This workshop was held at the 2019 Equal Justice Conference in Louisville, Kentucky.

Title:
Strategies and Tips for Maintaining/Restoring Legal Services and ATJ Funding in the Government Arena (ATJ/EJC Overlap Session)

Presenters:
Hon. Michelle Keller, Kentucky Supreme Court, Frankfort, KY
    Jason Nemes, Kentucky General Assembly, Louisville, KY

The Legal Aid and ATJ funding was completely eliminated in Kentucky in 2018 by the Executive Branch. Key allies in the Legislative and Judicial Branches went to work to restore funding. They hope their story will be illustrative for other states facing similar hostile funding environments
QUICK FACTS on Kentucky’s Civil Legal Aid Programs

Provide Direct Representation in ALL 120 Counties

Closed over 20,000 Cases Statewide

Delivered More than 100,000 Hours of Legal Services to Clients

Served Over 55,000 Kentuckians, including 2,500 Veterans and People Currently Serving in the Military

Who We Represent and How We Help
  o Veterans in Obtaining Health Care and Benefits
  o Victims in Assisting Those Subjected to Violence in Obtaining Protection
  o Elderly Citizens’ Income Protected from Scams
  o Families Facing Foreclosures/Evictions
  o Children in Abuse and Neglect Cases

Civil Legal Aid Cannot
  o Represent Anyone in the Country Illegally
  o Handle Class Actions
  o Handle Criminal Cases
  o Handle Abortion Cases

Access to Justice/Civil Legal Aid Funding
  o Civil Legal Aid Has Received a Budget Appropriation Since 1998
  o The Loss of this State Appropriation Funding Will Mean a Loss of Up to 14 Civil Legal Aid Attorneys Statewide
FOR IMMEDIATE RELEASE

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January 18, 2018

KENTUCKY LEGAL AID DIRECTORS JOINT LETTER REGARDING ELIMINATION OF ACCESS TO JUSTICE FUNDS

We are deeply disappointed the Governor is proposing to eliminate the Access to Justice civil legal aid funding in his 2018 budget. We understand the state’s funding shortfall, but like public safety, legal aid funding provides a vital service and is a safety net for more than 50,000 veterans, hard-working families, and low-income individuals. Civil legal aid serves Kentuckians in all 120 counties who otherwise cannot afford essential legal services and allows them to remain productive, working citizens of our Commonwealth. We have been talking with key legislative leaders and hope the General Assembly will see the importance in providing funding for these valuable services.

“Kentucky’s four civil legal aid programs work together to give Kentuckians equal footing in our court system” said Neva-Marie Polley Scott, Executive Director for Legal Aid Society in Louisville. She continued, “Without adequate funding of civil legal aid, thousands of Kentuckians will not have the services they need to remain physically and economically stable in our communities.”

The Kentucky Courts have long recognized that civil legal aid works to ensure that citizens of the Commonwealth receive fair treatment in the judicial system. “With fiscal difficulties, it is tempting to postpone action or support for programs that, while often less visible, are nonetheless critically important”, said Kentucky Supreme Court Chief Justice John D. Minton.

“If Access to Justice civil legal aid funding is eliminated, thousands of Kentuckians who are struggling to get by will be denied access to the justice and fairness made possible by free, basic legal services” said Amanda Young, Executive Director for Kentucky Legal Aid. Executive Director of AppalRed Legal Aid, Robert Johns added, “State funding for civil legal aid helps fulfill our nation’s promise of justice for all. The loss of this critical funding would result in fewer senior citizens, veterans, disabled persons, and domestic violence victims receiving the legal help they so desperately need.”

Glenda Harrison with the Kentucky Access to Justice Commission shared, “For more than 2 decades, Kentucky state government’s contribution to funding the civil legal aid programs has shown commitment to ensuring that its poorest and most vulnerable citizens have equal access to justice. The legal aid programs and the pro bono attorneys who volunteer their services provide high quality legal representation to people at times when their lives are in crises; they have been battered; they cannot obtain health care or benefits after serving their country; they are frail and have lost their Social Security through a scam; they are about to lose their homes. The list goes on. Preserving the state dollars which fund the civil legal aid programs protects not only these individuals but also brings stability and value to the communities in which they live and shows Kentucky’s commitment to the ideal to which we pledge: justice for all.”

“We know that by helping clients with their civil legal issue we help the communities in which they live to thrive. Eliminating $1.365 million in funding that has returned over $10 million to the Commonwealth is short-sighted”, said Joshua Crabtree, Executive Director of Legal Aid of the Bluegrass (LABG) citing a Return on Investment study recently completed for LABG.
Supreme Court Justice and Chairperson of the Access to Justice Commission, Justice Michelle Keller, reiterated the importance of funding civil legal aid: “Even in times of economic hardship, Kentucky has a proud history of financially supporting civil legal aid. The state has long recognized that ensuring access to the Courts for Kentuckians is an important cornerstone of democracy in our Commonwealth. The proposed elimination of state funding for civil legal aid would be catastrophic to our most vulnerable citizens”.

Every day, Kentucky’s four civil legal aid programs help veterans secure the benefits they have earned, assist domestic violence victims in obtaining protection orders against abusers, protect seniors from consumer scams, and help disaster survivors get back on their feet.

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1. Community Services Analysis LLC, 2016; Economic Impact and Social Return on Investment Analysis
RESTORE FUNDING
FOR KENTUCKY’S CIVIL LEGAL AID PROGRAMS
(Access to Justice)

- Kentucky’s 4 civil legal aid programs represent clients of all races, ethnic groups, genders and ages in all 120 counties. They include the working poor, veterans, the elderly, people with disabilities, nursing home residents and victims of interpersonal violence.

- Kentucky’s 4 civil Legal Aid Programs serve every county in the state and last year closed more than 20,000 cases, providing legal assistance to at least 55,000 low-income Kentuckians who are in crisis.

- More than 800,000 Kentuckians are eligible for services and have no place else to go if not for civil legal aid. Kentucky’s 4 civil legal aid programs are the only Kentucky programs helping low-income and vulnerable people with a wide array of civil legal problems. The programs provide representation to veterans to obtain health care and benefits; they represent victims who have been subjected to violence in obtaining protection; they stop scam artists from taking elderly people’s Social Security benefits; they keep families stable in their homes by stopping foreclosures and evictions; they represent children in abuse and neglect cases to make sure the children’s interests are protected; they remove barriers to people seeking work by expunging past, minor criminal records; they stop fragile residents from being wrongly discharged from long term care facilities. The list goes on.

- Denial of justice has a cost to every community: increased costs to law enforcement and shelters when the factors involved in domestic violence are not resolved; increased costs to local governments due to decreased property values and loss of tax revenue in areas blighted by foreclosures; increased costs to local emergency rooms when uninsured people are not enrolled in public benefits, like Medicaid, to which they may be entitled. For every dollar spent on civil legal aid for the poor annually, the community gains $7.421 in immediate and long-term financial benefits.

- Kentucky’s Civil Legal Aid Programs cannot represent anyone in the country illegally2, handle class actions, handle criminal cases or any abortion cases. Civil legal aid is not the public defender.

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2 *Except if the person is battered or the victim of extreme violence, cruelty, sexual assault or human trafficking (45 CFR 1626)
Access to Justice Chairs Meeting
Friday, May 10: 3:45 – 5:15
Strategies and Tips for Maintaining/Restoring Legal Services & ATJ Funding
In the Government Arena

Session Overview: The Legal Aid and ATJ funding was completely eliminated in Kentucky in 2018 by the Executive Branch. Key allies in the Legislative and Judicial Branches went to work to restore funding. They hope their story will be illustrative for other states facing similar hostile funding environments.

Presenters:
Justice Michelle M. Keller, Kentucky Supreme Court
Rep. Jason Nemes, 33rd District
James Higdon, MML&K Government Solutions
Glenda Harrison, KY Access to Justice Commission

I. Judicial Perspective

*Justice Michelle M. Keller, Kentucky Supreme Court*

A. History of KY Access to Justice Commission
   1. Originally established by Court order in 2010
   2. Justice Keller agreed to become Chair
   3. To be successful, needed full-time staff
   4. Important for it to be independent of the Courts
   5. Created as a stand-alone 501(c)(3)
      a. Allowed us to get grant funding: small grants have a huge impact on a small Commission
      b. Not beholden to any organization
      c. Removed the Commission from the political fray
      d. Allows Commission to avoid competing with other programs/projects within a host organization (i.e., Supreme Court)
      e. Potential downside is that it can cause competition for funding with legal aid programs – requires communication between both

B. 2018 Budget Cycle: Legal Aid Funding Zeroed Out

C. Devising an Action Plan
   1. Contact/Meet Legislative Leadership
   2. Meet with Executive Branch Representatives
   3. Prepare Information Sheets for Legislators
   4. Testifying before the A and R Committee

II. Legislative Perspective

*Representative Jason Nemes*

A. Why Legal Aid Funding is Important
   1. Personally
   2. Good of the Commonwealth
B. How to Make the Case that Funding Is Important
   1. Legislators
   2. Public/Constituency
   3. What to Do with People Adamantly Opposed to Funding

C. How Legal Aid Can Best Make Its Case for Funding
   1. Legislators
      a. District-Specific
      b. Educating Legislators about Client Groups that are Served
   2. Public/Constituency
      a. Make calls/emails to local representatives (must be in their district)
      b. Op-Eds and Letters to the Editor

III. Collaborative Partnership Perspective
     James Higdon, MMLK
     A. Nature of Relationship with Legal Aid and How that Came to Be
     B. Why Is This Beneficial?
     C. Legislative Strategies

IV. Access to Justice Perspective
    Glenda Harrison, KY Access to Justice Commission
    A. Lessons Learned
In 2017, Kentucky’s four civil legal aid programs

- served more than 55,000 families and children
- delivered more than 100,000 hours of legal services to clients
- provided direct representation in all 120 Kentucky counties.

Legal Aid Society

closed **3,458 cases**

for your constituents in Jefferson and Oldham Counties.

Those cases:

- helped **Veterans** obtain health care & benefits
- preserved **Elderly** citizens' income from scams
- protected **Families & Children** from violence
- assisted **Medicare recipients** obtain affordable health care
- prevented **Homelessness** by stopping foreclosures & evictions

**Restore the Access to Justice Civil Legal Aid Line Item in the Budget**

Legal Aid Society: A good investment for people, a good investment for communities.
Contact Neva-Marie Polley Scott at nscott@laslou.org