7%, reducing the payment by \$108/month. The pre-payment penalty was removed from the loan. Now, when Marcia finds a job, they will be able to refinance to an even lower rate. In the meantime they can afford to meet their mortgage.

▶ Linda, age 56, had custody of her four grandchildren. She received an eviction notice in December because her grandson, an honor student, "could not get along with a neighbor's child." She maintained it was a "boys will be boys" situation. We interviewed the neighbors and determined that the grandson had not violated the lease. We requested a jury trial on her behalf. On the eve of the trial, the landlord dismissed the eviction. When Linda heard of the dismissal, she said, "It's a godsend. We would have been spending Christmas in a shelter."

▶ Fostering Independence

Families and the elderly living in poverty live with the risk of losing something — be it their homes, jobs, health, or independence. A report by the Urban Institute found that if families with children had full access to government programs designed to lift them out of poverty, then poverty would decline by more than 20 percent. Accessing public benefits programs is particularly important for the elderly poor since without that help, many must choose between eating and buying their medicine. We foster poor people's independence by helping them access the public benefits for which they are eligible and educating them about protecting the family income.

▶ A 68 year old woman with income of \$900 per month was cut off Medicaid. Now she had to pay a \$104.50 per month premium and all of her Medicare deductibles and co-payments. She had just been in the hospital and could barely make ends meet even when Medicaid paid these costs. Tragically, the Medicaid Office lost her recertification package. When we contacted the Medicaid office to request an administrative hearing, it reopened her case. After much haggling, the Medicaid office approved her benefits retroactively so there was no break in coverage, and she was able to get her medical bills paid. She received a refund for all wrongfully withheld premiums.



▶ A veteran and his wife became unemployed when they each faced a medical crisis resulting in their disability. They could not pay their utility bill while they were waiting to have their disability approved. Their gas and electric services were about to be cut off. They had custody of their two grandchildren who would be removed from their home if they lost utility service. We represented the couple in a Chapter 13 bankruptcy. The court approved a partial payback plan to their creditors. The bankruptcy stopped the utility cut-off, and lowered their car payment by \$125 per month. They needed a car to make their medical appointments. Once their disability payments began arriving, the family was able to live within its means.

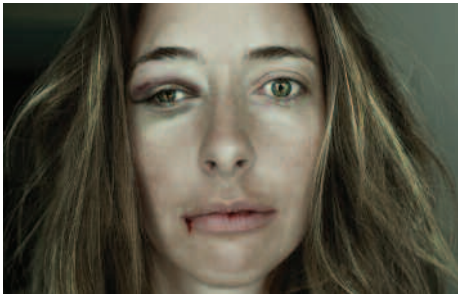
► **Helping the Most Vulnerable**

In our communities, some vulnerable people suffer great degradation yet have no voice and few avenues of relief. Two of those groups are frail, elderly nursing home residents and undocumented immigrant victims of violence. We reach out to these community members who often find themselves in the most brutal situations.

► Shirley was frantic when she contacted us. Her 81 year old father was going to be evicted because he spent all of his money on his nursing home care; but now out of funds, he was not approved for Medicaid. Her dad had too many physical and medical needs for her to take him into her home. We filed for an administrative hearing and had the eviction stopped during the appeal. We were able to straighten out the Medicaid problem and prevail at the administrative hearing. Now her dad can live the rest of his life in comfort with proper medical care. Shirley can provide his companionship needs rather than attempt to provide care for which she is not qualified.



► A woman who could not speak English arrived in the United States to be a mail order bride of a medical doctor. He never married her. Rather, he had her travel with him as he provided service in various rural hospitals. He kept her chained in motels as a sex slave. We got the woman a court order of protection, a T-Visa, and work papers so she could provide for herself.



Whenever a resident is being evicted from a nursing home, we call Legal Aid of the Bluegrass. They are always responsive and usually successful in keeping the residents in their homes. They keep our staff abreast about changes in the law and assist our clients who have problems with Medicare or Medicaid.

- Sherry Culp, Executive Director, Nursing Home Ombudsman of the Bluegrass

► **Removing Barriers to Employment**

Low income working families struggle with a growing gap between what they earn and the cost of meeting their families' basic needs. We screen our clients to determine whether they have barriers to employment that can be removed through the legal system. We help our clients expunge minor criminal records, help domestic violence victims with employment issues, and help families keep stable housing and access the public benefits to which they are entitled.



► Jane, a 30 year old client worked menial jobs all of her adult life. Her criminal record was keeping her from getting a good job. We determined that she only had one misdemeanor on her record. We had the court expunge that old, minor misdemeanor. Nonetheless, when she applied for jobs, other criminal records including a felony sex crime against a minor, kept showing up. We determined that these records were her twin brother's. He had the same date of birth, and there was only one letter difference in their first names. We provided verifying documents to Kentucky's Administrative Office of the Courts. After several discussions, AOC separated the records. That still did not take care of the problem because the county clerk only searched criminal record requests by date of birth and name. We convinced the Clerk's office to "red flag" this file so that searches would be done by Social Security numbers. That finally solved the problem, and Jane found a better job.

The partnership between Legal Aid of the Bluegrass and the Fayette County Pro Bono Program is critical to meeting the legal needs of low income clients here in Lexington. Without the work performed by LABG, our Pro Bono Program likely would have ended due to lack of funding. Unfortunately, the current office for LABG is in abysmal condition and is unsuitable for clients. This new facility will enable clients to be served in a traditional law office environment in a convenient location. This is critical to our mission of providing needed legal services to those who are least able to afford an attorney.

— *Gene Vance, Board Chair Fayette County Pro Bono Program; Board Treasurer, Legal Aid of the Bluegrass; Immediate Past President, Fayette County Bar Association*

Volunteer Lawyers

LABG operates pro bono programs from each of its offices which offer private lawyers the opportunity to provide legal services to the poor. In 1978, we were the first Legal Services Corporation-funded legal aid program in the country to partner with a local bar association (Boone, Kenton, and Campbell) to provide pro bono legal services.

Last year LABG from all of its offices referred 278 pro bono cases. Some 122 lawyers donated their time.

For the past generation, the Fayette County Pro Bono Program and Legal Aid of the Bluegrass (formerly Central Kentucky Legal Services) partnered to provide pro bono services to the indigent population of Fayette County. Each year LABG funded two positions and the program received some \$30,000 from IOLTA (Interest on Lawyers' Trust Accounts). However, IOLTA funding declined by 75% during the recent recession.

In June 2012, with the demise of IOLTA funding for bar sponsored pro bono programs, Legal Aid of the Bluegrass brought day to day operations of the program in house. Currently, the F.C.B.A. Pro Bono Program still refers cases to volunteer attorneys, operates a pro se divorce clinic every other month, administers the Domestic Violence Advocacy Program (DVAP) and is working with the Veteran's Court in an effort to address the civil legal needs of that program's participants.

Recently, a pro bono lawyer who was himself a combat veteran accepted a case for a low income veteran:

► Ms. B. is a veteran who served in Afghanistan. During her marriage, she always worked, but her husband controlled their checking account. Although the husband controlled the finances, he often would not pay the family's living expenses. They wound up living in a hotel. The husband would not let the client use the car to go to and from work. Often, he refused to pick her up from work so she had to rely on rides from coworkers. The husband would then accuse her of having "affairs" with the people who gave her rides.



Ms. B. began to make plans to separate from her husband. He took her cell phone and found text messages she had sent to her family telling them of her plans. He left the family at the hotel in the middle of the night, taking the car and withdrawing all funds from the checking account. The next day, he called the school and children's protective services alleging the client was neglecting children. With the money from the checking account, he hired an attorney who filed a dissolution of marriage action and a motion for emergency temporary custody.

Mrs. B's volunteer attorney represented her in the temporary custody hearing and obtained an order giving her temporary custody of their child and temporary child support. His representation of this low income veteran is ongoing, but he has guaranteed that he will stand by her for as long as the litigation continues.

Moving for Justice from 498 Georgetown St.



to 300 East Main St., Lexington, KY



Costs for New Lexington Office

The following is a breakdown of projected costs for completion of the project:

Condominium purchase	\$490,000
Painting and Wiring	\$ 20,000
Office Reconfiguration	\$ 15,000
Moving expenses	\$ 10,000
Furniture	\$ 15,000
Building Maintenance Fund	\$ 50,000
Total	\$600,000

What has impressed me about LABG is how dynamic the organization is in terms of its mission and staff. For example, in 2010, LABG designed a program and convinced large local law firms to provide lawyers to help LABG lawyers in covering Domestic Violence Order hearings This program has ensured that true victims of domestic violence get enforceable court orders of protection.

– *Mindy Barfield, Member Board of Directors of Legal Aid of the Bluegrass and the Fayette County Pro Bono Program, Board Chair Fayette County Bar Foundation, Past President of the Fayette County Bar Association*

Moving in the Right Direction

Our commitment to providing access to justice inspires our daily work, as well as our vision for the future. We stop foreclosures, evictions, domestic violence and assure that low income and elderly people receive the public benefits (especially Medicare and Medicaid) to which they are entitled. We have a special advice line for veterans of the US armed forces. We strive to deliver the goal recited in the Pledge of Allegiance, “Justice for All.” We create positive change in the lives of our clients and in the communities we serve. Now, it is time for another change that will further improve access to justice.

We are relocating to a safer, more accessible and visible location in downtown Lexington as a result of the evolution and growth of our legal services. We are doing more than ever for the most economically challenged in our community, but there is much more we can accomplish in a new facility.

In the past 30 years we have outgrown our current location. We are challenged by its outdated technological capabilities. The configuration of the old, dilapidated school that serves as our office places lawyers on a floor not accessible to our disabled clients. Our staffs are spread out in various parts of the building, which makes our operation less efficient than it could be. Unfortunately, the safety of our clients and staff has been compromised on too many occasions.

A crime analysis of the ¼ mile surrounding radius of our office shows that recently there have been more than a dozen assaults including four shootings; one which took place in our parking lot after hours, while one of our staff attorneys was still at work.

Our clients and staff deserve a more dignified facility. The first floor condominium at 300 East Main St. in Lexington will

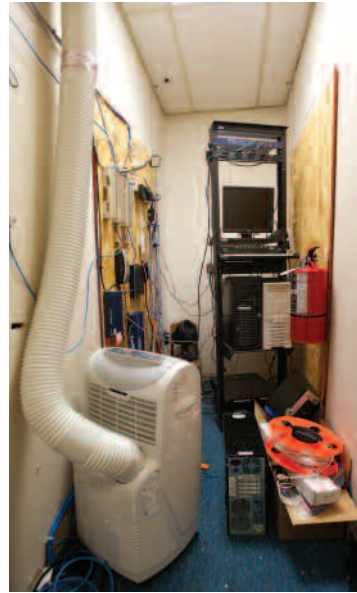
- Enhance accessibility for our clients with mobility issues
- Improve opportunities to grow as a more vital asset to the Lexington legal community
- Provide a more centralized location for clients and volunteers
- Increase opportunities for UK students of law and social work to be involved
- Increase the safety and the efficiency of our office



We have an incredibly close relationship with Legal Aid of the Bluegrass. They keep families in their homes by addressing their current and future housing needs. Their new office will enable Legal Aid to serve their clients in an accessible, professional atmosphere.

– *Art Crosby, Executive Director, Lexington Fair Housing Council*

BEFORE



AFTER



When we work with and support Legal Aid of the Bluegrass to deliver civil justice to the least fortunate in our community, we are improving our system of justice for family, friends and neighbors. Justice must be for everyone or no one really has justice.

*– Wm T. (Bill) Robinson III,
Past President of the
American and Kentucky
Bar Associations*

The volume of work Legal Aid of the Bluegrass’s Public Benefits Counselors perform is astonishing. They perform a tremendous service assisting our elderly navigate the Medicare maze. We are pleased that the new facility in a safe neighborhood, on a bus line and all on the first floor, will be much more accessible to the elderly. It won’t have asbestos, mold or bats.

*– Celeste Collins,
Bluegrass Area Development
Aging Director*



Legal Aid of the Bluegrass

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