

# Legal Aid of Arkansas

Board of Directors Meeting  
Saturday, December 8, 2018  
9:00 A.M.



Craighead County Bar Library  
321 South Church Street  
Jonesboro, Arkansas 72401

# Legal Aid of Arkansas Board Packet-Table of Contents

Page 1	Cover Sheet
Page 2	Table of Contents
Page 3	Meeting Announcement Letter
Page 4	Conference Call Instructions
Page 5	Meeting Location Directions
Page 6	Agenda
Page 7-23	September 2018 Board Minutes
Page 24-26	Financial Report including Balance Sheet, October YTD
Page 27-28	Audit/Finance Committee Meeting Minutes
Page 29-30	Projected 2019 Budget
Page 31-40	Audit Engagement Letter and Agreement
Page 41	Current Salary Scale
Page 42	Financial Account Updates
Page 43	Office Safety Committee Update Report
Page 44	Proposed Additional Holidays 2019
Page 45-46	Certification of Program Integrity
Page 47-54	Board of Directors Information
Page 55	Proposed 2019 Board Meeting Locations and Dates
Page 56-84	Proposed 2019 Case Acceptance Priorities
Page 85-92	PAI Plan 2019
Page 93-101	Directors Report
Page 102-107	LSC Program Letter 18-3
Page 108-110	Case Statistical Report through 11-11-2018
Page 111-130	Justice Partners Annual Report for 2017
Page 131-132	Billboards
Page 133-134	Agreement with Center for Arkansas Legal Services
Page 135-141	Health Law Partnership Agreement
Page 142-143	Organizational Chart and Office Directory

Full Packet and updates are published at <http://arlegalaid.org/board-packet.html>

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310 Mid Continent Plaza  
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November 26, 2018

RE: Board of Directors Meeting

Dear Board Member:

The Legal Aid of Arkansas Board of Directors will meet at **9:00 a.m.** Saturday, December 8<sup>th</sup> at the Craighead County Law Library located at 321 S. Church Street, Jonesboro, AR 72401. Board members may also participate by conference call using the attached instructions. Lodging on Friday night is provided for those that must travel an hour or more. Please contact me if you wish me to take care of lodging arrangements on your behalf.

In an effort to reduce the cost of postage and the amount of paper used to distribute materials for discussion at the Board meeting, the documents have been posted online and are being mailed only to Board members who might not have internet access or have requested they be mailed. To access the online documents, go to <http://arlegalaid.org/board-packet.html> .

If you have any questions or prefer to have a packet mailed to you, please contact me by phone at 1-800-967-9224, x4311, or by e-mail at [eking@arlegalaid.org](mailto:eking@arlegalaid.org).

Sincerely,

Elizabeth King  
Administrative Assistant/HR Manager

/eak  
Encl.

## **PARTICIPATING BY CONFERENCE CALL/GO TO WEBINAR**

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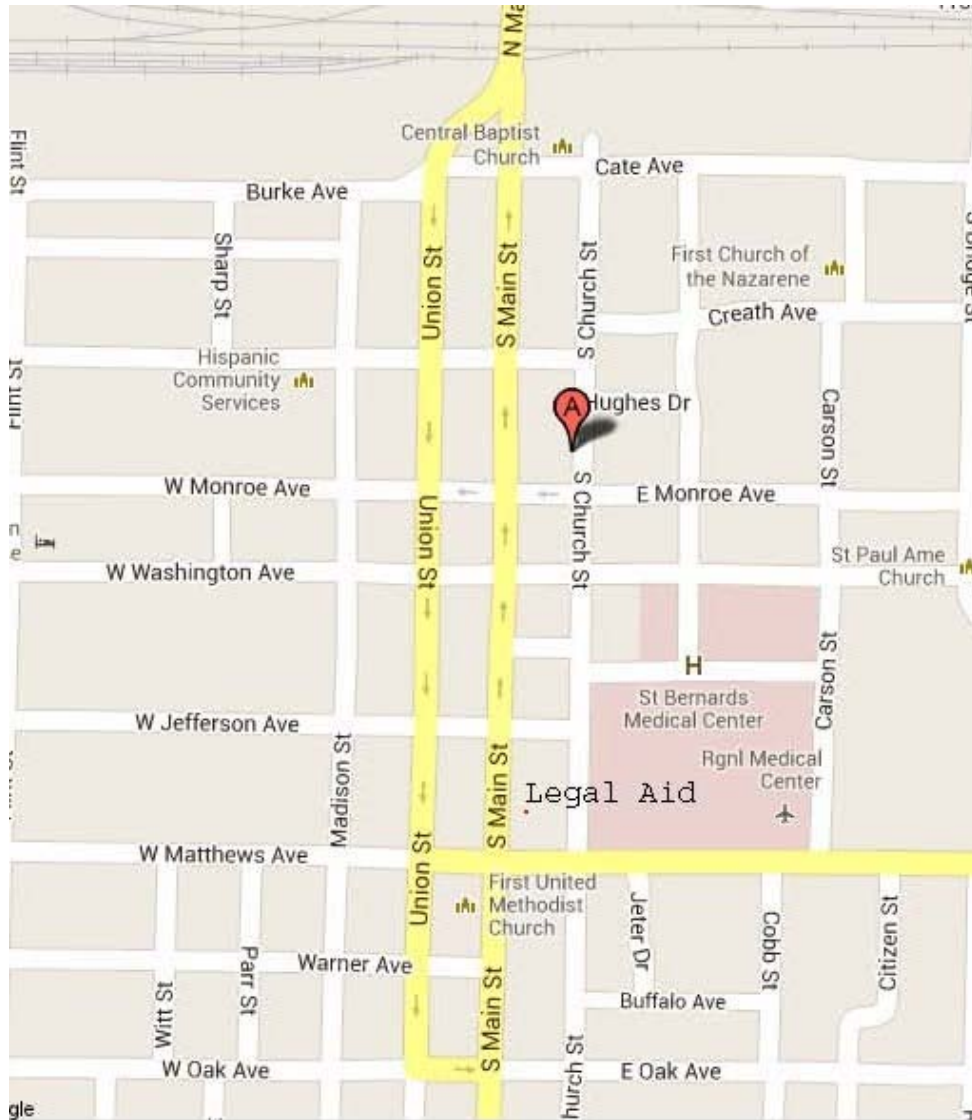
*Following are some guidelines to make a conference call run smoothly:*

- **Call in/log in a little early.** Call in a few minutes prior to the scheduled conference call time to eliminate a last minute rush.
- **Identify yourself.** Make sure to state your name clearly before speaking or voting since the meeting minutes must identify speakers.
- **Speak loudly and clearly.** You will need to speak more loudly than you would in a regular person-to-person conversation.
- **Request the Board Chair's acknowledgement.** To ensure that you are heard when you have something to say, ask the Board Chair for the floor. After you are acknowledged, you can be sure that you are being heard.
- **If you can't hear someone, speak up and let the Board Chair know.**

The board packet has been posted online. To access the online documents, go to <http://arlegalaid.org/board-packet.html> .

DIRECTIONS

The board meeting will be held in the Craighead County Law Library, 321 S. Church Street, Jonesboro. Marked as “A” on the map.



**Legal Aid of Arkansas  
Board of Directors Meeting  
Craighead County Law Library  
321 South Church Street  
Jonesboro, AR 72701  
December 8, 2018- 9:00 a.m.**

**AGENDA**

1. Call to Order (Ms. Chumbler)
2. Minutes of September 8, 2018 Meeting (Ms. Chumbler)
3. Financial Report (Mr. Bowman)
  - a. Year to Date November 30<sup>th</sup>
  - b. Balance Sheet as of November 30<sup>th</sup>
4. Audit/Finance Committee Report (Ms. Haun)
  - a. Proposed 2019 Budget (with Mr. Bowman)
  - b. Audit Agreement for 2018 Financial Year (with Mr. Richardson)
  - c. Salary Scale study (Mr. Richardson)
5. Financial Accounts Update (Ms. King)
6. Safety Committee Update (Ms. Smith)
7. 2019 Holiday Schedule (Mr. Richardson)
8. Certification of Objective Integrity and Independence (Mr. Richardson)
9. Expiring Board Terms and 2019 Officers (Mr. Richardson)
10. Locations and Dates of 2019 Board Meetings (Mr. Richardson)
11. Case Acceptance Priorities 2019 (Mr. Richardson, Work Group Leaders)
  - a. Preamble and Special Projects (Mr. Richardson)
  - b. Consumer (Ms. Purtle)
  - c. Domestic Violence (Mr. Swain)
  - d. Economic Justice (Mr. DeLiban)
  - e. Housing (Mr. Auer)
12. Pro Bono Activities and 2019 Private Attorney Involvement Plan (Ms. Tong, Ms. Johnson)
13. Director's Report (Mr. Richardson)
14. Old/New Business (Ms. Chumbler)
15. Adjournment (Ms. Chumbler)

**LEGAL AID OF ARKANSAS  
BOARD OF DIRECTOR'S MEETING  
September 8, 2018**

A meeting of the Board of Directors of Legal Aid of Arkansas was held at 9:00 a.m. Saturday, September 8, 2018 at the Legal Aid of Arkansas' Springdale office.

The formal agenda was as follows:

1. Call to Order (Ms. Chumbler)
2. Board Committee Reports
  - a. Special Office Safety Committee (Ms. Smith)
  - b. Consideration of creating a standing Delivery of Legal Services/Litigation Committee (Ms. Chumbler)
  - c. Audit Finance Committee (Ms. Haun)
    - i. Selection of 2018 Auditor
3. Approval of Minutes of June 2, 2018 Meeting (Ms. Chumbler)
4. Financial Report (Mr. Bowman)
  - a. Presentation of Year to Date Financial Report and Balance Sheet
  - b. Rolling Projections for 2019
5. Report on Arkansas Works Litigation (Mr. De Liban, Mr. Hawkins)
6. Board Training, Review of LSC Regulations (Mr. Richardson)
7. Director's Report (Mr. Richardson)
8. Old/New Business (Ms. Chumbler)
9. Adjournment (Ms. Chumbler)

Present in person were Vilma Asencio, Lori Chumbler, Steve Davis and Val Price. Present via conference call were Pamela Haun, Helen Jenkins, Kachia Phillips, Annie Smith, Ashlie Thacker, Rene Ward and Ron Wilson. Legal Aid staff in attendance in person included Lee Richardson, Executive Director and Elizabeth King, Admin Assistant/HR. Staff present via conference call included David Bowman, Fiscal Officer; Kevin De Liban, Staff Attorney and Lynda Ware, Paralegal. Others present in person included Representative Bob Ballinger, Arkansas House of Representatives and John Winningham, member of the public.

Board Chair, Lori Chumbler called the meeting to order. She welcomed everyone and recognized Representative Bob Ballinger. She stated that we are going to give Representative Ballinger the floor first as he is here to give us his perspective on the Arkansas Works litigation that we are involved in right now.

Mr. Ballinger stated that he is on the Access to Justice Commission and a practicing lawyer. He runs into people all the time that for whatever reason I cannot represent and so the value to me of Legal Aid of Arkansas is it gives a place where those people who cannot afford to hire representation and give them a place to go. I do a significant amount of pro bono work but obviously I cannot do all pro bono work. So you guys provide a valuable resource. I am also a legislature and debate policy, so when I saw the lawsuit that Legal Aid was taking part in, filing a lawsuit against work requirements, there was several things that concern me in that. One is that it seems like advocacy, not on behalf of the client, but advocacy on behalf of a policy position. I guess I feel that there is a lot of high level ignorance on

my part and so there are some things that I have some questions about, like who is paying for the litigation? Who is paying us to engage in it? Does anybody know that answer? I assume it is an outside group that is providing some...

Mr. Richardson: If you want us to answer as we go along I can answer that. A lot of the money for the work on this particular litigation which is a small minor part of what we are doing overall is coming from NHeLP which is the National Health Law Program, a grant from NHeLP of \$40,000.

Representative Ballinger: So this is my concern with that, anytime, and I run into this in my own practice, grandma is paying the legal fees and yet I am representing granddaughter and so you run into a real problem there that you have got to find a way to truly represent the interest of granddaughter even though the money is coming from somewhere else....or if you are going to get the money from grandma you have to represent grandma. I think in this case we are doing a real disservice for our clients. I am telling you that there is an excellent chance that if work requirements go away so does the expansion population go away. So they have a real opportunity...possibility of losing their health care if we win our litigation, but that process may very well benefit the National Health Law Center, the people who are paying the bill. So who are we representing, are we representing their interests, their advocacy or are we representing the interests of our clients? I think all of us, anybody in private practice has to run into that sometimes where it sure seems like the right thing to file this motion to recuse on behalf of the judge but we also know it could make the judge mad so it could hurt our client in the end if we do that. There is a thousand different situations where filing the suit could end up hurting our client more than doing nothing could and I think that we are running into that. I am telling you as a legislator and from what I know from the Governor's office is that without the work requirements is that Medicaid expansion will probably cease and so these people that you are looking to help to try to make it a little easier to file and keep their health insurance it is possible that what we are doing is making it where they will lose it all together. So the second part where I think we are maybe hurting our clients is I think that even having to go through the process of going and fulfilling the work requirements makes them better, whether that means they go to work or that means they show up and fill out the form and they have to go someplace that has internet, I know that is work and I know it takes some effort to do that but I think they are made better just by doing that. By forcing them to get some place where they have internet connection by forcing them to do that... so truly by filing this lawsuit we could be hurting them in that as well. The other thing and the primary thing that causes a significant amount of concern is I think it gets us off the mission, it gets Legal Aid off from what our goal, your goal really is. It makes it where you are distracted from other things. I don't know how many times I have a client I feel like has a pretty good case and so I get them in contact with Legal Aid and Legal Aid says they cannot take them because they don't have the resources...don't have enough attorneys, don't have the funding to cover it and I get a call from somebody who will be my constituent if I get elected in the Senate who calls me on a regular basis and recently she called she has got a neighbor who is moving a boundary line on her and what does she do. Well to me we have the perfect case, somebody who is poor and living in poverty and there is nothing that she can do to stop them from moving the boundary line and they say they cannot take her case because there has not been anything filed in court. I just think that, sure this is big and exciting to come over here and file this lawsuit but I think it takes energy away from doing what really I think the mission of Legal Aid ought to be and it ought to be helping people like this lady or a thousand other cases where people need help and I think that this is damaging. It is damaging in a couple of ways. One is just purely moving resources around and so it is great that we got the grant that may cover this and pay for this but then I think that creates a conflict of interest and everything else that we talked about. The other thing is, I am



telling you as a legislator there is no way that I am going to advocate for funding an organization that is coming around and bringing lawsuits against the state to fight policy reforms that we are trying to work. There are things that are so important that Legal Aid does like protective orders, well the orders of protection maybe they can be done out of the prosecutor's office. There are groups out there, charity groups that provide grants to private attorneys for them to take cases, maybe we set that up, maybe we take the funds from the state level that go to Legal Aid and maybe we set up a grant program so that any attorney that has a client that comes in like I have that is like hey this is a great one to help but I cannot afford to do it maybe I could do it at half price so I call up I apply for the grant and I do it. There are grant programs and other places that do those kinds of things. Legal Aid is a non-profit, you get funding from a lot of other places if you want to be like a Southern Poverty Law Center and go out and advocate for policy positions then Legal Aid can do that, it is absolutely their right, even though I disagree with Southern Poverty Law Center about most of the stuff they do it is absolutely their right to go out and engage in this lawsuit because they are trying to push a certain policy position. I have never thought of Legal Aid as being that kind of organization so I do not know how meaningful this is, someone said you cannot un-ring the bell, well if I were the king of Legal Aid I would say you withdraw from the case because I think this is a case where you are damaging our clients and you are damaging Legal Aid to the point where it is just not going to be as productive an organization as it could be.

Ms. Chumbler: Thank you for your perspective, we do appreciate you coming One thing I was going to ask you, I did not realize that you are on the Access to Justice Commission, has the Commission also discussed this?

Representative Ballinger: No, we have a meeting coming up in Jonesboro which I may or may not be able to make. I have discussed my concerns with the director but that is as far as it goes.

Mr. Richardson: The commission meeting is the 21<sup>st</sup> in Jonesboro.

Ms. Chumbler: In your role as a legislator are there some tweaks that could be made that might provide some help to our clients that don't have that access to internet that would be a little less onerous than trying to drag them in to a county courthouse. Do you think the legislature might be willing to consider something like that?

Representative Ballinger: I absolutely think that is possible. There is nothing in the legislation, it was not designed, even though other people think so, to kick out people who qualify. That is not how it was designed, it is one of those things that the system that we have now is the best that we can put together but anytime you start operating the system you find ways that you could make improvements to the system. I would really be surprised if that is not the case. The point of the policy was the qualifications the working 80 hours a month, below 50 years of age, volunteering whatever amount...that is the policy thing the implementation of it is that is just the best way we could come up with. Now as you go through you realize there are things you could change and I absolutely think that is a possibility and frankly...well I am not even 100% positive that is the role of Legal Aid to engage in that discussion, but what I would say is that would have been a better discussion to engage in rather than filing a lawsuit.

Ms. Chumbler stated that she feels there is something we could do to help those that do not have access to a smartphone, thinking mostly about the elderly.

Representative Ballinger: This caps at 50 so if you are above 50 this does not apply to you.

Ms. Chumbler invited Mr. De Liban to weigh in on the discussion.

Mr. De Liban: My name is Kevin De Liban and I am the leader of the Economic Justice Workgroup and we deal with all types of public benefits such as SNAP, Medicaid, Social Security. We represent individuals with disabilities in disability rights cases, we have special education issues as well as employment law issues and I have been with Legal Aid now for seven years. With respect to all of the work requirements there is a lot that Representative Ballinger said and I would like to address some of those things. First is the idea that this is off Legal Aid's mission, the fact is that many of our clients are on Arkansas Works and many of our clients have come to us over the last several years with various problems regarding their insurance. Whether it was the backlogs in 2015 where people were waiting six months or 9 months to get their Medicaid eligibility or whether it was denial of services or improper terminations or now with work requirements. Our clients come to us with these issues because they are important and because the private bar isn't able to take on a lot of these health related issues. There is no incentive, no financial incentive and a lot of people are really uncomfortable with the area of Medicaid. In terms of our mission this is right aligned with it, we respond to a lot of what our clients need and our clients need help with regards to these work requirements. I think with regards to the concerns about the funding from the National Law Health Program, they are certainly not directing us to do anything that is not in the interest of our clients. Just to give everybody some context for these work requirements and online only reporting system, the first few months of statistics from DHS really show a terrible risk of loss of coverage for tens of thousands of Arkansans. So in the first months 74% of the people who had to go online to report failed to do so. Now in the second month you might think that it would have gotten better, that maybe there was more information out about the work requirements and how to comply, the statistics actually got worse. In the second month it went up to 82% of the people that had to go online were unable to go online and comply. The third month statistics are not out yet, they will be out next week. What we did see was the first wave of terminations and 4,500 people have been terminated from their health insurance according to the figures released by DHS. That constitutes roughly about 42% of the people that had to go online and report. What we are seeing is massive terminations and those folks are going to be coming to us without a doubt. So the work requirements in that way, at least the online only reporting presents a real administrative barrier to clients and neglects a lot of the reality in client lives. We expressed many of these ideas and concerns throughout the public comment process both at the state level and the federal level and then when the state was promulgating specific policies to implement the work requirements. Legal Aid of Arkansas participated in all of those public comment periods to offer our ideas about how this is going to impact clients and why we think it is likely to lead to coverage loss for a lot of clients and our concerns in regards to the various aspects in particular the online reporting. We did offer those ideas and for whatever reason the policy makers declined to pay any heed to them. Reasonable people can disagree about whether work requirements are in theory a good or bad idea. We do not take an official position on that but we do know the statistics, 60% of people on Medicaid expansion already work and in Arkansas it is 57% of the people on Medicaid expansion already work, 23% are disabled, 12% take care of a family member/take care of the home. That leaves only 8% of all people on Arkansas Works in the category set out of people under 50 that would be eliminated if the online only reporting system were 100% efficient. That is by the rules that it operates only the people that did not meet the work requirements got cut off. The problem is that the online only reporting work requirement and even if it wasn't only online just general work requirements threaten 100% of all

people on the program in order to get to the 8% that policymakers have decided should not have insurance for whatever reason.

Representative Ballinger: Explain that please. How is it that it threatens the 100% because from what I understand even the system itself only applies to those who through their normal reporting do not already report their income at the level that qualifies so truly the only people that have to report are the ones who fall into that category of they are not disabled, they do not have, aren't already working as far as what they have reported, they don't have dependents as how they have reported so literally I think we are down to only which is still a big number but something less than 50,000 people that actually have to do the reporting.

Mr. De Liban: So I guess for everybody that does not have the level of background that Representative Ballinger and I might have. The work requirements are being phased in, the first this year applied to anybody between the ages of 30-49, then next year they will expand to the ages of 19-29. Anybody who is 50 or older as the Representative said before is exempt and does not have to worry about this. Initially DHS estimated around 130,000 people were between the ages of 30-49, so with that 130,000 it is roughly four cohorts of 30,000. Cohort one was going to have to be subject to the work requirement starting in June, cohort two July, cohort three August and cohort four September. So if cohort one starts out in June then in July both cohort one and cohort two are subject to the requirement. The actual number turned out to be the cohorts are roughly 25,000 instead of 30,000. Let's just take cohort one, of that 25,000 DHS was able to automatically exempt around 14,000 of them through data available to the agency. Now there are definite questions about how they are doing that, they are looking at a point in time and they are exempting people on the basis of sometimes having a child in the home and that is a reliable one that one is going to last, but the other ones are not so reliable. There is people's income as to a point in time so DHS might have exempted somebody then if you lose a job or get less income you have to report that to DHS or they can come back after you for fraud. They might have exempted you for being on unemployment, if your unemployment runs out before your exemption does you have to report that to DHS or you could come back and get hit with fraud. Of these 25,000 in cohort one DHS automatically exempted 14,000, of those 14,000 there is still many that have to do something. Then you have the 11,000 that were not automatically exempt, many of those 11,000, and again we are talking about 44% of cohort one, are going to need an exemption of some sort of another. Maybe they are medically frail, maybe they have a short term disability, maybe a minor just moved into the home with them or one of the other exemptions that actually works. They have to go online to report that exemption so that a particular month does not count against them as one of non-compliance. That is where you get the idea that they are threatening 100% of everybody to get to the 8% that might not meet the work requirements through the rules is that everybody is in the universe, DHS might be able to pull out some of them, some of those they pull out are still subject to reporting any significant changes that could affect them and then all the ones that DHS cannot automatically exempt have to go on to do this reporting. So you are threatening the care of a lot more people than the 8% that policymakers have determined should not be able to receive health insurance.

Representative Ballinger: You do realize though like the...my point of...anybody who has been watching Arkansas politics knows how difficult the Medicaid expansion was to pass and then continue. One of the things that changed that, and it still wasn't easy was implementing the work requirement. I am telling you that without work requirements we will see the program as unsustainable and we will find ways to end the program. I still have a hard time seeing how the work requirements threaten 100% when there is only a set number that actually have to do the online reporting. Even that being set aside,

the lawsuit itself threatens 100% of the expansion population to an extent that I would almost be willing to guarantee that it goes away without work requirements.

Mr. De Liban: My job and Legal Aid's job is not to really participate in the legislative process except when we are asked to...to give testimony or offer comment which every legislator is welcome to invite us to do. So when we are considering this we are really focused on what does the law say and what are the legal rights here. Work requirements are on unbelievably shaky ground. There is nothing in the Medicaid Act that allows for work requirements. That is different from SNAP, in SNAP work requirements are expressly in the statute as authorized by Congress. We are not challenging the SNAP work requirements, even though they might hurt our clients we look at the legal analysis and see they are in the statute and there is authority for the state to impose them. On Medicaid it is not that, on Medicaid it is a health insurance program, it has never in its 50 plus years allowed a work requirement, there is nothing in the statute that allows a work requirement and when we look at the legal analysis we say this is the Executive Administration HHS approving a significant policy change that it does not have the authority to approve from Congress. So this is a case of Executive authority overreach in a way that hurt a huge portion of our client community, the folks that we serve, the folks that come to us calling desperate when they were pregnant and could not get health coverage because of the backlog or when their mental health is finally stable and they lose their health coverage for a DHS glitch that forces them to decompensate and end up in a psychiatric hospital. That is where we are working from is legal rights. If it were legal sound we might take a different posture, this is not legally sound.

Representative Ballinger: I understand that and a lot of those same things as a legislator I deal with, probably the biggest thing I deal with is helping people to get their benefits under DHS. Let me say this what we also have an obligation to realize and understand under the law is that Medicaid expansion is not required, that it is something the state can either do or not do and so when we represent our clients what we have to look at and say okay is this in the best interest of our client. Like I said, a lot of times we have lots of legal arguments that we can make that are good legal arguments but in the end if making those legal arguments hurt our clients then we do not go that direction. You have to at least take that into consideration. It is not even very much up in the air, I am telling you without work requirements the expansion goes away. If that is even a possibility we have to take that into consideration and I think we failed to do that. I think you see a potential legal argument because of the absence of the work requirements in the statute, got it and if you are successful and you go and win on that argument the expansion population goes away and all these people you are talking about get zero health care. I think that is something you have got to weigh.

Ms. Chumbler: I appreciate you bringing that to our attention. One thing I think we will as a board look forward to hearing is what the Access to Justice Commission is talking about it at the next board meeting. I think we would certainly appreciate their insight. I think it will be helpful to us and great to hear their perspective.

Ms. Smith: I appreciate the Representative coming and I appreciate Kevin's insight as well. I would like to point out as a representative that we obviously have obligations to individual clients in this matter, it is not as though Legal Aid is representing itself and so in terms of suggesting withdraw or anything else or for that matter decisions about changing the clients position in the lawsuit that is something that the clients need counseled about if appropriate a conversation between Kevin and the particular lawyers and those clients, that is up to them. So I think when we are talking about withdrawing or anything else, I agree with the Representative that we are not in the position to be

making policy decisions but we do have a duty of representation to the clients and have entered into retainer agreements with so we need to be mindful of that as we take other things into consideration. I feel confident that the Legal Aid attorneys are not being guided by getting litigation funding which I think is common for Legal Aid organizations and trust that they listen to what their clients want ultimately. I feel confident in that.

Mr. Wilson: Why would the Medicaid expansion go away if we eliminated the work requirements?

Representative Ballinger: Because the work requirements was sort of the key to getting it to where there was enough people who were willing to vote for...because there was a lot of people including me to some extent who feels like an expansion of entitlements don't help people they hurt people. They create a dependence on people, so there's that and there is also a finite amount of money. So education, public schools get more expensive every year. Medicaid, just the basic Medicaid providing for disabled people, for the elderly, it gets more expensive every year. Incarceration gets more expensive every year. Everything gets more expensive every year, so you have got to find a way to bend the cost curve. You have got to find a way to make it cheaper. Things like work requirements encourage people to transition from an entitlement program to go to work is one of the things that can bend the cost curve. It is unsustainable. As the years go on we will paying for more and more of this Medicaid expansion population and they are the group of people that are able body working adults. They are the people that can go out and take care of themselves in theory, if they were disabled they would be eligible, so it is the group of people that is the easiest to cut the funding to save the state money. But what you could do to get enough people to vote for it is to do conservative reforms like work requirements and that is what got it done. Without them I think you will find very few people who have the stomach to continue the program and it won't be enough to continue the program.

Mr. Wilson: So the question is an amount of money, bottom line?

Representative Ballinger: No, it is not just money because I have a policy position that I think entitlements probably do more too hurt people than help people most of the time, especially bad entitlement programs that do not do things like encourage work. So it is, there is policy decisions that people make but then on top of it and the overriding factor and the reason why I can almost be a guarantee it won't continue is money, there is just not that much money out there.

Mr. Wilson: The Medicaid expansion covers a certain number of people that Medicaid originally does not cover?

Representative Ballinger: Yeah that our original Medicaid doesn't cover.

Mr. Wilson inquired as to how many people in Arkansas?

Representative Ballinger: Right around 225,000 right now

Mr. Wilson inquired as to why they would be covered under the expansion?

Representative Ballinger: Because we expanded Medicaid under the Affordable Care Act to cover that population and what it did is it covered a group of people that were not insured before.

Mr. Wilson inquired if they have to be at a certain income?

Representative Ballinger: Yes up to 138% of poverty level

Mr. Wilson inquired if under 138% they could not get covered under the original Medicaid?

Representative Ballinger: No, okay so if you were above 17% of poverty level and you were not disabled and you were not elderly then you did not get covered by Medicaid in Arkansas. So what happened is we used to cover up to 17% of poverty level, when we expanded Medicaid it covered everybody from 0% of poverty level to 138% of poverty level and then above 138% of poverty level you went on the exchange, the federal exchange.

Mr. Wilson: These 200,000 additional people in Arkansas cannot go to the Federal exchange?

Representative Ballinger: They could not go to the Federal exchange because we expanded Medicaid, if we had not expanded Medicaid then they could go to the Federal exchange.

Mr. Wilson: So if you eliminate the expansion would they then go to the Federal coverage?

Representative Ballinger: They would go to the Federal exchange

Mr. De Liban: Real quickly, we have got to focus that only those that are above 100% of the poverty line, if expansion were eliminated would be eligible for the Federal exchange

Representative Ballinger: That is correct, 17% to 100%

Mr. De Liban: and the 17% Representative Ballinger was only for the parent caretaker category. So individuals were not eligible to get Medicaid if they were under 17% of the Federal poverty line

Representative Ballinger: Are you sure about that because that runs completely contrary to everything that we discuss, the income level at the 17% of poverty level was eligible was what I understood

Mr. De Liban: No if somebody had no income and applied for Medicaid through DHS and was not disabled and was not part of a family unit in any way there would have been no way for them to get Medicaid.

Representative Ballinger: I will look that up, since 2013 this is an issue that I have been obviously in the middle of and that is different than what my understanding was.

Mr. De Liban: It is the parent caretaker category that 17% applies and then there was other spend down stuff

Mr. Wilson: I am greatly concerned about this policy issue, if Medicaid expansion is eliminated, you are saying that the 200,000 people in Arkansas would be covered under the Federal Affordable Care Act.

Representative Ballinger: no that...Kevin is correct, there is what they call a donut hole. So the people from the 17% to 100% would not be covered. The people from 100% to 138% would have the ability to go on the exchange.

Ron Wilson: So how many people are we talking about out of the 200,000?

Representative Ballinger: I don't know the number, Kevin you may know, but I am going to guess it is, you know we are talking about...you know the number fluctuates obviously, but it is right around... the last number I remember seeing was 220,000 and so the number and I don't remember, it's a significant number that are, that fall below 100% of the poverty level.

Mr. Wilson: Have you calculated how much money it would save Arkansas taxpayers?

Representative Ballinger: The money that comes from the taxpayers in Arkansas, so the last number I knew for the expansion population is right at \$1.6 billion dollars was what it cost, the portion that we will be paying in Arkansas is somewhere around \$253 million dollars per year.

Mr. De Liban: I can offer a little insight into those figures. Originally when expansion was adopted in 2013 and implemented in 2014 the federal government covered 100% of the cost of coverage. That number declines a little bit in that in 2020 the state will be responsible for 10% of the cost of coverage while the federal government will be responsible for 90% of the cost of coverage. So for every person that ends up being terminated from Medicaid expansion basically 90% of the savings end up going back to the federal government and only 10% end up going back to the state and then there is other costs that are externalized there. In many of our neighboring states that did not expand Medicaid, rural hospitals closed like wild. Arkansas did not see that because people were able to get care and hospitals were able to be compensated. So even when you consider that 10% cost savings to the state for every person terminated there is an externality in the terms of lost productivity from decreased health, costs to the hospitals and medical providers that have to provide uncompensated care and other things associated with that so that is where the figure tops out at. And the federal government will never be responsible for less than 90% of the cost of expansion population folks.

Representative Ballinger: Except Kevin that is...there obviously was efforts to do major reforms to the Affordable Care Act and repeal it. One of the things they mention all the time is changing the reimbursement rate on Medicaid expansion. They are running into the same thing on the Federal level that we are running into here is that we are trying to find ways to save money and so that is not guaranteed. Now these are extremely old arguments, like we have been arguing now about this since 2013, but I will tell you that all of these arguments have been on the table since 2013 and Medicaid has barely passed every year. This last time it barely passed with work requirements and it is just not going to barely pass without them.

Ms. Chumbler inquired if there were any further questions for the Representative or for Kevin. Hearing none, she thanked Representative Ballinger for coming and providing his insight.

Ms. Chumbler thanked everyone for being flexible so that we could hear from Representative Ballinger and thanked Kevin for his presentation as well. She stated that we would go back to the item two on the agenda, Board Committee Reports. She stated that the first report was the Special Office Safety Committee and asked Ms. Smith to make the report.

Mr. Richardson stated that Mr. De Liban was needing to head to the airport so if anyone had any specific questions about the status of the lawsuit and where we are in that regard could we take them now. Ms. Chumbler asked if anyone had any questions about the lawsuit status.

Mr. Wilson stated that he had a comment, Kevin, keep up the good work, I am proud of you.

Ms. Smith stated that she would second that, she stated that she thinks this is important work and it is squarely within our mission and Kevin's discussion about it demonstrated his knowledge and expertise in a way that reflects really well on Legal Aid.

Ms. Chumbler stated that Kevin's knowledge might be surpassed by none other. She stated as Mr. Price stated it is not just his knowledge but it is also his passion.

Hearing no other discussion Ms. Chumbler asked Ms. Smith to proceed with her report.

Ms. Smith stated that the Safety Committee was created after the Special Committee was created to address the workplace violence and weapons in the workplace. She stated that what the committee saw when doing that work and addressing that policy was that there were some concerns raised by staff about office safety and it varied a lot so it was not consistent as there are plenty of folks that feel safe in the office, but some concerns were raised so in order to address that this Safety Committee was created. Ms. Smith stated that the committee has met several times and what the committee has done is a survey was sent to staff to get their input on their feelings about office safety and ideas about it. She stated that Mr. Richardson has coordinated having some safety assessments done by local police departments for the offices that were most relevant and appropriate to start the process with. She stated that the committee has reviewed those assessments, she has looked at some Legal Aid policies to try and identify best practices and we have started looking at what is already in our policy and what is included in our Legal Aid manual for staff. She stated that what has come from those meetings and that research is a document that was sent to the committee, and Ms. King will send out to the full board, that Mr. Richardson created that summarizes staff concerns, the results of the assessment, and short term and long term plans or goals to address safety. She stated that one of the first things that will happen is at the statewide conference in October the staff will all participate in Active Shooter Training, office safety training by the Little Rock police department and training on how to deal with difficult clients. She stated that there have already been a couple of minor upgrades to some of the offices and there will be others and then in the long term looking at some additional options for things like shatter proof glass and all of that information is summarized in the document that Ms. King will provide to the full board.

Mr. Richardson stated that when he drafted the document we did have a trainer coming in on how to deal with difficult clients with mental health issues, potentially dangerous visitors and that type of thing. He stated that the trainer had a death in the family and he will not be able to come to the statewide conference so we will have to reschedule that particular training at some time very quickly, but otherwise everything is just as he has it in the working document and we are moving forward with the short term goals immediately and he stated that he has already accomplished a few of the items on the list.



Ms. Chumbler stated that some of the short term goals are easy things like changing the doors and getting a steal based door, putting the plexi-glass in and she asked Mr. Richardson what some of the other changes were that were going to be very easy to make.

Mr. Richardson stated that those were the primary things and then just knowing our own office policies about having visitors sign in and keeping doors secured. He stated that we are in the process of getting panic buttons for the front desk and then having each computer have the software to have the panic alert system on it that will notify other people if someone needs help.

Ms. Chumbler asked for any further questions or comments.

Ms. Smith stated that she would mention that in the long term if some of the things we are looking at are expensive changes then the board might need to help with some fundraising.

Ms. Chumbler moved to consideration of creating a standing Delivery of Legal Services/Litigation Committee. She stated that this is to get the board to think about creating a standing committee on litigation or delivery of legal services. She stated that this is something that Mr. Richardson has done some benchmarking on in that other Legal Aid organizations have a committee. She stated that it would help us vet things like the Arkansas Works lawsuit and high profile matters and she feels we would probably benefit by having a litigation committee. She stated that she and Mr. Richardson discussed the possibility of having a couple of ex-officio members to get their perspective on things and would like to get the board's feedback on that. She asked Mr. Richardson for his comments.

Mr. Richardson stated that when we signed the co-counseling agreement with the Southern Poverty Law Center and the National Health Law Program we actually had an Executive Committee meeting back in October of 2017 prior to signing the agreement because we do not have a Delivery of Legal Services or Litigation Committee. He stated that he would rather have a standing committee that you might vet something like that with. He stated that obviously we would not bring every case we accept to the committee, but whenever it was something of greater impact and higher profile and we could identify on the front end and know it was going to take significant resources and also possibly cause some kind of threat to Legal Aid's continued funding then we would want to vet that with the committee. He stated that we have had in the past board members assigned to the substantive work groups to help with discussing and creating priorities from year to year and reviewing legal needs assessments. He stated that this would be a more formal way to address those issues instead of having all four workgroup leaders come to the December board meeting and discuss the priorities for the next year and the board not really having any engagement prior to that date. He stated that hopefully this committee would have engagement in developing those priorities and then the committee could present the priorities to the full board for approval and staff would be ex-officio on this committee along with possible other outside attorneys but staff would not necessarily have to make those presentations in December because the board committee would have already vetted that thoroughly. He stated that the most important thing we probably do from year to year is set case acceptance priorities and it is nearly impossible under our current configuration for the board to be as engaged in that as they probably should be.

Ms. Chumbler asked for questions and thoughts. Ms. Chumbler asked for a motion to start creating the committee.

A motion was made by Val Price, seconded by Steve Davis to create a Standing Delivery of Legal Services/Litigation committee. The motion carried with none opposed.

The committee members are as follows:

Lori Chumbler – Domestic Violence

Kachia Phillips – Access to Affordable Housing

Steve Davis – Consumer Rights

Annie Smith – Economic Justice.

Ms. Chumbler moved to the Audit/Finance Committee report.

Ms. Haun stated that the Audit/Finance Committee met this week and in the board packet you will see that we had requested some RFP bids for the 2018 audit. She stated that we received bids from four different firms, which are all good firms, as you can see a couple are higher. She stated that the committee looked at all of the bids and considered all of them and Yoakum and Lovell is still the one that has the most experience with us and with Legal Services Corporation audits and yet still comes in at a low bid of \$15,000. She stated that they have not increased their bid in years. She stated that after discussion and consideration of a couple of the other firms, the Audit/Finance committee voted to continue with Yoakum, Lovell and Company subject to board approval.

Mr. Richardson stated that Yoakum and Lovell has been doing the audit for the past sixteen years and during that time we have gone through the RFP process several times and they have always had the lowest bid except one time.

Ms. Chumbler asked for questions, hearing none she called for a motion.

A motion was made by Steve Davis, seconded by Rene Ward to accept the RFP of Yoakum, Lovell and Company to continue doing the audit as of 2018. The motion carried with none opposed.

Ms. Chumbler moved to item three on the agenda, Approval of Minutes of June 2, 2018 Meeting. She asked for questions regarding the minutes. Hearing none, she called for a motion.

A motion was made by Annie Smith, seconded by Steve Davis to approve the Minutes of the June 2, 2018 Meeting. The motion carried with none opposed.

Ms. Chumbler moved to item four on the agenda, Financial Report.

Mr. Bowman stated we are looking at the July detailed balance sheet. He stated that there is nothing outstanding for July and the first seven months have been progressing very well. He stated that we have excess revenues over expenses of \$199,000 and he is also showing under liabilities the note payable for First Security is down to \$181,000. He stated that on the actual revenue and expenditures our revenues are up \$1,814,000. He stated that his only comment on the revenue at this point is on donations. He stated that the approved budget is \$85,000 and at this time, donations are about \$18,200. He stated that everything else is running according to our approved budget. He stated that our expenditures have come in at \$1,614,000 and the revenue over expenses are \$199,000. He stated that he wanted to look at January - August and there is nothing substantial to mention there but the excess

revenue has increased from July of \$199,000 and it has increased to \$228,915 at this point. He stated that overall the first eight months have been progressing nicely.

Mr. Price inquired as far as direct money from the state of Arkansas are there other categories of direct money from the state other than the AOJ fund that might be threatened.

Mr. Richardson stated that the \$250,213.86 would be directly threatened, as that comes through the AOJ fund that the legislature has control of. He stated that is it supposed to be \$385,000 and the circuit judges have taken \$135,000 of that from us in the past for court reporters and trial assistants. He stated that Chief Justice Kemp has talked about trying to recover that money for us but that money would be threatened.

Ms. Chumbler inquired if the lawsuit would continue if Legal Aid became a silent partner, in other words could we please the legislature but the lawsuit would still continue because of the other two organizations.

Mr. Richardson stated that the lawsuit could continue. He stated that in Kentucky they filed a similar lawsuit but there was a program that is not a Legal Services Corporation program in Kentucky that took the lead and in Arkansas we don't have such a program and that is why Legal Aid of Arkansas became involved. He stated that NHELP and SPLC could have probably come here and eventually found clients because for example they can solicit and we cannot solicit, but they did want someone on the ground and we thought it was part of our mission so we went with it, but the lawsuit would survive and probably thrive without our continued participation.

Ms. Chumbler stated that she is not suggesting that we pull out; she stated that she does not like threats and does not think they would follow through on that. She stated that she is just trying to understand that if we found ourselves in the position of trying to please the legislature could we kill two birds with one stone so to speak.

Mr. Price stated that we should see what the Access to Justice Commission has to say when they meet on September 21<sup>st</sup> and what their position is.

Mr. Richardson stated that he is not convinced that the governor's office is that concerned about this other than they wanted to pass something and this was the only way they could pass it. He stated that the governor has told us directly that they would look for funding for us in certain areas but if we continue to use taxpayer money to sue the state or federal government then they would go the other direction. He stated that this was proffered to us before we filed this probably in anticipation of us filing. He stated that if the governor's office got involved in this \$250,000 instead of saying we are going to take this away they would say we are going to put a restriction on this that you cannot use it to file lawsuits against the state.

Ms. Chumbler stated that it does not sound like we are using that money as we are getting the grant from the organization that has taken the lead on the case.

Mr. Richardson stated that we are not right now but the grant could run out and we could start using other funds but right now we are still within that money and they have actually let us know verbally that there will be a similar grant for the next year as well.

Mr. Davis inquired if Kevin was on Legal Aid's salary and Mr. Richardson responded that he is.

Ms. Chumbler stated that she wanted to let the board know that part of the donations being down is Wal-Mart has not made its annual donation. She stated that the legal department has made an annual donation for some time. She stated that Jeff Gearhart was the head of Global Governance and the legal department falls under Global Governance. She stated that Jeff retired in January and now they have Rachel Brand who came to them from the Department of Justice and she is now the head of Global Governance and she thinks that Rachel is trying to take her first six months and just getting used to how Wal-Mart operates and how things are split up so she thinks the contributions are still waiting on Rachel. She stated that she fully anticipates that we will have something it is just a question of when and how much.

Mr. Richardson stated that Mr. Bowman has also included the 2019 projections for informational purposes. He further stated that he wanted the board to be aware that the census, the American Community survey three year census numbers, will be out in the next few days and Legal Services Corporation has projected that our poverty population that we serve has gone down from 220,000 to 180,000. He stated that based on this they will be adjusting the amount of money we get and then that will roll down hill and the Access to Justice Commission will adjust the amount of money we get. He stated that the legislature could go back in, although probably not unless they are going to try to take money away from us, and adjust the amount of money we get out Administration of Justice funds so we are going to be in the 38% range for the state of Arkansas instead of the 40.5% range which we are in now. He stated that for Legal Services Corporation that will cost us about \$120,000. He stated that he does not believe the numbers but there is no way to challenge census numbers. He stated that we are projecting that and in that projection we are looking at about \$200,000 in the red for 2019, but we have \$1.4 million dollars in the bank so we can do that. He stated that we have been in the black for several years in a row but obviously you cannot sustain that in the long run.

Hearing no other discussion Ms. Chumbler called for a motion to approve the Financial Report.

A motion was by Helen Jenkins, seconded by Annie Smith to approve the Financial Report. The motion carried with none opposed.

Ms. Chumbler moved to item six on the agenda, Board Training, Review of LSC Regulations.

Mr. Richardson stated that he has included some materials in the packet for review. He stated that we accept funding from Legal Services Corporation and by accepting that funding we agree to certain grant assurances and restrictions. He stated that some of these restrictions are fund restrictions which mean they just apply to Legal Services Corporation money. He stated that some of the restrictions are entity restrictions, which means if you accept the Legal Services Corporation money you cannot do this even with non-Legal Services Corporation money. He stated that he would hit some high points and that most of the restrictions are codified at 45CFR1600-1644. He stated that some things of note for the board to know are if you are a full time staff attorney with a Legal Aid organization you cannot engage in outside practice of law for compensation. He stated that part time attorneys can but full time attorneys cannot, the only exceptions would be when he or his designee grants special permission to represent a family member or friend, which we do on rare occasions, and then they cannot accept compensation when they do that. He stated that when we hire an attorney from outside they can

complete whatever ethical obligations they already have ongoing and they can collect whatever fees they have already earned but that is all. He further stated that our governing body, the board, 60% of the board has to be attorneys of which 50% have to be appointed by local bar associations. He further stated that 1/3 of the board is client eligible. He stated that we have 21 board members so if you had the 60% and 33% that leaves us with 93% so we have room for one wild card position, which would not have to be an attorney or a client eligible board member. He stated that right now that wild card happens to be Pam Haun who is an attorney but she is also a CPA and Legal Services Corporation is very interested in us having a CPA on the board for financial oversight.

Mr. Richardson stated that there are a lot of prohibited political activities that we take very seriously. He stated there is no political test for decisions or actions; we are as apolitical as an organization can be. He stated that he did not know if everybody understands or recognizes that but it is absolutely true we are apolitical. He stated that we cannot engage in voter registration and we cannot engage in voter assistance. He stated that none of our staff members can run for partisan political office and remain a Legal Aid staff member. Mr. Richardson stated that in regard to fee generating cases, this is a funds restriction and not an entity restriction. He stated that this means we cannot accept fee generating cases using Legal Services Corporation funds unless we have two turn downs from the private bar saying they will not do this without collecting a fee up front or if we make an investigation and determine that within the community where this client lives there is no one that is going to take the case on a contingency basis or without requiring a fee up front from the client. He stated that we try not to take money from private attorneys but sometimes it is an emergency and we cannot sit around and wait and try to get two turn down letters. He further stated that concerning financial eligibility, our clients are usually at or below 125% of poverty, we can waive up to 200% of poverty using the Legal Services Corporation money and we also have asset guidelines. He stated that we do have alternate money, from the Low Income Taxpayers Clinic for example we can go up to 250% of poverty, Title III money from the Older Americans Act that we still get from the Area Agencies on Aging we cannot have a means test for that money. He stated that we send some of those to Arkansas Volunteer Lawyers for the Elderly so internally we try to make sure if this person is over 200% we do not send it pro bono we do it internally but we are not supposed to have a means test to determine whether we take the case or not. He stated that we have VOCA money to do order of protections and for that purpose we do not generally have a means test. He stated that we cannot engage in lobbying and we cannot suggest what the government should or should not do. He stated that we can provide information if asked to provide information in a written request by a state representative. He further stated that we can make comments on rulemaking when rules are promulgated and we can lobby for our funds as long as we are not using Legal Services Corporation funding to do that.

Mr. Richardson stated that we cannot engage in any kind of criminal proceedings, we can provide limited services to people who are incarcerated but we cannot actually represent them in any kind of extended service way. He stated that we cannot do a habeas corpus to get someone out of prison that has been there wrongfully for 20 years. He further stated that we have to spend 12.5% and the amount equal to 12.5% of our Legal Services Corporation grant on private attorney involvement or pro bono activities. He stated that it does not have to be Legal Services Corporation money but it has to be an amount equal to 12.5% of the Legal Services Corporation money. He stated that in regard to class actions we are absolutely prohibited from doing class actions with Legal Services Corporation money or any other money as that is an entity restriction. He stated that we talked about the priorities earlier, we have to have yearly review and promulgation of our priorities and we need the board to be intimately involved and he appreciates the board setting up that committee because this has to be done

yearly and reported to Legal Services Corporation. He stated that we have to have a process for clients to grieve and we have a committee that does that. He stated that it does not happen very often but we do have grievances about denial of assistance or about quality and manner of assistance that we do deal with from time to time. He further stated that one bigger restriction which is a really important in Northwest Arkansas is we cannot represent undocumented individuals. He stated that if we accept Legal Services Corporation money it is an entity restriction, we cannot represent undocumented individuals unless they are a victim of domestic violence, trafficking or some other victim of crime type activity. He stated that we cannot get involved in any kind of census work with Legal Services Corporation money or any other money. He stated that we cannot get involved in public housing and eviction where there is illegal drugs charged or convicted, we cannot engage in that using any funds. He stated that we have to rebid for funding for our service area every three years. He stated that concerning timekeeping requirements, our staff have to do contemporaneous timekeeping anytime they are working on a case. He further stated that we have to disclose to Legal Services Corporation all the cases we have affirmatively filed every six months and we have to have clients sign off on a statement of facts and have it in our files and ready for their inspection. He stated that solicitation is a funds restricted, obviously attorneys can solicit if they follow the rules, Legal Aid attorneys cannot solicit using Legal Services Corporation funds. He stated that we can go out and provide legal information to individuals and tell individuals our services exists and even give them the number if they want to apply but we cannot target people to apply. He stated that on welfare reform like the case we just filed against DHS, Center for Medicaid services in DC District court the reason we are able to do that is the case of Legal Services Corporation vs Vasquez and while we cannot engage in welfare reform we can represent individual clients. He stated that we have three individual clients and may add more in the lawsuit as time progresses. He stated that we cannot engage in any abortion litigation, school segregation, selective service registration or desertion cases. He further stated that we have to participate in a statewide website and put resources into that.

Hearing no questions or discussion, Ms. Chumbler moved to item seven on the agenda, Director's Report.

Mr. Richardson stated that he has already covered the census reallocation and hopes to know more on that in the next couple of weeks. He stated that the statewide conference will be in Little Rock October 10<sup>th</sup> -12<sup>th</sup>. He stated that last year the conference was open to the public because it was our 50<sup>th</sup> anniversary, but this year it is not. He stated that we are going to have a focus on ACES this year which is Adverse Childhood Experiences because that might be a way to shift resources and have an impact on the future. He stated that your life is pretty well shaped by the first five years of your life so if there is some social determinates of that in households of children ages 0-5 and we can address some of those then maybe we can get better outcomes down the road and have an impact on poverty and hopefully the zip code you are born in will not necessarily be telling on how your life is going to be as it seems to have been over the last few decades. He stated that we have a keynote speaker who will talk about the Midwest Innocence Project and share some stories of people recently released after being jailed wrongfully after 20-25 years. He stated that then we will have the ACES training. He stated that we are bringing in a nationally recognized work life motivational expert to try to invigorate our staff and someone from the lawyers committee on civil rights about the criminalization of poverty. He stated that this year is a little different from the past as we are trying to build more community and not worry as much about continuing legal education credits although we will get those. He stated that on Friday we will have two hours of active shooter training and civilian response. He stated that it will be a good conference and we will report back at the next board meeting.

Mr. Richardson stated that during pro bono week on October 21<sup>st</sup> there will be a reception in Little Rock at Diamond Bear Brewing Company and tickets are available. He stated that this is something that the Access to Justice Commission has come up with to try to raise some money and help with the campaign for Legal Aid, which will be kicking off in October. He stated that we have had some successful criminal record sealing clinics, one in Northwest Arkansas, one in Little Rock and one coming up in West Memphis on November 2<sup>nd</sup>. He stated that if anyone wants to volunteer to assist with that clinic we would appreciate it. He stated that the clinic will be at the First Assembly of God in West Memphis. Mr. Richardson stated that the Access to Justice Commission will meet on September 21<sup>st</sup> in Jonesboro. He reviewed staff changes and stated that in Little Rock we have had almost complete turnover in the last twelve months. He stated that we have lost six attorneys and all six have gone to state jobs and have gotten significant raises. He stated that they are making anywhere from \$5,000 more to \$20,000 more just by leaving for a state job. He stated that he cannot find a full time state employed attorney making less than \$56,000 and our salary scale still starts at \$42,000 so that is something we need to address. He stated that at the same time we have precarious funding outlooks due to the census reallocation and possible threats from state lawmakers so we will try to do more fundraising. He stated that we currently have an AmeriCorps Vista that he hopes to turn into a full time Development Director. He stated that we have a new AmeriCorps Vista coming on board that is currently the Development Director at Literacy Action of Central Arkansas and she is moving to Northwest Arkansas, her name is Morgan O'Neil and she will be starting in October. He stated that we have tried to have development people before and it has not worked out but hopefully this time it will.

There was some discussion about the positions at Arkansas Children's Hospital and some thoughts on how to get folks in there that would stay for a longer period.

Mr. Richardson stated that we have two new VOCA positions one in Helena and one in Springdale and we are working diligently to get those started by October 1<sup>st</sup>.

Hearing no further discussion Ms. Chumbler moved to item eight on the agenda, Old/New Business.

Mr. Price asked for a reminder of the next board meeting. Ms. King stated that the next meeting would be Saturday, December 8<sup>th</sup> in Jonesboro.

Hearing no further discussion Ms. Chumbler adjourned the meeting.

**LEGAL AID OF ARKANSAS**  
 ACTUAL REVENUE & EXPENDITURES  
 FOR THE PERIOD JANUARY 1 THRU NOVEMBER 30, 2018

Line#	Revenue:	2018 Approved Budget	NOV 2018 Actual	Dec 2017 Actual	Dec 2016 Actual
1	LSC BASIC GRANT	\$1,469,994.50	\$1,427,842.00	\$1,469,531.00	\$1,480,844.00
2	Ark Adm Justice Funds	\$250,213.86	\$229,362.65	\$250,213.80	\$250,213.80
3	IOLTA	\$0.00	\$20,350.00	\$0.00	\$20,000.00
4	Equal Justice Works-CVJC (2018-2020)	\$0.00	\$16,174.76	\$0.00	\$0.00
5	Americorps (Includes CALS Funds and Summer Project)	\$0.00	\$0.00	\$57,447.69	\$76,810.23
6	STOP/VAWA/VOCA	\$132,192.00	\$114,779.86	\$116,555.02	\$83,331.15
7	Modest Means	\$0.00	\$0.00	\$225.00	\$425.00
8	IRS-LITC	\$60,000.00	\$54,632.81	\$60,000.00	\$60,000.00
9	IOLTA-Housing Foreclosure	\$262,378.00	\$240,514.01	\$282,743.83	\$224,382.68
10	AATJF-Fair Housing Special Grant - 2018/2019 (2018-7/months)	\$25,437.50	\$85,520.83	\$35,612.50	\$0.00
11	MLP-EJW&ACH	\$110,553.07	\$137,487.38	\$132,870.41	\$103,943.93
12	AR CARE	\$0.00	\$0.00	\$0.00	\$50,000.00
13	ST VINCENT	\$30,000.00	\$23,333.33	\$31,666.67	\$7,550.00
14	Georgetown University	\$0.00	\$0.00	\$16,666.67	\$0.00
15	Equal Justice Works-AMC	\$25,200.00	\$24,045.60	\$30,002.25	\$38,946.96
16	AAA-White River	\$2,000.00	\$1,818.75	\$2,262.50	\$3,619.50
17	AAA-East Arkansas	\$35,000.00	\$29,375.00	\$35,000.00	\$31,625.00
18	AAA NWA	\$9,112.00	\$8,087.50	\$10,836.75	\$9,312.00
19	UW-Boone Cnty	\$2,000.00	\$2,500.00	\$2,000.00	\$1,500.00
20	UW-Bly	\$3,000.00	\$3,000.00	\$3,000.00	\$2,500.00
21	UW-NW Ark	\$75,000.00	\$72,560.87	\$87,815.58	\$43,054.26
22	UW-NE Ark	\$15,974.00	\$14,583.25	\$15,909.00	\$15,564.48
23	UW-NCA (Independence Cnty)	\$4,000.00	\$3,000.00	\$4,000.00	\$4,000.00
24	UW-Mid South	\$3,915.63	\$4,005.00	\$3,915.63	\$4,869.74
25	ADHS-DAAS	\$22,178.00	\$0.00	\$10,528.89	\$17,383.05
26	Donations	\$85,000.00	\$110,992.61	\$146,640.67	\$121,841.44
27	Interest income	\$3,000.00	\$11,607.24	\$4,450.27	\$2,994.75
28	Attorney fees	\$4,000.00	\$3,200.00	\$80,082.32	\$6,075.97
29	Other - AATJF-Help Desk, Cy Pres Award, HUD, Audit of State, Ark Advocate,CALS	\$0.00	\$66,762.95	\$29,538.29	\$0.00
30	Affordable Care Act	\$0.00	\$0.00	\$0.00	\$9,412.72
31	Washington County Law Library	\$12,500.00	\$12,000.00	\$12,500.04	\$12,500.04
32	RACES-NEA LawDay & NWA Judicata	\$0.00	\$4,671.35	\$0.00	\$7,949.00
34	National Health Law Program	\$45,833.33	\$58,333.33	\$4,166.67	\$0.00
<b>35</b>	<b>Revenue (excludes carryOver)</b>	<b>\$2,688,481.89</b>	<b>\$2,780,541.08</b>	<b>\$2,936,181.45</b>	<b>\$2,690,649.70</b>



**LEGAL AID OF ARKANSAS**  
 ACTUAL REVENUE & EXPENDITURES  
 FOR THE PERIOD JANUARY 1 THRU NOVEMBER 30, 2018

36	<b>Expenses:</b>	2018 Approved Budget	NOV 2018 Actual	Dec 2017 Actual	Dec 2016 Actual
37	Total-Attny(excludes AMC&EJW; Includes ACH/EJW-MLP)	\$1,346,228.81	\$1,296,246.50	\$1,247,427.62	\$1,199,496.14
38	Total-Paralegals	\$229,879.58	\$179,937.96	\$246,107.17	\$256,056.99
39	Total-Other	\$286,544.78	\$290,820.91	\$279,755.70	\$233,297.05
40	Total-Americorps	\$0.00	\$0.00	\$67,599.02	\$70,591.71
41	Total-EJW ( Living Allow&Suppl Benefits)	\$38,360.00	\$34,359.96	\$43,271.06	\$52,768.40
42	Benefits Budgeted (includes Americorp & EJW benefits)	\$342,885.90	\$326,161.87	\$318,250.58	\$305,879.75
43	<b>Grand Total of All Payroll</b>	<b>\$2,243,899.07</b>	<b>\$2,127,527.20</b>	<b>\$2,202,411.15</b>	<b>\$2,118,090.04</b>
44					
45	Space Rent (HA \$675/\$725, WM\$600, Helena \$275/470)	\$18,600.00	\$22,272.62	\$19,950.00	\$20,800.00
46	Space Other Expenses	\$34,799.00	\$25,007.17	\$27,718.97	\$34,621.74
47	Equipment Rental&Maint	\$14,310.00	\$16,871.53	\$20,881.03	\$17,618.29
48	Office Supplies	\$37,850.00	\$59,300.07	\$37,371.02	\$42,149.50
49	Postage /Printing	\$15,500.00	\$11,315.59	\$15,419.05	\$15,595.71
50	Communication Expense	\$61,240.00	\$46,436.69	\$53,317.93	\$57,699.99
51	Travel Board Members & Mtg Supplies	\$4,500.00	\$1,749.56	\$1,854.84	\$1,671.10
52	Travel Staff & Others	\$65,000.00	\$71,955.57	\$72,297.79	\$54,942.82
53	Training-Board Members	\$3,500.00	\$0.00	\$1,920.76	\$760.18
54	Training-Staff & Other	\$35,000.00	\$54,042.03	\$40,044.25	\$45,552.03
55	Library	\$14,000.00	\$15,701.32	\$15,205.22	\$14,521.76
56	Insurance-Prof Liab, Prop & Gen Liab	\$29,541.96	\$24,777.89	\$27,365.51	\$27,449.48
57	Dues & fees	\$17,500.00	\$16,627.00	\$17,050.50	\$15,670.00
58	Audit	\$15,000.00	\$12,700.00	\$15,000.00	\$15,000.00
59	Litigation	\$20,000.00	\$6,067.90	\$7,332.83	\$13,163.13
60	Advertising	\$4,000.00	\$7,421.08	\$8,313.67	\$2,705.45
61	Property Acquisition	\$15,000.00	\$0.00	\$0.00	\$0.00
62	Contract Services to Applicant to ALSP				
63	Depreciation ( no affect on Cash)	\$14,443.15	\$14,931.67	\$14,465.18	\$14,114.18
64	Other (Contract Labor)	\$9,700.00	\$10,368.80	\$10,575.90	\$5,139.43
65	RACE-NEA LawDay	\$0.00	\$3,084.97	\$0.00	\$3,714.12
66	TIG(Ben&Wages included above in Payroll Exp)				
67	SPG Bldg Loan Pmts ( interest Exp )	\$24,864.00	\$8,712.00	\$9,396.57	\$9,710.34
68					
69	<b>Total Non-Personnel Exp</b>	<b>\$454,348.11</b>	<b>\$429,343.46</b>	<b>\$415,481.02</b>	<b>\$412,599.25</b>
70					
71	<b>TOTAL EXPENSES</b>	<b>\$2,698,247.18</b>	<b>\$2,556,870.66</b>	<b>\$2,617,892.17</b>	<b>\$2,530,689.29</b>
72					
73	<b>Revenues over(under)Exp(excluding carryover)</b>	<b>(\$9,765.29)</b>	<b>\$223,670.42</b>	<b>\$318,289.28</b>	<b>\$159,960.41</b>
74	<b>Net Assets Beginning of Year (includes PROPERTY &amp; Carryover/Reserves)</b>	<b>1,077,793.00</b>	<b>1,077,793.00</b>	<b>\$761,650.50</b>	<b>\$601,690.09</b>
75	<b>Net Assets at End of Year(includes PROPERTY&amp;carryover/Reserves)</b>	<b>1,068,027.71</b>	<b>1,301,463.42</b>	<b>1,079,939.78</b>	<b>761,650.50</b>
76	<b>Monthly Average Expenses &gt;&gt;&gt;&gt;&gt;&gt;&gt;&gt;</b>	<b>\$224,853.93</b>	<b>\$232,442.79</b>	<b>\$218,157.68</b>	<b>\$210,890.77</b>
77	<b>Average Monthly Exp in Unrestricted CarryOver(Reserves)</b>	<b>4.13</b>	<b>4.00</b>	<b>3.17</b>	<b>2.42</b>

# LEGAL AID OF ARKANSAS, INC (LEGFND)

## Detailed Balance Sheet

As of: 11/30/2018

12/6/2018 9:13:09 PM

All Funds

Page 1

### Assets

10-00-100	CASH - BANK OF FAYETTEVILLE	340,789.72
10-00-101	CASH-CENTENNIAL BANK-GENERAL	80,107.00
10-00-102	CD - IBERIA BANK	100,000.00
10-00-103	FIRST SECURITY BANK MM	126,179.83
10-00-105	CASH-IN-BANK - B.O.F. LITC	20.00
10-00-110	CLIENTS TRUST BANK ACCTS	5,786.24
10-00-111	CASH-FIRST SECURITY BANK-GENERAL	698,935.84
10-00-140	PREPAID EXPENSES	12,541.24
10-00-150	LAND	8,000.00
10-00-151	BUILDINGS	443,268.98
10-00-155	FURNITURE & EQUIPMENT	122,201.89
10-00-170	LEASEHOLD IMPROVEMENTS	83,747.81
10-00-180	ACCUMULATED DEPRECIATION	(394,814.63)



### Total Assets

**\$1,626,763.92**

### Liabilities

10-00-200	ACCOUNTS PAYABLE	3,603.95
10-00-204	CLIENTS TRUST	5,786.24
10-00-210	UNITED WAY W/H	370.00
10-00-213	GROUP INS. W/H & PAYABLE	(17,100.25)
10-00-220	ACCRUED LEAVE	75,539.99
10-00-240	DEFERRED SUPPORT	80,416.67
10-00-245	NOTE PAYABLE-FIRST SECURITY	176,753.00

### Total Liabilities

**\$325,369.60**

### Net Assets

10-00-301	NET ASSETS - LSC	62,476.19
10-00-303	Net Assets-Property Restricted	29,188.43
10-00-304	NET ASSETS-DONATIONS RESERVE	125,000.00
10-00-305	NET ASSETS-DONATIONS-Unrestricted	494,502.00
10-00-306	Net Assets-Property Unrestricted	57,314.18
10-00-309	NET ASSETS - EJW / MLP	11.57
10-00-320	NET ASSETS- ARK FILING FEES	309,231.53
	Excess Revenues Over Expenses	223,670.42

### Total Net Assets

**\$1,301,394.32**

### Total Liabilities and Net Worth

**\$1,626,763.92**

**AUDIT FINANCE COMMITTEE  
MEETING MINUTES  
November 14, 2018**

The Audit/Finance Committee of the Legal Aid of Arkansas Board of Directors met by conference call at 9:00 a.m. Wednesday, November 14, 2018. Participating in the conference call were Lori Chumbler, Pam Haun, Helen Jenkins Annie Smith, Lee Richardson, David Bowman and Elizabeth King.

Ms. Haun called the meeting to order and asked if all members had reviewed the Audit Agreement and asked for questions.

Ms. Chumbler inquired if there were any significant changes to the agreement from years past. Mr. Richardson stated there were not.

Hearing no other questions, Ms. Haun called for a motion.

A motion was made by Lori Chumbler, seconded by Annie Smith to approve the Audit Agreement with Yoakum, Lovell and Co. The motion carried with none opposed.

Mr. Richardson asked Mr. Bowman to review the October Balance Sheet.

Mr. Bowman reviewed the October financials stating that the actual revenue and expenses are showing that we have \$2,563,000 and then expenses are at \$2,308,000 with revenue over expenses at this point of \$255,493. He stated that at this point we are looking really good for the end of the year. He stated that payroll expenses have increased with the number of folks we have on board at the moment and that does change things throughout the year.

Mr. Richardson stated that the 2018 approved budget showed us to be in the red \$9,700 and asked Mr. Bowman what we are actually projecting at the end of 2018.

Mr. Bowman stated that it would be around \$151,000 to the positive and he believes we will end the year on a positive note and that will take us into 2019 with roughly around \$120,600 in carryover.

Mr. Richardson stated that is the most excess money we have had in the bank since 2002.

Mr. Richardson stated that he would like to present the 2019 projected budget for the committee to review and approve.

Mr. Richardson reviewed the 2019 budget providing highlights on various funding sources. He stated that the LSC basic grant we are losing \$98,000 in 2019 saying that we have fewer people that are below poverty in our service area. He further reviewed the budget and asked for questions.

Ms. Haun called for questions, hearing none she called for a motion.

A motion was made by Annie Smith, seconded by Lori Chumbler to approve the 2019 Budget. The motion carried with none opposed.

Mr. Richardson inquired if the committee would be willing to meet in early 2019 to work on creating a new salary scale. All committee members agreed.

Hearing no further discussion, Ms. Haun adjourned the meeting.

**LEGAL AID OF ARKANSAS**  
 2019 PROJECTED REVENUE & EXPENDITURES  
 w/ 2018 Approved Budget

Line#	Revenue:	2018 Approved	2019 Projected
1	LSC BASIC GRANT	\$1,469,994.50	\$1,460,547.00
2	Ark Adm Justice Funds	\$250,213.86	\$250,213.86
3	HUD	\$0.00	\$93,750.00
4	<b>Americorps (Includes CALS Funds and Summer Project)</b>	<b>\$0.00</b>	<b>\$0.00</b>
5	STOP/VAWA/VOCA	\$132,192.00	\$229,000.00
6	<b>Modest Means</b>	<b>\$0.00</b>	<b>\$0.00</b>
7	IRS-LITC	\$60,000.00	\$60,000.00
8	IOLTA	\$0.00	\$20,000.00
9	IOLTA-Housing Foreclosure	\$262,378.00	\$262,378.00
10	AATJF-Fair Housing Special Grant - 2018-7/12, 2019-5/12	\$25,437.50	\$42,916.67
11	MLP-EJW & ACH	\$110,553.07	\$145,000.00
12	<b>ST VINCENT</b>	<b>\$30,000.00</b>	<b>\$0.00</b>
13	<b>GEORGETOWN UNIVERSITY</b>	<b>\$0.00</b>	<b>\$0.00</b>
14	<b>Equal Justice Works AMC 2017-2018</b>	<b>\$25,200.00</b>	<b>\$0.00</b>
15	Equal Justice Works <i>CVJC May 2018-July 2020)</i>	\$0.00	\$58,092.00
16	AAA-White River	\$2,000.00	\$2,000.00
17	AAA-East Arkansas	\$35,000.00	\$35,000.00
18	AAA NWA	\$9,112.00	\$9,560.50
19	<b>UW-Boone Cnty</b>	<b>\$2,000.00</b>	<b>\$0.00</b>
20	UW-Bly	\$3,000.00	\$3,000.00
21	UW-NW Ark	\$75,000.00	\$37,500.00
22	UW-NE Ark	\$15,974.00	\$13,125.00
23	UW-Independence Cnty	\$4,000.00	\$4,000.00
24	UW-Mid South	\$3,915.63	\$3,010.00
25	<b>ADHS-DAAS</b>	<b>\$22,178.00</b>	<b>\$0.00</b>
26	Donations	\$85,000.00	\$100,000.00
27	Interest income	\$3,000.00	\$16,200.00
28	Attorney fees	\$4,000.00	\$4,000.00
29	Other - (Ark Adv for Children/Families), (CALS)	\$0.00	\$27,727.00
30	Washington County Law Library	\$12,500.00	\$12,500.00
31	National Health Law Program	\$45,833.33	\$45,833.33
32	Race	\$0.00	\$0.00
33	<b>Revenue (excludes carryOver)</b>	<b>\$2,688,481.89</b>	<b>\$2,935,353.36</b>

**LEGAL AID OF ARKANSAS**  
 2019 PROJECTED REVENUE & EXPENDITURES  
 w/ 2018 Approved Budget

34	<b>Expenses:</b>	<b>2018 Approved</b>	<b>2019 Projected</b>
35	Total-Attny plus Bonus (\$7,100)	\$1,346,228.81	\$1,665,297.76
36	Total-Paralegals plus Bonus (\$1,675)	\$229,879.58	\$216,470.00
37	Total-Other plus Bonus (\$2,312.50)	\$286,544.78	\$416,092.29
38	Total-Americorps	\$0.00	\$0.00
39	Total-EJW ( Living Allow&Suppl Benefits)	\$38,360.00	\$0.00
40	Benefits Budgeted (includes Americorp & EJW benefits)	\$342,885.90	<b>\$413,614.81</b>
41	<b>Grand Total of All Payroll</b>	<b>\$2,243,899.07</b>	<b>\$2,711,474.86</b>
42			
43	Space Rent (HA \$725, WM\$1,200, Helena \$450, CALS*\$100, VISTA-\$1,100)	\$18,600.00	\$42,900.00
44	Space Other Expenses (WM moving expense)	\$34,799.00	\$39,300.00
45	Equipment Rental&Maint	\$14,310.00	\$21,000.00
46	Office Supplies (Vista-Cost Sharing)	\$37,850.00	\$57,500.00
47	Postage /Printing	\$15,500.00	\$16,000.00
48	Communication Expense	\$61,240.00	\$45,000.00
49	Travel Board Members & Mtg Supplies	\$4,500.00	\$4,500.00
50	Travel Staff & Others (includes 50th Ann Celebration in 2017)	\$65,000.00	\$67,000.00
51	Training-Board Members	\$3,500.00	\$3,500.00
52	Training-Staff & Other	\$35,000.00	\$47,500.00
53	Library	\$14,000.00	\$15,000.00
54	Insurance-Prof Liab, Prop & Gen Liab	\$29,541.96	\$29,541.96
55	Dues & fees	\$17,500.00	\$18,500.00
56	Audit	\$15,000.00	\$15,000.00
57	Litigation	\$20,000.00	<b>\$10,000.00</b>
58	Advertising (includes 50th Ann Celebration in 2017)	\$4,000.00	\$4,500.00
59	Property Acquisition	\$15,000.00	<b>\$0.00</b>
60	Contract Services to Applicant to ALSP	\$0.00	\$0.00
61	Depreciation ( no affect on Cash)	\$14,443.15	\$14,931.67
62	Other (Contract Labor)	\$9,700.00	\$9,700.00
63	RACE-NEA LawDay	\$0.00	\$0.00
64	TIG	\$0.00	\$0.00
65	SPG Bldg Loan Pmts ( interest Exp )	\$24,864.00	<b>\$9,396.00</b>
66			
67	<b>Total Non-Personnel Exp</b>	<b>\$454,348.11</b>	<b>\$470,769.63</b>
68			
69	<b>TOTAL EXPENSES</b>	<b>\$2,698,247.18</b>	<b>\$3,182,244.49</b>
70			
71	<b>Revenues over(under)Exp(excluding carryover)</b>	<b>(\$9,765.29)</b>	<b>(\$246,891.13)</b>
72	<b>Net Assets Beginning of Year</b> (includes PROPERTY & Carryover/Reserves)	<b>1,077,793.00</b>	<b>1,206,075.00</b>
73	<b>Net Assets at End of Year</b> (includes PROPERTY & carryover/Reserves)	<b>1,068,027.71</b>	<b>959,183.87</b>
74	<b>Monthly Average Expenses &gt;&gt;&gt;&gt;&gt;&gt;&gt;&gt;&gt;</b>	<b>\$224,853.93</b>	<b>\$265,187.04</b>
75	<b>Avr Monthly Exp in Unrestricted CarryOver(Reserves)</b>	<b>4.13</b>	<b>3.50</b>

**Yoakum, Lovell & Co., PLC**  
CERTIFIED PUBLIC ACCOUNTANTS

November 13, 2018

To the Board of Directors  
Legal Aid of Arkansas  
714 South Main St  
Jonesboro, AR 72401

We are pleased to confirm our understanding of the services we are to provide for Legal Aid of Arkansas for the year ended December 31, 2018.

We will audit the financial statements of Legal Aid of Arkansas, which comprise the statement of financial position as of December 31, 2018, the related statements of activities, functional expenses, and cash flows for the year then ended, and the related notes to the financial statements. Also, the following supplementary information accompanying the financial statements will be subjected to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole.

- 1) Schedule of expenditures of federal awards.
- 2) Statements of activities by funding source
- 3) Statement of private attorney involvement

**Audit Objectives**

The objective of our audit is the expression of an opinion about whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on:

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such an opinion. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the board of directors of Legal Aid of Arkansas. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or add an emphasis-of-matter or other-matter paragraph. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or issue reports, or we may withdraw from this engagement.

#### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Organization or to acts by management or employees acting on behalf of the Organization. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from the Organization's attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

#### **Audit Procedures—Internal Control**

Our audit will include obtaining an understanding of the Organization and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance



with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Legal Aid of Arkansas's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the Organization's major programs. The purpose of these procedures will be to express an opinion on Legal Aid of Arkansas's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

### **Other Services**

We will prepare the Organization's federal information return for the year ended December 31, 2018 for the federal government based on information provided by you. We will also assist in preparing the financial statements, schedule of expenditures of federal awards, and related notes of the Organization in conformity with U.S. generally accepted accounting principles and the Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*.

We will perform the services in accordance with applicable professional standards, including the Statements on Standards for Tax Services issued by the American Institute of Certified Public Accountants. The other services are limited to the financial statements, schedule of expenditures of federal awards, related notes, and tax services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities. We will advise management with regard to tax positions taken in the preparation of the tax return, but management must make all decisions with regard to those matters.

### **Management Responsibilities**

Management is responsible for (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us, and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all

information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the organization from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the Organization involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the Organization received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the Organization complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the tax services, financial statements, schedule of expenditures of federal awards, and related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter the tax services provided and our assistance with preparation of the financial statements, the schedule of expenditures of federal awards, and related notes and that you have evaluated the adequacy of our services and have reviewed and approved the results of the services, the financial statements, the schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

### **Engagement Administration, Fees, and Other**

We may from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, and other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditor's reports or nine months after the end of the audit period.

We will provide copies of our reports to the Organization; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Yoakum, Lovell and Company, PLC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to Legal Aid of Arkansas or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Yoakum, Lovell and Company, PLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the Legal Aid of Arkansas. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

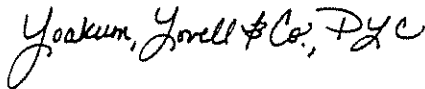
Zeke Jones is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We expect to begin our audit on approximately February 25, 2019 and to complete your information returns and issue our reports no later than March 31, 2019.

Our fees for these services will be based on the attached audit agreement. The fee estimate is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Our invoices for these fees will be rendered each month as work progresses

and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended through the date of termination. We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



Yoakum, Lovell and Company, PLC

RESPONSE:

This letter correctly sets forth the understanding of Legal Aid of Arkansas.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Legal Aid of Arkansas  
Audit Agreement

1. This agreement, between Legal Aid of Arkansas and Yoakum, Lovell & Company, PLC, shall be effective as of the date of execution below.
2. Yoakum, Lovell & Company, PLC will audit the financial records, accounts and statements of Legal Aid of Arkansas as of December 31, 2018 and for the year ended December 31, 2018.
3. The audit will be conducted in accordance with auditing standards generally accepted in the United States, the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Office of Management and Budget (OMB) Uniform Guidance; and the LSC Audit Guide for Recipients and Auditors.
4. The audit will include tests of the accounting records and such other audit procedures as necessary to express an independent opinion on the statement of financial position and the related statements of activities, and cash flows, and reports on compliance with laws and regulations and the internal control structure.
5. Yoakum, Lovell & Company, PLC will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement. Under the concept of reasonable assurance, Yoakum, Lovell & Company, PLC will exercise its judgment about the number of transactions to be examined and the areas to be tested. There is, therefore, a risk that material errors, irregularities or illegal acts, including fraud or defalcations, may exist and not be detected. Yoakum, Lovell & Company, PLC will, however, advise immediately the LSC OIG of any such matters that come to its attention. Yoakum, Lovell & Company, PLC's responsibility is limited to the period covered by the audit and does not extend to matters that might arise during any later periods.
6. Yoakum, Lovell & Company, PLC, as part of the engagement, will request written representations from Legal Aid of Arkansas' attorneys. Prior to the conclusion of the audit, Yoakum, Lovell & Company, PLC will also request certain written representations from Legal Aid of Arkansas' management about the financial statements and related matters. It is understood that these financial statements are the responsibility of management. This responsibility includes the maintenance of adequate records and related internal control structure policies and procedures, the selection and application of accounting principles, and the safeguarding of assets. Yoakum, Lovell & Company, PLC will advise management about the appropriate accounting principles and their application, and will assist in the preparation of the financial statements, if necessary.
7. Yoakum, Lovell & Company, PLC understands that it has the responsibility:
  - a. To prepare the audit reports in accordance with the requirements of Government Auditing Standards, OMB Uniform Guidance, and the LSC Audit Guide for Recipients and Auditors;
  - b. To prepare and electronically submit a summary report form on noncompliance with laws and regulations, questioned costs and reportable conditions;
  - c. To provide a special report to the OIG on noncompliance in the event that the recipient fails to do so in accordance with the requirements of the LSC Audit Guide for Recipients and Auditors; and
  - d. To notify OIG within five business days of its termination or cessation of services to the recipient.
8. Yoakum, Lovell & Company, PLC will also prepare the federal tax return (IRS form 990) for the year

Legal Aid of Arkansas  
Audit Agreement

ending December 31, 2018.

9. Entrance and exit conferences will be held with Legal Aid of Arkansas' management, and Yoakum, Lovell & Company, PLC representatives.
10. Legal Aid of Arkansas management's responses to draft audit reports will be delivered to Yoakum, Lovell & Company, PLC for inclusion in the final reports, where practical.
11. Yoakum, Lovell & Company, PLC will deliver to the Legal Aid of Arkansas:
  - a. Three copies of the draft audit reports no later than March 31, 2019.
  - b. The original and 10 copies of the final audit reports no later than 90 days after closing; and
  - c. The federal tax return within a reasonable time after the acceptance of the final audit reports.
12. In consideration for the satisfactory performance of the audit, Yoakum, Lovell & Company, PLC will receive \$15,000, paid as follows:
  - a. Upon monthly billings, provided that such billings do not exceed \$14,750 and detail the work performed, number of hours worked and rate charged; and
  - b. Upon delivery of the completed federal tax return, \$250.
13. Yoakum, Lovell & Company, PLC will immediately notify the Legal Aid of Arkansas of any significant and/or reportable conditions noted during the course of the audit.
14. Audit working papers will be prepared in accordance with *Government Auditing Standards*, and will be retained by Yoakum, Lovell & Company, PLC for at least three years from the date of the final audit report. The working papers will be available for examination upon request by authorized representatives of LSC and the Comptroller General of the United States. The audit working papers will be subject to a quality assurance review conducted by the LSC OIG.
15. The certifications numbered a through h are incorporated by reference and made a part of this agreement.
16. In the event that there is a significant change in funding from the LSC and/or a change in the legal or regulatory requirements applicable to this audit, Legal Aid of Arkansas shall be allowed either to: 1) withdraw from this engagement after paying in full for any and all services rendered by Yoakum, Lovell & Company, PLC prior to the date of withdrawal; or 2) seek, without penalty, a negotiated modification of this agreement which would result in the satisfaction of the new legal requirements through the services to be performed under the modified agreement.
17. The fees set by this agreement are based upon the following assumptions: management will respond promptly to all requests for basic information and/or documentation; the books will have been posted through the year; all adjustments will have been posted; management personnel will prepare cash and other confirmations; and that year-end schedules supporting the account balances will be provided.

Legal Aid of Arkansas  
Audit Agreement

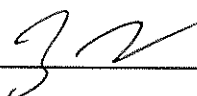
18. Yoakum, Lovell & Company, PLC will give an oral presentation of its audit report to the board of directors.
19. If circumstances arise that will require additional services and time by Yoakum, Lovell & Company, PLC, they will notify the Legal Aid of Arkansas and obtain its agreement prior undertaking such activities. The hourly fee for such agreed to services will be \$135 for a partner and \$115 for staff accountant from our firm.
20. The terms of this agreement may be modified only in writing, signed by duly authorized representatives of the parties.
21. If the parties are unable to resolve a dispute regarding the acceptability of deliverables under this agreement, the dispute will be submitted to the American Arbitration Association for resolution through binding arbitration.
22. This agreement, which includes the matter specifically incorporated by reference, constitutes the entire agreement between the parties.
23. This agreement has been made, and shall be construed, in accordance with the laws of the state of Arkansas.
24. Upon completion of the audit, a detailed bill will be provided showing hours worked, the rate per hour charged, and the level of staff working on the audit.

Executed on this 13 day of November, 2018 for the parties by their duly authorized representatives.

Legal Aid of Arkansas

By: \_\_\_\_\_

Yoakum, Lovell & Company, PLC

By:  \_\_\_\_\_


Legal Aid of Arkansas  
Audit Agreement

Certifications

- A. The individual signing certified that he is authorized to contract on behalf of Yoakum, Lovell & Company and to make these certifications.
- B. The individual signing certified that Yoakum, Lovell & Company is not involved in any agreement to pay money or other consideration for the execution of this agreement, other than to an employee of Yoakum, Lovell & Company.
- C. The individual signing certified that Yoakum, Lovell & Company meets the independence standards of the *Government Auditing Standards* issued by the comptroller general of the united states.
- D. The individual signing certified that he is aware that all individuals to be assigned to the audit have met the GAO continuing education requirement of 80 hours of continuing education every two years; and that 24 hours of this education have been in subjects directly related to the auditing of government grants.
- E. The individual signing certified that he has read and understands the GAO requirement of an external quality control review at least once every three years.
- F. The individual signing certified that the contractor, and any individuals to be assigned to the audit, does not have a record of substandard audit work and has not been debarred or suspended from doing work with any federal, state, or local government.
- G. The individual signing certifies that Yoakum, Lovell & Company does carry professional malpractice insurance or is otherwise adequately self-insured.
- H. The individual signing certifies that Yoakum, Lovell & Company does not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin, disability, or any other basis prohibited by law. Yoakum, Lovell & Company shall take affirmative action to insure that employees are treated during their employment, without regard to race, color, religion, sex, age, national origin, disability, or any other basis prohibited by law. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Yoakum, Lovell & Company will, in all solicitations or advertisements for employees placed by or on behalf of Yoakum, Lovell & Company, state all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, disability or any other basis prohibited by law.

Dated this 13 day of November, 2018.

Yoakum, Lovell & Company, PLC

By:   
Zeke Jones  
Certified Public Accountant

As its: Partner



Attorneys		Paralegals #		Administrative *		Clerical	
1	42,000	1	26,000	1	33,000	1	22,000
2	45,000	2	27,500	2	35,000	2	23,000
3	48,000	3	29,000	3	37,000	3	24,000
4	51,000	4	31,500	4	39,000	4	25,000
5	54,000	5	33,000	5	41,000	5	26,000
6	56,000	6	34,200	6	42,500	6	26,800
7	58,000	7	35,400	7	44,000	7	27,600
8	60,000	8	36,600	8	45,500	8	28,400
9	62,000	9	37,800	9	47,476	9	29,200
10	64,000	10	39,000	10	48,500	10	30,000
11	66,000	11	40,200	11	50,000	11	30,800
12	68,000	12	41,400	12	51,500	12	31,600
13	70,000	13	42,600	13	53,000	13	32,400
14	72,000	14	43,800	14	54,500	14	33,200
15	74,000	15	45,000	15	56,000	15	34,000
<b>COLA</b>	<b>ONLY</b>						

Law student interns will be paid \$15.00 per hour or an amount specified by funding source. The executive director may hire temporary help as necessary at rates other than reflected above.

New employees hired in a job class shall be hired at the first pay grade step; however, credit may be given as follows for relevant experience, weighted in order:

- A. Experience in that job classification with another Legal Services program or public interest law firm
- B. Legal experience in that job classification other than with another Legal Services program or public interest law firm
- C. Non-legal experience in that job classification
- D. Veterans with an honorable discharge will receive an additional pay grade step when employed.

Employees whose annual evaluations are rated satisfactory or better shall receive a 1-step pay increase, if funding is available. Employees who reach the final step of their pay grade cannot receive a salary increase until such time as the salary structure is adjusted.

Part-time attorney salaries are negotiable. Scale does not apply to special fellowship, AmeriCorps, transitional attorneys, or other specially funded projects.

Work Group leaders will receive a \$1,000 annual stipend, Regional Managers \$1,500, and Deputy Director and Litigation Director \$2,000. Only one stipend applies if multiple positions are held.

# includes pro bono specialists/managers. Paralegals currently on Step 14 or above of the schedule updated 11-8-2012 will remain on that schedule through the duration of their employment.

\* includes Development Specialists, Human Resources Specialist, Communications Director, Web Developer, Technology Director and other administrative staff where a degree is required. Any staff deemed "exempt" by the Executive Director that is not an attorney will be paid a salary consistent with Department of Labor and Fair Labor Standards Act rules and regulations. The Fiscal Officers salary is negotiable with the Executive Director and Board.

## **Check Signer Changes request December 8, 2018**

### **Bank of Fayetteville/Famers Merchant Bank**

Add:

- Kori Lancaster
- Ashley Norman

Remove:

- Riley Cross

### **First Security**

Add:

- Kori Lancaster
- Ashley Norman

Remove:

- Riley Cross

### **Iberia Bank IOLTA Account**

Add:

- Kori Lancaster
- Ashley Norman
- Helen Gratil

Remove:

- Riley Cross



Lee Richardson <lrichardson@arlegalaid.org>

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## Safety Update

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Elizabeth King <eking@arlegalaid.org>

Tue, Nov 6, 2018 at 4:48 PM

To: "Annie B. Smith" <abs006@uark.edu>, Val Price <valandleah@yahoo.com>, Ashlie Thacker <ashliedthacker08@gmail.com>, Ron Wilson <esquirewilson@yahoo.com>, Steve Davis <davislawfirm1@outlook.com>, Lori Chumbler - LEGAL <lori.chumbler@walmartlegal.com>, Andrea Walker <awalker@arlegalaid.org>, Kristopher Ramsfield <kramsfield@arlegalaid.org>, Samantha Davis <sdavis@arlegalaid.org>, Lee Richardson <lrichardson@arlegalaid.org>

Good Morning,

I wanted to give the committee a quick update. We have begun making some improvements to help with security in our offices.

- Newport office has a new door.
- Jonesboro office is still obtaining bids to have improvements made.
- Springdale office has new automatic locks on the lobby doors, new plexi glass in the sliding window and shades on side glass doors
- Harrison office - still discussing
- Panic button systems will be implemented soon, hopefully by the end of the year
- All staff attended an Active Shooter Training at the Statewide Conference in October
- Disaster Plan will be updated in early 2019

Lee will make an update to the full board at the December board meeting.

--

Elizabeth King

Human Resource Manager/Administrative Assistant

[Legal Aid of Arkansas - Springdale](#)

870-972-9224 ext. 4311

[Web](#) | [Facebook](#) | [Twitter](#)

## **Proposed Additional Holidays for Board Approval**

Good Friday – Permanent addition to Holiday Schedule, this year April 19th

## **2019 Additional Holidays**

Personnel Manual allows the Executive Director to declare up to two, need board approval for the third. The additional holiday submitted for board approval is December 30<sup>th</sup>.

Friday, July 5<sup>th</sup>

Monday, December 23<sup>rd</sup>

Monday, December 30<sup>th</sup>

## Legal Aid of Arkansas, Inc.

**Certification of Objective Integrity and Independence** – 45 CFR 1610.8 (pasted below signature block) requires that we have objective integrity and independence from any program that engages in restricted activities. We have been in strict compliance with this regulation for the previous 12 months and I recommend such certification be made to the Legal Services Corporation as required by 1610.8 (b).

Lee Richardson  
Executive Director  
December 8, 2018

### **§ 1610.8 Program integrity of recipient.**

**(a)** A recipient must have objective integrity and independence from any organization that engages in restricted activities. A recipient will be found to have objective integrity and independence from such an organization if:

**(1)** The other organization is a legally separate entity;

**(2)** The other organization receives no transfer of LSC funds, and LSC funds do not subsidize restricted activities; and

**(3)** The recipient is physically and financially separate from the other organization. Mere bookkeeping separation of LSC funds from other funds is not sufficient. Whether sufficient physical and financial separation exists will be determined on a case-by-case basis and will be based on the totality of the facts. The presence or absence of any one or more factors will not be determinative. Factors relevant to this determination shall include but will not be limited to:

**(i)** The existence of separate personnel;

**(ii)** The existence of separate accounting and timekeeping records;

**(iii)** The degree of separation from facilities in which restricted activities occur, and the extent of such restricted activities; and

**(iv)** The extent to which signs and other forms of identification which distinguish the recipient from the organization are present.

**(b)** Each recipient's governing body must certify to the Corporation within 180 days of the effective date of this part that the recipient is in compliance with the requirements of this section. Thereafter, the recipient's governing body must certify such compliance to the Corporation on an annual basis.

## CERTIFICATION OF PROGRAM INTEGRITY

Recipient Name: Legal Aid of Arkansas

Recipient Number: 604020

**I certify that the governing body has received and reviewed a written report from the executive director pertaining to the recipient's compliance with the program integrity requirements of 45 CFR 1610 and authorized me, based on the governing body's review and discussion of the director's report, to certify that:**

1. The recipient is a legally separate entity from any organization which engages in restricted activity; *and*
2. Except for funds provided to a bar association, *pro bono* program, private attorney or law firm, or other entity for the sole purpose of funding private attorney involvement activities (PAI) pursuant to 45 CFR Part 1614, since December 9, 2017, the recipient has not transferred LSC funds to any organization which engages in restricted activity; *and*
3. Since December 9, 2017, the recipient has not utilized recipient funds or resources to subsidize the restricted activity of any organization; *and*
4. The recipient meets the requirements of 45 CFR 1610.8(a) in that the recipient is physically and financially separate from any organization which engages in restricted activity. Factors relevant to the Board's determination of program independence and integrity include:
  - a. The existence of separate personnel;
  - b. The existence of separate accounting and timekeeping records;
  - c. The degree of separation from facilities in which restricted activities occur, and the extent of such restricted activities;
  - d. The extent to which signs and other forms of identification which distinguish the recipient from the other organization are present.

**On behalf of the governing body, I acknowledge that compliance with the integrity and independence requirements of 45 CFR 1610.8(a) is a prerequisite to the recipient receiving continued funding from the Legal Services Corporation.**

December 8, 2018

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lori Chumbler, Chair  
Board of Directors

<b>Position No.</b>	<b>Appointing Organization</b>	<b>Location</b>	<b>Client Population</b>	<b>Board Member</b>	<b>Term Expires</b>
1	Lee, Monroe or Phillips County Bar Association	1st Judicial District	Lee, Monroe and Phillips counties	<a href="#"><u>Faye Reed</u></a>	<a href="#"><u>12/31/2018</u></a>
2	Cross, St. Francis or Woodruff County Bar Associations	1st Judicial District	Cross, St. Francis and Woodruff counties	<a href="#"><u>Mary Hoshall Hodges</u></a>	<a href="#"><u>12/31/2018</u></a>
3	Crittenden County or Osceola Bar Associations	2nd Judicial District	Crittenden and Mississippi (South) counties	Ron Wilson	12/31/2020
4	Clay or Greene County or Blytheville Bar Associations	2nd Judicial District	Clay, Greene and Mississippi (North) counties	<a href="#"><u>Neal Burns</u></a>	<a href="#"><u>12/31/2018</u></a>
5	Craighead or Poinsett County Bar Association	2nd Judicial District	Craighead and Poinsett counties	<a href="#"><u>Val Price</u></a>	<a href="#"><u>12/31/2018</u></a>
6	Jackson, Lawrence, Randolph or Sharp County Bar Associations	3rd Judicial District	Jackson, Lawrence, Randolph and Sharp counties	Tim Watson, Jr.	12/31/2019
7	Cleburne, Fulton, Independence, Izard or Stone County Bar Associations	16th Judicial District	Cleburne, Fulton, Independence, Izard and Stone counties	Fuller Bumpers	12/31/2020
8	Madison or Washington County Bar Associations	4th Judicial District	Madison and Washington counties	Niki Cung	12/31/2019
9	Benton County Bar Association	19th (East) Judicial District	Benton County	<a href="#"><u>Lori Chumbler</u></a>	<a href="#"><u>12/31/2018</u></a>
10	Boone-Newton or Carroll County Bar Associations	14th and 19th (East) Judicial Districts	Boone, Carroll and Newton counties	Steve Davis	12/31/2020
11	Baxter, Marion, Searcy or Van Buren County Bar Associations	14th and 20th Judicial Districts	Baxter, Marion, Searcy and Van Buren counties	Donna Price	12/31/2019
12	University of Arkansas School of Law at Fayetteville	At Large	At Large	Annie B. Smith	12/31/2020

13	Arkansas Bar Association	At Large	At Large	Curtis Walker	12/31/2020
14	Domestic Violence Service Community-Family Violence Prevention	At Large	Victims of Domestic Violence	<a href="#">Ashlie Thacker</a>	<a href="#">12/31/2018</a>
15	Area Agencies on Aging-Area Agency on Aging of East AR	At Large	Elderly	Rene Ward	12/31/2019
16	Community Action Programs- CRDC	At Large	Program Clients	<a href="#">Dennis Blackmore</a>	<a href="#">12/31/2018</a>
17	Mental Health/Disability- Arkansas Support Network	At Large	Mentally Ill/Disabled	Demetre Walker	12/31/2019
18	Faith Based Service Organization-	At Large	Program Clients	Kashia Phillips	12/31/2020
19	United Way Agency-CASA of the 2 <sup>nd</sup> Judicial District	At Large	Agency Clients	Helen Jenkins	12/31/2019
20	Misc Organization Serving Low-Income Clients – Workers Justice	At Large	Program Clients	Vilma Ascensio	12/31/2020
21	Wild Card	At Large	At Large	Pamela Haun	12/31/2019



**LEGAL AID OF ARKANSAS  
BOARD OF DIRECTORS  
2018**

	<b>POSITIONS HELD</b>	<b>APPOINTING ORGANIZATION</b>	<b>TERM BEGINS</b>	<b>TERM ENDS</b>
Vilma Asencio 2301 Anna Street Springdale, AR 72762 479-200-6978 <a href="mailto:Vasencio@outlook.com">Vasencio@outlook.com</a>	Client Advisory Committee/ Executive Committee	Worker's Justice Center Nelson Escobar 207 W. Emma Street Springdale, AR 72764 479-750-8015 479-750-1194 – Fax <a href="mailto:Nelson.wjc@gmail.com">Nelson.wjc@gmail.com</a>	01/01/18	12/31/20
Dennis Blackmore 880 Bryant Street Batesville, AR 72501 870-384-0245 <a href="mailto:denniswblackmore@gmail.com">denniswblackmore@gmail.com</a>	Client Advisory	North Central Arkansas Development Council Charlie Morris, Director P.O. Box 3349 Batesville, AR 72503 870-793-5765	01/01/16	12/31/18
Neal Burns 200 S. Pruett St. Paragould, AR 72450 870-239-2225 887-239-2780 – Fax <a href="mailto:b.neal.burns@gmail.com">b.neal.burns@gmail.com</a>		Greene County Bar Association Brad Broadaway, President 924 West Court Street Paragould, AR 72450 870-236-9800 870-236-4840 – Fax	01/01/16	12/31/18
Lori Chumbler Associate General Counsel Legal Administration & External Relations 702 S.W. 8th Street Bentonville, AR 72716-0215 <a href="mailto:lori.chumbler@walmartlegal.com">lori.chumbler@walmartlegal.com</a>	Board Chair/All Committees	Benton County Bar Association Tina Adcock Thomas, President 121 S. Main St. Bentonville, AR 72712 479-273-2777 479-273-1214 – Fax	01/01/16	12/31/18
Fuller Bumpers Attorney at Law P.O. Box 2496 Batesville, AR 72503 870-793-7556 <a href="mailto:fbumpers@earthlink.net">fbumpers@earthlink.net</a>		Independence County Bar Association Barrett S. Moore, President P.O. Box 2135 Batesville, AR 72501	01/01/18	12/31/20
Ashlie Thacker 3608 Shelby Drive Paragould, AR 72450 870-565-0445 <a href="mailto:ashliedthacker08@gmail.com">ashliedthacker08@gmail.com</a>	Search./Appointments/ Nominations Committee (Chair)/Client Advisory Committee	Family Crisis Center of Northeast Arkansas P.O. Box 721 Jonesboro, AR72403 870-972-9575	01/01/17	12/31/18
Niki Cung Kutak Rock, LLP 234 East Millsap Road, Suite 400 Fayetteville, AR 72703-4099 479-973-4200 x1933 479-973-0007 – Fax 479-445-3770 – Cell <a href="mailto:niki.cung@kutakrock.com">niki.cung@kutakrock.com</a>	Executive Committee; Search/Appointments/ Nominations Committee	Washington County Bar Association Tyler Benson, President	01/01/17	12/31/19
Donna Price Attorney at Law P.O. Box 430 Clinton, AR 72031 501-745-2283 <a href="mailto:donnapriceattorney@gmail.com">donnapriceattorney@gmail.com</a>		Van Buren County Bar Association Ralph Blagg, President	01/01/17	12/31/19

**LEGAL AID OF ARKANSAS  
BOARD OF DIRECTORS  
2018**

	<b>POSITIONS HELD</b>	<b>APPOINTING ORGANIZATION</b>	<b>TERM BEGINS</b>	<b>TERM ENDS</b>
Pamela Haun Attorney at Law P.O. Box 1700 Jonesboro, AR 72403 870-931-1700 870-931-1800 – Fax <a href="mailto:phaun@barrettdeacon.com">phaun@barrettdeacon.com</a>	Vice Chair; Executive Committee; Audit/Finance Committee (Chair)	Craighead County Bar Association Carla Rogers Nadzam, President	01/01/17	12/31/19
Mary Hoshall Hodges P.O. Box 747 Forrest City, AR 72336		St. Francis County Bar Association Austin Easley, President P.O. Box 1115 Forrest City, AR 72336 870-633-1447	01/01/16	12/31/18
Helen Jenkins P.O. Box 264 Blytheville, AR 72315 870-740-3945 <a href="mailto:annjen@yahoo.com">annjen@yahoo.com</a>	Client Advisory Committee; Audit/Finance Committee; Search/Appointments/ Nominations Committee	CASA of the 2 <sup>nd</sup> Judicial District 511 Union Street, Suite 327 Jonesboro, AR 72401 870-935-1099	01/01/17	12/31/19
Tim Watson, Jr. 209 Walnut Street Newport, AR 72112 Phone: 870-523-8420 Fax: 870-523-4639 <a href="mailto:timwatsonjrlaw@yahoo.com">timwatsonjrlaw@yahoo.com</a>		Jackson County Bar Association James McLarty Attorney at Law 114 Main Street Newport, AR 72112 870-523-2403 870-523-3630 - Fax	01/01/17	12/31/19
Val P. Price Attorney at Law P.O. Box 3072 Jonesboro, AR 72403-3072 870-934-9400 870-934-9400 - Fax <a href="mailto:valandleah@yahoo.com">valandleah@yahoo.com</a>	Personnel/Client Grievance Committee (Chair);	Craighead County Bar Association Carla Rogers Nadzam, President	01/01/16	12/31/18
Faye Reed Attorney at Law 110 Oakland Ave. Helena-West Helena, AR 72342 870-817-0235 870-995-3198 – Cell <a href="mailto:frimprove@gmail.com">frimprove@gmail.com</a>	Personnel/Client Grievance Committee;	Phillips County Bar Association Mr. Phillip Allen P.O. Box 2602 West Helena, AR 72390	01/01/16	12/31/18
Kachia Phillips 1216 N. B Street Rogers, AR 72756 479-316-5569 <a href="mailto:Kachiaphillips74@gmail.com">Kachiaphillips74@gmail.com</a>	Client Advisory Committee; Executive Committee	Goodwill Industries of Arkansas Springdale, AR 72762	01/01/18	12/31/20

**LEGAL AID OF ARKANSAS  
BOARD OF DIRECTORS  
2018**

	<b>POSITIONS HELD</b>	<b>APPOINTING ORGANIZATION</b>	<b>TERM BEGINS</b>	<b>TERM ENDS</b>
Annie B. Smith Assistant Professor of Law U of A School of Law Law School Legal Clinic 1045 W. Maple Street Waterman Hall – Room 107 Fayetteville, Arkansas 72701 479-575-3056 856-979-6321 – Cell <a href="mailto:abs006@uark.edu">abs006@uark.edu</a>	Treasurer; Audit/Finance Committee	University of Arkansas School of Law Stacey Leeds, Dean Robert A. Leflar Law Center Fayetteville, AR 72701-1201 479-575-4504 479-575-3320 - Fax	01/01/18	12/31/20
Curtis Walker P.O. Box 627 Blytheville, AR 72316-0627 <a href="mailto:curtisjerome@sbcglobal.net">curtisjerome@sbcglobal.net</a>		Arkansas Bar Association 2224 Cottdale Lane Little Rock, AR 72202 501-375-4606 501-375-4901 – Fax	01/01/18	12/31/20
Demetre Walker 902 N Larkspur Lane Fayetteville, AR 72704 479-587-3068 - Work 479-790-0440 - Cell	Secretary, Client Advisory Group; Personnel/Client Grievance Committee	Arkansas Support Network Lynn Donald, Program Director 6836 Isaac's Orchard Road Springdale, AR 72762 479-927-4100 479-927-4101 – Fax	01/01/17	12/31/19
Rene Ward PO Box 3031 Forrest City, AR 72336 870-261-4309 <a href="mailto:grward72335@yahoo.com">grward72335@yahoo.com</a>	Client Advisory Committee; Search/Appointments/ Nominations Committee	East Arkansas Area Agency on Aging Monte Callicott, Executive Director 2005 E. Highland Dr. PO Box 5035 Jonesboro, AR 72403-5035 870-930-2202	01/01/17	12/31/19
Steven B. Davis Davis Law Firm P.O. Box 1696 Harrison, AR 72602-1696 870-741-4646 870-741-2500 – Fax davislawfirm1@outlook.com		Boone-Newton Bar Association Brad Brown, President 212 N. Main Street, Suite B P.O. Box 298 Harrison, AR 72602	01/01/18	12/31/20
Ron Wilson P.O. Box 1299 West Memphis, AR 72303-1299 870-735-2940 870-732-0174 – Fax <a href="mailto:esquirewilson@yahoo.com">esquirewilson@yahoo.com</a>	Executive Committee	Crittenden County Bar Association Bart Ziegenhorn, President 106 Dover Road, Suite B P.O. Box 830 West Memphis, AR 72303 870-732-9100	01/01/18	12/31/20

**Legal Aid of Arkansas  
2018 COMMITTEES**

COMMITTEE	CHARGE	2018 COMMITTEE MEMBERS
<p align="center"><b>EXECUTIVE</b></p>	Responsible for strategic and business planning including the development of goals and objectives of organization;	<ul style="list-style-type: none"> <li>• <b>Lori Chumber, Chair</b></li> <li>• <b>Pam Haun, Vice Chair</b></li> <li>• <b>Demetre Walker, Secretary</b></li> <li>• <b>Annie Smith, Treasurer</b></li> <li>• <b>Niki Cung</b></li> <li>• <b>Ron Wilson</b></li> </ul>
	Makes recommendations regarding policies for the governing body;	
	Engages in activities involving organizational assessment;	
	Takes necessary actions between full board meetings, and reports such actions at next meetings;	
	Meets with the Executive Director to discuss confidential matters;	
	Works with the Executive Director/ CEO regarding annual goals; negotiation of his/ her employment contract and evaluates him/her regarding said goals upon mutually agreed standards;	
COMMITTEE	CHARGE	2018 COMMITTEE MEMBERS
<p align="center"><b>AUDIT/FINANCE</b></p>	Reviews audits, financial statements, and internal financial management reports;	<ul style="list-style-type: none"> <li>• <b>Lori Chumbler, Board Chair</b></li> <li>• <b>Pam Haun, Vice Chair/Committee Chair</b></li> <li>• <b>Annie Smith. Treasurer</b></li> </ul>
	Makes recommendations to the Board regarding the selection of the independent auditors and program operations budgets;	
	Monitors the financial affairs of the Organization to ensure that resources are safeguarded and spent wisely.	

Legal Aid of Arkansas

2018 COMMITTEES

COMMITTEE	CHARGE	2018 COMMITTEE MEMBERS
<p><b>STANDING DELIVERY OF LEGAL SERVICES/ LITIGATION</b></p>	<p>Encourages support from entities that provide legal assistance to meet unmet legal needs.</p>	<ul style="list-style-type: none"> <li>• <b>Lori Chumbler, Board Chair</b></li> <li>• <b>Kachia Phillips</b></li> <li>• <b>Steve Davis</b></li> <li>• <b>Annie Smith</b></li> <li>• <b>Andrea Walker - ex-officio</b></li> <li>• <b>Jason Auer- ex-officio</b></li> <li>• <b>Kevin De Liban- ex-officio</b></li> <li>• <b>Blane Swain- ex-officio</b></li> <li>• <b>Susan Purtle- ex-officio</b></li> </ul>
	<p>Reviews recommendations regarding substantive program priorities and makes recommendations to the Board;</p>	
	<p>Reviews and provides input relating to periodic legal needs studies</p>	
	<p>Engages, relevant community based organizations to assist in identifying legal issues and reports same to the Administration and/or Board;</p>	
	<p>Makes recommendations for improvements in the delivery of legal services with regard to all segments of the public and nonprofit service providers, with a special emphasis on the delivery of legal services to low income populations.</p>	

Legal Aid of Arkansas

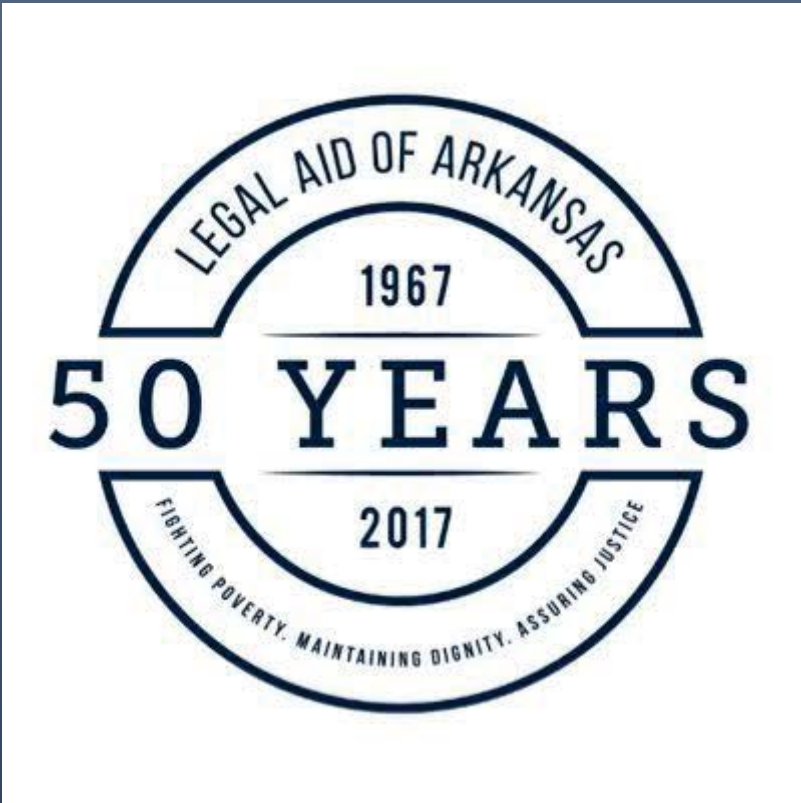
2018 COMMITTEES

COMMITTEE	CHARGE	2018 COMMITTEE MEMBERS
<p><b>PERSONNEL/GRIEVANCE</b></p>	Reviews client grievances	<ul style="list-style-type: none"> <li>• <b>Lori Chumbler, Board Chair</b></li> <li>• <b>Val Price, Committee Chair</b></li> <li>• <b>Demetre Walker</b></li> <li>• <b>Faye Reed</b></li> </ul>
	Conducts the annual evaluation of the Executive Director and makes salary recommendations to the full board	
COMMITTEE	CHARGE	2018 COMMITTEE MEMBERS
<p><b>SEARCH/APPOINTMENTS/ NOMINATIONS</b></p>	Reviews the annual diversity report and reviews all open member slots and seeks new appointments when necessary	<ul style="list-style-type: none"> <li>• <b>Lori Chumbler, Board Chair</b></li> <li>• <b>Ashlie Thacker, Committee Chair</b></li> <li>• <b>Niki Cung</b></li> <li>• <b>Helen Jenkins</b></li> </ul>
COMMITTEE	CHARGE	2018 COMMITTEE MEMBERS
<p><b>SAFETY</b></p>	Reviews office safety and makes recommendations to the full board and Executive Director	<ul style="list-style-type: none"> <li>• <b>Lori Chumbler, Board Chair</b></li> <li>• <b>Annie Smith, Committee Chair</b></li> <li>• <b>Val Price</b></li> <li>• <b>Ashlie Thacker</b></li> <li>• <b>Steve Davis</b></li> <li>• <b>Ron Wilson</b></li> <li>• <b>Andrea Walker</b></li> <li>• <b>Kris Ramsfield</b></li> <li>• <b>Samantha Davis</b></li> </ul>

**Legal Aid of Arkansas  
2019  
Proposed Board Meeting Dates & Locations**

**Parameters-** Meetings must be held quarterly. We have traditionally rotated meetings throughout the service area. We have had meetings in Batesville, Blytheville, Brinkley, Fayetteville, Forrest City, Harrison, Heber Springs, Helena-West Helena, Jonesboro, Little Rock, Mountain Home, Mountain View, Newport, Rogers, Springdale and West Memphis.

<b>DATE</b>	<b>LOCATION</b>
March 30, 2018	West Memphis
June 22, 2019	Harrison
September 14, 2019	Jonesboro
December 7, 2019	Springdale



# CASE ACCEPTANCE PRIORITIES







## 2019 CASE ACCEPTANCE PRIORITIES

Legal Aid's priorities consist of four core areas: Access to Safe and Affordable Housing; Protection from Domestic Violence; Economic Justice; and Consumer Rights. These core areas reflect Legal Aid's strategic focus to support families; preserve homes; maintain economic stability; ensure safety, stability and health; and to identify and address the needs of vulnerable populations.

### CASE ACCEPTANCE DECISIONS

Workgroups shall make decisions according to case acceptance priorities. Staff may provide advice, limited services, and referrals to any eligible applicant, including case types not considered for extended representation. Referrals to pro se resources will be made only after considering the circumstances and the likelihood of the applicant being successful proceeding pro se. Extended representation may involve negotiation; document preparation; administrative or court representation; appellate practice; systemic advocacy; transactional work; community economic development; or legislative and administrative rulemaking, as permissible.

When evaluating a case for extended representation, workgroups will consider:

1. The likelihood of **legal success**;
2. The amount of **program resources required** to address the legal problem;
3. The **availability of program resources** for effective representation;
4. Any particular **vulnerability of the applicant**;
5. **Alternative community and pro bono resources**;
6. The **seriousness** of the legal matter, including its impact on the applicant and whether the matter is common or systemic in nature; and
7. The long-term **benefit of representation** to the client and/or client community.

### PRO BONO RESOURCES

To maximize the use of volunteer resources, Legal Aid may accept cases outside of case acceptance priorities when volunteer resources are available. In these cases, Legal Aid will notify clients that if no volunteer resource is available, only advice, limited services, or referral will be provided.

### TARGETED PROJECTS AND POPULATIONS

Legal Aid may provide specialized services to address the needs of certain populations. Priorities and financial guidelines may be modified for specific geographic areas; projects; or targeted

underserved or vulnerable populations or areas experiencing disasters. For special projects without separate funding, financial guidelines may be modified up to 200% of the national eligibility level. Expanded priorities may be specified by an addendum to these priorities.

When specialized grant funding exists, Legal Aid may also expand income eligibility or case priorities to meet funding obligations. For example Equal Justice Works, Title III, LITC, MLP, HUD, Bank of America Settlement Funds, VOCA, National Health Law Program, Arkansas Advocates for Children and Families, Natural Wonders Funding, other special grants that may be received during the year, and donation funding may exceed 200% when/if allowed by those specific grants or funding sources. All expansions will comply with LSC regulations.

For 2019, targeted projects include medical-legal partnerships, victims of Adverse Childhood experiences in targeted areas as determined by the executive director, low-income taxpayer clinic, housing issues including fair housing, and employment opportunity.

### **EMERGENCY CASES**

Emergency situations may arise where Legal Aid is compelled to undertake legal representation on a case outside case acceptance priorities. Subject to the executive director's or designee's approval, emergency representation is allowable under the following conditions:

- Client is eligible for legal services; and
- Legal assistance is immediately necessary to:
  - (a) Secure or preserve the necessities of life;
  - (b) Protect against or eliminate a significant risk to health and safety;
  - (c) Address significant legal issues that arise because of new or unforeseen circumstances; or
  - (d) To prevent an extreme miscarriage of justice.

In emergency cases, the staff member shall document the emergency condition in the case management system and send the information to his/her work group leader, Regional Manager, and the executive director. Subsequent reports shall be made to the Board regarding the case.

### **COMMUNITY EDUCATION AND OUTREACH**

Legal Aid will develop a separate Community Education and Outreach plan annually, as a stand-alone document or part of each Substantive Groups work plan. The plan reflects an intentional emphasis on increasing Legal Aid's visibility and participation in eligible-client communities and increasing community awareness of legal rights and responsibilities.

### **REVIEW OF PRIORITIES**

The Board of Directors and program staff shall review priorities annually with input from justice community members, including the private bar, the judiciary, court staff, Access to Justice Commission, the Center for Arkansas Legal Services, and client-eligible community members and service organizations. Statistical data, progress reports, anecdotal information, client satisfaction surveys results, emerging legal issues, legal needs study results, needs surveys completed by

clients and community members, and other appropriate information will be considered in determining critical legal needs.

**SUSPENSION OF CASE ACCEPTANCE**

The Executive Director or designee may declare a temporary moratorium on non-emergency case acceptance during resource shortages, human or financial, to allow staff members to retain their strategic focus and meet their professional responsibility to current clients.

**CASE HANDLER AGREEMENT** (45 CFR 1620.6)

All staff attorneys, paralegals, and all other staff providing direct legal assistance to clients shall sign an Agreement to review and abide by Case Acceptance Priorities.

## CONSUMER LAW PRIORITIES 2019

*Our mission: To assure due process by championing equal justice for low income consumers.*

*Our vision: Protecting income and assets for those with no access to justice.*

### **General Aspirations**

- Protect wages, housing, employment, Social Security, or to otherwise stabilize a client.
- Coordinate with ongoing Legal Aid projects to prioritize clients from certain groups, i.e. clients introduced through a drug court, veteran's hospital, MLP, LEP community outreach, etc., while considering minority populations and those with no other resources.
- Identify and address systemic issues that perpetuate poverty.
- Work with outside organizations such as the Attorney General's Office to combat abuse and exploitation of low-income Arkansans.
- Partner with other workgroups to provide comprehensive services.
- Acceptance of fewer cases by the work group will allow members to focus on priority areas.

### **Case Representation Priorities**

The Consumer work group will accept cases in the following subject matters, detailed within, for extended services:

- Criminal record sealing
- Bankruptcies where loss of wages, transportation or housing is threatened
- Debt Collection harassment, Unfair debt collection
- Fair Credit Reporting issues
- Auto sale fraud
- Student Loans
- Income tax controversies
- Financial exploitation of the elderly, home repair scams

### **Priority Areas**

#### **Reentry**

- Criminal Record Sealing –
  - Where a felony Petition to Seal is likely to be approved by a Circuit Court and falls within a petition to seal statute.
  - For multiple felonies in cases where we can seal all the felony records but exceptions can be made where one conviction is causing harm.
- Criminal Record Sealing- Misdemeanors, Arrests, Nol Prosequi- If a misdemeanor record is particularly detrimental to housing or employment (recent thefts, possession, assault) as resources allow.

#### **Bankruptcy**

##### Chapter 7 bankruptcy petitions

- When the wages of the client are being garnished or subject to garnishment to protect and stabilize the family.

- When the transportation of the client is subject to repossession, to stop repossession of the car, or to recover the car for the client.
- When client is facing loss of their home- bankruptcy priorities may be expanded to include depending on resources and staffing,

### **Debt Collection**

- Violations of consumer laws under the Fair Debt Collection Practices Act and Fair Credit Reporting Act– when the client has a cause of action and a likelihood of prevailing.
- Debt collection defense-when the client has a meritorious case, such as debt buyer, medical provider, student loan servicers or deficiency actions.
- Fair Credit Reporting- where a private background check company or Credit Reporting Agency has refused to remove wrongful reporting and there is demonstrated harm to the client.
- Telephone Consumer Protection Act- refer to Private Bar
- Equal Credit Opportunity Act- refer to Private Bar

### **Auto Fraud**

- Violations – when a used car dealer has violated state or federal laws, rules, or regulations.

### **Identity Theft**

For those affected by data breaches, file ID theft and police reports, provide instructions on how to freeze those accounts opened as a result of theft, and provide assistance in utilizing the Fair Credit Reporting Act to block the erroneous item(s) from their credit report within four days to qualify for a home or car loan.

### **Income Tax**

- Assist with responses to collection activities, including liens and levies.
- Innocent Spouse Relief cases.
- Audit representation and audit reconsiderations.
- Collection alternatives, including Offers In Compromise.
- Identify theft.
- US Tax Court representation, including *Pro se* petitioners referred by U.S. Tax Court.
- Worker misclassification (1099 –MISC instead of W-2).
- Non-filers coming into voluntary compliance.
- Other meritorious tax claims.

The Low Income Taxpayer Clinic will appear at each US Tax Court calendar call in Little Rock. The LITC will provide US Tax Court assistance on both small and regular case dockets. The LITC will be made available to unrepresented clients who otherwise meet Legal Aid LITC case acceptance guidelines. The level of assistance provided to each individual client may range from counsel and advice or brief services to full representation. Determination regarding the level of assistance will be made by the Tax Clinic Director, after a review and assessment regarding the merits of the case.

### **Financial Exploitation of the Elderly**

- When an elderly client has been or is being exploited by a car dealer or debt buyer.
- Consumer scams affecting elderly applicants.
- Home repair scams or exploitation by contractors as resources allow.

### **Advice and Limited Services**

All cases receive some minimal advice regarding the cause of action, the timing to pursue the claim, and how to contact a private attorney. Brief services for cases that can be done quickly and provide the client some type of relief.

The Consumer work group and the Low Income Taxpayer Clinic will continue community education efforts.

- Continue implementation of financial literacy program with the Arkansas Coalition of Marshallese and Credit Counselling of Arkansas.
- Educate taxpayers about the costs involved in tax refund loans and methods for avoiding them.
- Educate taxpayers regarding tax return preparers.
- Regularly scheduled outreach to the VA Clinic in Fayetteville. The veterans' project will provide advice and brief services. The veterans' project will accept cases for extended services at the discretion of the veterans' attorney in consultation with work group leaders.

### **Veterans**

George Butler provides advice and brief services to veterans at our veterans help desk each Monday at the VA Clinic at 222 W. Township, Fayetteville, AR and provides services to Veterans and elderly across our 31 county service area. Extended services for veterans are within priorities for extended services for the following:

- Divorce
- Custody
- Visitation
- Consumer scams

Continue education and outreach to providers at the VA, Vet Center and other community and government groups and agencies serving veterans.

### **Pro Bono**

- Contracts – Where there is a meritorious claim for breach of contract.
- Cases not included in these priorities (such as tort matters, civil rights matters, and other sympathetic and vulnerable clients needing assistance) may at times be screened and referred to the private bar as priority cases for vulnerable families or elderly clients.
- Veterans Benefits cases referred through our VA Help Desk program.

## **PROTECTION FROM DOMESTIC VIOLENCE WORKGROUP PRIORITIES**

Adverse childhood experiences (ACEs) have a significant and detrimental impact on a child's development. For cases that involve a child, especially a child under the age of 6, an ACEs risk assessment will be conducted. Rather than focusing on just one experience (e.g. domestic violence), cases involving a significant risk of ACEs will be a priority, even in the absence of physical harm.

These priorities may be expanded for specific grants, including survivors of campus sexual assault and minority victims of crime in certain counties.

### **ADVICE/BRIEF SERVICES**

Advice or brief services provided to qualifying clients with family law cases, even if the case does not meet priorities for extended services.

### **ADOPTIONS**

Adoption defenses, if there is a meritorious defense.

*See Civil Gideon priorities for additional adoption defense priorities.*

*See Pro Bono priorities for adoption petition priorities.*

### **BIRTH CERTIFICATES**

*Pro se* forms for clients to correct, amend, or to get a birth certificate. Extended representation for clients who, in the judgment of Legal Aid staff, lack the capacity to represent themselves.

### **CHILD CUSTODY AND VISITATION**

It must be in the best interest of the child(ren) for our client to have custody.

Initial custody proceedings, modifications, and defenses, if there is risk of violence to the client from the opposing party and/or there is a significant risk of ACEs.

If the client is establishing paternity, then he must show that he has provided supervision, care, and support for the child(ren) or that he was prevented from doing so, through no fault of his own.

Extended services when criminal justice system intervention or law enforcement fails to return an abducted child – this includes international child abduction cases.

Limited scope representation to protect the client's civil rights, i.e. UCCJEA compliance, due process, where statutory requirements are not met, and if essential elements of cases

are not proven.

## **CHILD SUPPORT**

Child support defense cases, if child support was based on Supplemental Security Income.

Advice and referral to *pro se* forms for clients:

- released from prison within the last 6 months; or
- to defend against contempt; or
- to modify or stop support.

Limited scope representation to protect a client's civil rights, including due process rights and right to counsel.

*See Civil Gideon priorities for clients facing jail time for contempt.*

## **CIVIL GIDEON**

Limited scope representation at the trial court level in cases affecting fundamental rights. This includes pleadings and briefs so clients may request appointment of counsel. Full representation at the appellate court level when the trial court refused to appoint counsel and there is a good record for appeal.

## **DIVORCE**

Initiate or defend a divorce, if there is a risk of violence to the client or child(ren), as determined by a risk assessment.

Limited scope representation to protect a client's civil rights, i.e. UCCJEA compliance, due process, etc.

Post-judgment enforcement actions for survivors of domestic violence or ACEs victims, if a lack of action will potentially have a significant, harmful impact.

*See Pro Bono priorities for more divorce priorities.*

## **EMANCIPATIONS/REMOVAL OF DISABILITIES**

Emancipation or removal of disabilities for minors who are homeless, pregnant, abused in the home, or there is a strong nexus to educational attainment.

## **GUARDIANSHIPS, ADULT**

Guardianship of incapacitated adults if the proposed ward is:

- in immediate danger; or



- a severely disabled minor that will soon be 18 (or has recently turned 18)

AND

- there is strong medical evidence of incapacity available through an affidavit from a physician;
- there are no viable less restrictive alternatives to guardianship; and
- the guardianship would be in the best interest of the proposed ward.

Adult guardianship defenses or termination, if the facts are meritorious.

*See Civil Gideon priorities for guardianship defenses.*

*See Pro Bono priorities for guardianships in non-emergency cases.*

### **GUARDIANSHIPS, MINOR**

It must be in the best interest of the child(ren) for our client to be appointed as guardian.

Initial or substitution of guardian cases if:

- there is a significant risk of ACEs to the child(ren) from the current caregiver, parent, or guardian;

OR

- the proposed guardian has cared for the child(ren) for an extended period of time; or
- the parents have abandoned the child(ren);

AND

- the child(ren) are being denied education, healthcare, or other necessities; and
- other, non-custodial alternatives, are insufficient or unavailable.

*See Pro Bono priorities for guardianships to administer the estate of a minor.*

### **IMMIGRATION**

U-Visa and T-Visa cases for survivors of domestic violence or trafficking with a related case, such as a divorce or order of protection.

### **ORDERS OF PROTECTION**

Representation to survivors of domestic violence and/or sexual assault/abuse:

- who have filed for an Order of Protection on behalf of themselves or their children; and
- the facts of the case meet the statutory definition of domestic abuse\*; and
- there is a qualifying relationship.

\*physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or sexual conduct between family or household members, whether minors or adults, that constitutes a

crime under the laws of this state.

Representation to survivors of domestic violence and/or sexual assault/abuse served with an Order of Protection if:

- we are representing the client in a companion family law case; and
- the outcome of the Order of Protection would affect our representation of the client.

Advice to Respondents who were:

- referred by a domestic violence shelter; or
- former clients in a family law case involving the same opposing party.

### **PRO BONO**

All priorities are expanded to maximize *pro bono* resources. Specific expansion of case acceptance priorities for *pro bono* are listed below.

Adoption petitions if:

- the opposing party's consent is not required by law; and
- the adoption would provide a financial benefit to the child(ren); and
- the adoption would be in the best interest of the child(ren).

Name changes for survivors of domestic violence.

Petitions for divorces if:

- the client's only source of income is Supplemental Security Income;
- there are clear grounds for divorce; and
- the client has no other resources to secure private counsel.

Petitions for divorce if the client is 60 years of age or older.

Minor guardianships if required to administer the estate of a minor, and the estate is too small to pay for an attorney.

Adult guardianships of an incapacitated adult if:

- the proposed ward is unable to provide for his or her own health, welfare, or housing;
- there is strong medical evidence of incapacity; and
- there is no foreseen contest to the guardianship.

Termination of adult guardianships, if uncontested by the guardian.

## **Economic Justice Workgroup Priorities**

### **Disability Rights**

- Enforce and protect the rights of individuals with disabilities in situations not covered by other priorities

### **Education**

- Special education services: initial and/or continuing eligibility, inappropriate placement, manifestation determination review issues, other denial of free and appropriate public education, and due process hearing complaints
- Truancies, suspensions, and/or expulsions in cases of suspected special education or disability-related issues
- The workgroup will hold three community education sessions about special education

### **Employment**

- Discrimination claims (Title VII, ADEA, ADA, PDA, etc.);
  - In light of frequent applications for services and limited workgroup capacity, discrimination claims will be evaluated and handled as follows:
    - Applicants without colorable claims or with claims requiring significant investigation to establish a colorable claim will be referred to the EEOC without further investigation.
    - Applicants whose interview suggests colorable claims of discrimination will receive brief services to help them prepare a draft EEOC charge to be edited and filed on their own with suggestion to seek representation from the private bar. In these cases, the EEOC charge will be prepared based strictly on what the applicant has told us and will involve no independent investigation or corroboration by Legal Aid. All applicants will be informed that their claim can be evaluated for extended representation by Legal Aid after they have received two turndowns from the private bar and have initiated a claim with the EEOC.
      - For applicants returning with two turndowns, cases will be accepted for representation through the EEOC process based on (1) merit; (2) the egregiousness of employer conduct; (3) known wrongdoing by the particular employer or by employers in the applicant's region; (4) the status of the EEOC investigation; (5) the possible recovery for the applicant; and (6) availability of

workgroup resources in light of the anticipated investment required.

- Where Legal Aid represents a client through the EEOC process and where the EEOC issues a right-to-sue letter, a separate acceptance decision must be made to file a lawsuit. Cases will be evaluated based on (1) merit; (2) the egregiousness of employer conduct; (3) known wrongdoing by the particular employer or by employers in the applicant's region; (4) information obtained through the EEOC investigation; (5) the possible recovery for the applicant; and (6) availability of workgroup resources in light of the anticipated investment required.
- Cases where applicants first come to us after the EEOC has issued a right-to-sue letter will be considered **only** in exceptional circumstances AND where the EEOC investigation file can be obtained by or provided to Legal Aid at least 45 days prior to the expiration of the deadline to file a lawsuit. Case acceptance decisions will be made based on the following factors: (1) merit; (2) the egregiousness of employer conduct; (3) known wrongdoing by the particular employer or by employers in the applicant's region; (4) information obtained through the EEOC investigation; (5) the possible recovery for the applicant; and (6) availability of workgroup resources.
- Fair Labor Standards Act, Arkansas Minimum Wage claims, and Family and Medical Leave Act claims will be reviewed to determine whether immediate acceptance, referral to the private bar, or referral to the appropriate department is more appropriate:
  - All applicant claims of unpaid wages, minimum wage violations, or overtime pay violations will be given advice and then referred to the appropriate law clinic at the University of Arkansas law school.
  - In the event the law school clinic cannot accept referrals, applicants will be referred to the Arkansas or US Department of Labor as appropriate
  - Given current workgroup resources, FLSA, state minimum wage, and FMLA claims will not be accepted absent exceptional circumstances (e.g. high amount in controversy, employer history of abuse known to Legal Aid, claims by multiple employees against same employer) OR a claim that can be combined with a discrimination claim

- Violations of the NLRA will be referred to NLRB, with assistance in preparing the affidavit to be determined according to merit and, if the NLRB decides to file suit, subsequent assistance at trial to be determined according to merit
- Unemployment claims: denials, terminations, fraud determinations, and/or overpayments;
  - Unemployment appeals in which LAA did not represent the claimant at the hearing level will be considered if the denial implicates an issue that could significantly affect our wider client population (e.g. transportation, pregnancy, employers absent from hearings, etc.) and the record can be obtained by or provided to Legal Aid at least 10 days prior to the deadline to file a notice of appeal.
- Defense of CNA registry license cases (allegations of nursing facility resident abuse, neglect, or misappropriation of resident property)

### Healthcare

- Community-based services and supports: denial of services and supports including mental health, long-term care, assistive technology, independent living and home and community-based services. This item includes, but is not limited to, ongoing advocacy regarding the existing ARChoices program and anticipated changes in the assessment and care allocation methodologies
- Issues with health care access under the Affordable Care Act, existing Medicaid programs, the Medicare Savings Program, and proposed changes to Medicaid Expansion through Arkansas's pending 1115 waiver to reduce income eligibility limits and impose work requirements. This item includes, but is not limited to, application delays, due process issues, technical glitches, uncovered periods, and assistance with debt collection (referred, as appropriate, to Consumer WG)
  - The workgroup acknowledges recent changes to immigrant eligibility for ARKids and endeavors to provide community education tailored to the newly-eligible groups
  - With respect to non-Medicaid Affordable Care Act coverage issues, subject to available workgroup knowledge and experience, eligible clients with legal issues (as opposed to issues within an assister's purview) with initial applications, renewals, or terminations will be considered for advice or brief services at the enrollment stage, full representation in the event of application processing delays, and case-specific determinations about level of involvement where application delays have led to billing issues or collection efforts.

- Medicaid: denials, terminations, or reductions of coverage, services, equipment, and/or medications; overpayments (including fraud-related allegations)
- Due to current workgroup capacity, Medicare-related issues that do not also implicate MSP or Medicaid will generally not be accepted for extended representation absent exceptional circumstances. Advice and brief services will be provided according to merit.

### Social Security

- Social Security retirement and dependent (survivor, spousal, child, widow) benefits cases will not receive extended services unless (1) there is clear evidence of a wrongful denial, reduction, or determination of benefit amount; (2) the amount in question is significant; (3) the case is otherwise meritorious; and (4) brief services would not adequately address the issue.
- Social Security (SSI/SSDI) overpayments will not receive extended services unless (1) there is clear evidence of a wrongful determination of an overpayment or of a meritorious basis for waiver; (2) the amount in question is significant; (3) the case is otherwise meritorious; and (4) brief services would not adequately address the issue.
- Social Security cessations and child-to-adult redetermination cases.
  - As a threshold requirement for merit evaluation, which involve lengthy CD, reviews, applicants will be required to (1) be receiving ongoing medical treatment; (2) be compliant with all treatment or have justifiable reason for non-compliance; and (3) on the basis of the intake interview, appear to have a meritorious case.
  - When evaluating such cases, advocates should consider whether the time before the hearing allows for submission of additional evidence.
- SSI/SSDI Cases to Establish Initial Eligibility (adults):
  - Adult initial eligibility applications awaiting hearing before an Administrative Law Judge will be referred to the private bar unless:
    - a. the applicant is (1) homeless, (2) a patient of an MLP partner clinic; or (3) so obviously disabled with cognition or mental health (in screening or interview) that the private bar is unlikely to adequately serve her; and
    - b. the case is meritorious.

\*\*\*All callers with SSI/SSDI eligibility cases will be screened at the eligibility phase, and callers not meeting the criteria will not speak with an advocate.
  - Adult initial eligibility applications at the initial or reconsideration stages will not be accepted unless:

- a. the applicant is a patient of an MLP partner clinic with a supportive provider; AND
    - b. the case is meritorious.
  - When evaluating such cases, advocates should consider whether the time before the hearing allows for submission of additional evidence.
- SSI Child Cases:
  - Child initial eligibility applications awaiting hearing before an Administrative Law Judge will be accepted if the case is meritorious. Child initial eligibility applications at the initial and reconsideration stage will not be accepted. Extensive advocate experience has shown that cases based on ADHD, unspecified learning disabilities, and/or asthma generally lack merit, and such cases will be evaluated with this previous experience in mind.
    - a. As a threshold requirement for merit evaluation, which involve lengthy CD, reviews, applicants will be required to (1) be in treatment (in mental health clinic, in school services, or through primary care or specialist care); (2) taking any medications prescribed; and (3) on the basis of the intake interview, appear to have a meritorious case.

**All applicants waiting for an ALJ hearing who are patients of an MLP partner clinic with a supportive provider should be evaluated for merit.**

- b. Receiving services through IDEA or Section 504 will also be considered for the threshold issue, though the workgroup acknowledges that lack of services may be understandable, either due to a recently-developed issue, lack of parent request, or wrongful school district practice.
  - Child cessation cases will be accepted if the case is meritorious. Extensive advocate experience has shown that cases based on ADHD, unspecified learning disabilities, and/or asthma generally lack merit, and such cases will be evaluated with this previous experience in mind.
    - a. As a threshold requirement for merit evaluation, which involve lengthy CD reviews, applicants will be required to (1) be in treatment (in mental health clinic, in school services, or through primary care or specialist care), (2) taking any medications prescribed, and (3) on the basis of the intake interview, appear to have a meritorious case.
    - b. Receiving services through IDEA or Section 504 will also be considered, though the workgroup acknowledges that lack of services may be understandable, either due to a recently-developed issue, lack of parent request, or wrongful school district practice.

- When evaluating such cases, advocates should consider whether the time before the hearing allows for submission of additional evidence.

### Other Public Benefits

- TEA, SNAP, childcare, and Work Pays: denials, terminations, reductions, and/or overpayments, including fraud-related allegations (e.g. Intentional Program Violations)
- Benefits available to kinship families, including foster care board payments, subsidized guardianships, and adoption subsidies.

### Language and Disability Access

- As feasible, the workgroup will advocate around access-related issues, including language and disability access

### MLP-related Issues

- Legal Aid has active Medical-Legal Partnerships with the following healthcare providers: Arkansas Children’s Hospital (Little Rock), Mid-Delta Health Systems (Clarendon), Mid-South Health Systems (West Memphis).
- Legal Aid has inactive or in-information MLPs with the following healthcare providers: Lee County Cooperative Clinic (Marianna), Arkansas Children’s Hospital Satellite Clinic (Jonesboro)
- Applicants who call who are patients of the partner healthcare providers should have the intake done and then be referred to the advocates associated with the relevant MLP for case acceptance decisions
- The active MLPs aim to collaborate on issues of health access

### 2019 Goals

To guide acceptance decisions within the priorities above, the Economic Justice workgroup will focus on the following goals for 2019:

**1. Health Access.** Continue and deepen Medicaid advocacy, including (1) opposing widespread denial and reduction of Medicaid-funded in-home care services (under the ARChoices program) by the Arkansas Department of Human Services through affirmative litigation (if feasible pre-litigation negotiation fails), administrative advocacy, client education, and commenting on proposed regulations; (2) planning and implementing a systemic response to help clients challenge or comply with the proposed changes to Arkansas Works that reduce eligibility limits



and impose work requirements, including community education efforts for clients and service providers, streamlined intake procedures, administrative fair hearings, and other appropriate advocacy; and (3) investigating service-related issues and denials under both traditional Medicaid and Private Option, including benefits available to children through ArKids A and ArKids B (with special attention to Early and Periodic Screening, Diagnosis, and Treatment).

**2. Tech-Focused Issues.** Advocacy around the ARChoices algorithm provided Legal Aid with specific knowledge about algorithm-based decision-making by government agencies and other tech-focused issues. Arkansas currently has multiple tech-focused issues relevant to our client communities: (1) new ARChoices algorithms to determine home-care benefit levels; (2) use of algorithms to determine the amount of Medicaid mental health services a beneficiary can receive; (3) use of online-only reporting system for Arkansas Works work requirements; and (4) proposed revamping of DHS's software systems by a vendor with a demonstrated history of causing widespread harm to clients (most recently in Rhode Island). In addition, many states use algorithms to detect fraud in the SNAP or UI programs without adequate validation or beneficiary safeguards. And, the Social Security system increasingly uses automated data matching to determine beneficiary resources without adequate validation or beneficiary safeguards. The workgroup endeavors to keep apprised of these issues, share knowledge and resources, and, as appropriate for client needs and workgroup resources, advocate around them.

**3. Continue Existing SNAP Fraud Advocacy.** We will continue 2018's focus area of SNAP cases involving fraud allegations and consider fraud determinations in other public benefit types, including, for example, unemployment insurance.

**4. Build advocates' skills and ability to identify/undertake higher-impact projects.** This will involve training on (1) litigation skills and best practices (including discovery, subpoenas, preservation, due process concepts, etc.); (2) affirmative litigation concepts (standing, mootness, exhaustion, preclusion, etc.); and (3) discussion of recurring substantive issues. The goal is to attune advocates to cases that present opportunities to effect systemic change on problematic issues and then to undertake such cases as appropriate, preferably with opportunity to work on impact cases spread among workgroup advocates. In line with this, the workgroup will ensure that new and longstanding group members have ample opportunity for training, mentorship, feedback, and professional development.

**5. Regulation Review and Commenting.** State and federal regulations relating to the Medicaid and SNAP programs impact client lives, yet the interests of clients are generally unrepresented in the promulgation process. The workgroup will endeavor to monitor such regulations, offer comments as appropriate, and evaluate whether such comments make any meaningful difference.

**6. Other (time permitting).** Other issues or activities of interest to the workgroup include expanded outreach and education, language access advocacy, general low-wage worker support, and integration of law school and pro bono resources. However, the workgroup acknowledges that these goals will be secondary to the goals outlined above.

**Note:** Starting in 2016, each workgroup member reduced her caseload from around 60 cases to roughly 40 cases to allow time for more in-depth advocacy. The group aims to maintain this reduced caseload, provided that the reduction enables more impactful work.

## 2019 Case Acceptance Priorities Housing Workgroup

### **Civil Rights**

#### 1) Discrimination

Case Acceptance Priorities:

- 1) Fighting housing discrimination based on an individual's disability, color, national origin, religion, sex, or familial status through vigorous enforcement of violations of the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*
- 2) Ensuring language access in housing through enforcement of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*
- 3) Protecting survivors of domestic abuse through enforcement of the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), 42 U.S.C. § 14043e-11(d) and Ark. Code Ann. § 18-16-112.
- 4) Violations of other federal, state, or local laws, regulations, or ordinances that protect civil rights and ensure equal treatment in housing.

#### 2) Constitutional Rights

Case Acceptance Priorities:

- 1) Ensuring that tenants and homeowners receive all constitutionally required protections through enforcement of constitutional tort claims under 42 U.S.C. § 1983 and the Arkansas Civil Rights Act.
- 2) Attacking any policies or practices that create a state sanctioned debtor's prison.
- 3) Affirmative or defensive litigation challenging any discriminatory, illegal, or arbitrary law, ordinance, regulation, or policy.

### **Eviction Defense**

#### 1) Criminal Eviction

Case Acceptance Priorities:

- 1) Affirmative or defensive litigation as necessary to end the use of A.C.A. § 18-16-101.

#### 2) Civil Eviction Defense

Case Acceptance Priorities:

- 1) Meritorious civil eviction defense.
- 2) Enforcement of the statutory right to cure under A.C.A. § 18-17-701.
- 3) Attacking illegal and abusive eviction practices through affirmative litigation and counterclaims. Legal Aid will help tenants seek judgments that will adequately compensate them for their loss and adequately deter future transgressors.

## 2) Federally Subsidized Housing

Case Acceptance Priorities:

- 1) Meritorious federally subsidized housing cases, including eviction defense and subsidy terminations. Representation at administrative grievance hearings is permitted.
- 2) Affirmative or defensive cases challenging illegal or arbitrary policies of housing authorities or other government funded housing providers.

## **Tenant's Rights**

### 1) Safe and Habitable Homes

Case Acceptance Priorities:

- 1) Unsanitary/unhealthy housing conditions: cases where housing conditions are causing poor tenant health. Affirmative or defensive cases challenging any laws or policies leading to a tenant's inability to seek redress for poor housing conditions.
- 2) Assistance in enforcing lease provisions; federally subsidized housing quality standards; and, local housing codes.
- 3) Pursuing landlords that have demonstrated a pattern and practice of providing substandard housing.
- 4) Using Fair Housing protections to improve housing quality for disabled individuals.

### 2) Fair Lease Terms

Case Acceptance Priorities:

- 1) Cases involving unconscionable or illegal lease terms.
- 2) Cases involving excessive or illegal fees or charges.

## **Foreclosure Defense**

Case Acceptance Priorities:

- 1) Foreclosure defense cases may be accepted for extended representation if:
  - a. The property in issue is the homeowner's primary residence; and
  - b. Homeowner has equity in property; or
  - c. Homeowner has a means to pay indebtedness.
  - d. In all cases, a legal defense must exist, i.e., predatory loans and lending practices, inability to show standing, substantial failure to comply with relevant statutes, failure to comply with federal regulations, etc.
- 2) Applicants who may benefit from housing or debt counseling will be referred to a HUD approved housing counseling agency.
- 3) Bankruptcy: Legal Aid may initiate a bankruptcy to stop a foreclosure in the following circumstances:

The property at risk is the applicant's principal residence; AND

- 1) The applicant can afford the indebtedness or will be able to afford the indebtedness through and after the successful completion of a Chapter 13 plan or a Chapter 7 liquidation, OR
- 2) The intervention of the automatic stay will enable the applicant to successfully complete a mortgage modification, after which the applicant will be able to afford the indebtedness, or will be able to afford the indebtedness through and after the successful completion of a Chapter 13 plan or a Chapter 7 liquidation.
- 3) The intervention of the right to cure under 11 U.S.C. 1322(b)(2) would enable an applicant, who has otherwise waived or extinguished their equitable and statutory rights of redemption, to reinstate a mortgage that the applicant will be able to afford, or will be able to afford after and through the successful completion of a Chapter 13 plan or a Chapter 7 liquidation.
- 4) Meritorious defenses to foreclosure chain of title/promissory note, where the federal court might be a more favorable forum or the additional debts the applicant has makes a resolution through bankruptcy more favorable.

## **Land Loss and Asset Protection**

Case Acceptance Priorities:

### LAND LOSS

All land loss cases will be evaluated on a case-by-case basis and will only be accepted for extended services after consideration of the resources necessary and available, the value of the benefit to the client, and the impact value of the case.

- 1) Deed preparation to assure property ownership and preservation.
- 2) Assisting homeowners with pursuing disaster relief, FEMA, or other emergency housing or assistance.

- 3) Land/sale contracts: Enforcing the buyer's rights if the buyer has a substantial interest in the property, the buyer has a meritorious legal claim, and the property is the buyer's primary residence.
- 4) Bankruptcy: Lien stripping of secondary loans if the equity in the home is too low to protect the lien and the relief from the second payment would enable them to afford the indebtedness on the home.
- 5) Bankruptcy: Creditor Representation
  - a) Protection of an applicant's property interest in their principal residence when a co-owner has filed bankruptcy.
  - b) Protection and enforcement of property divisions pursuant to divorce decrees that pertain to an applicant's principal residence.

#### WILLS, ESTATES, AND POWER OF ATTORNEY

All non-emergency wills, estates, and power of attorney cases will be priority only to the extent that pro bono resources are available. Emergency wills or power of attorney cases may be considered for limited and/or extended services if resources permit.

- 1) Simple estate planning if the client is 60 years of age or older or has a terminal illness.
- 2) Simple estate planning for clients under the age of 60 if there is a family homestead distribution at issue.
- 3) Powers of Attorney for the elderly, disabled or chronically ill, or to secure healthcare, education or other necessities for children.

## **MEDICAL-LEGAL PARTNERSHIP PRIORITIES ARKANSAS CHILDREN'S HOSPITAL**

Cases will be considered for services through the ACH MLP if the client is an active patient, or family member of an active patient, at Arkansas Children's Hospital or one of its partner clinics. Priority will be given to cases where there is a nexus to health. Otherwise, cases will be referred to the Helpline at Legal Aid or CALS.

### **ADVANCED PLANNING**

Staff have discretion to handle any cases with merit under the advanced planning heading.

- **Last wills and testaments, trusts, powers of attorneys and advanced directives:** these cases may receive advice and forms if staff or pro bono resources are not available.
- Assist parents of patients with special healthcare needs, as well as help minor patients with their advanced planning needs to plan for their transition to adulthood. Cases will be reviewed to determine whether immediate acceptance or referral to a pro bono partner is more appropriate.
- **Powers of attorneys for minors:** advice and referral to self-help resources, consistent with the perceived ability of the client to use these resources. Case will be accepted for brief services if exigent circumstances exist.

### **EDUCATION**

- **Special education services:** initial and/or continuing eligibility, inappropriate placement or services, Manifestation Determination Review (MDR) issues, Functional Behavior assessment (FBA) issues, due process hearing complaints, and school discipline issues when connected to a child's disability or health condition;
- **Disability discrimination:** initial and/or continuing eligibility for 504 protection, denial of medical services and truancy when connected to a child's disability or health condition; and
- **Bullying issues:** when connected to a child's disability or health condition and a civil, legal remedy is available.

### **EMPLOYMENT**

- If the client lives in the Legal Aid of Arkansas service area, employment cases will be referred to the Economic Justice workgroup for consideration. If the workgroup cannot accept the case, refer to a pro bono resource if appropriate. Otherwise, advice only unless there are exigent circumstances directly impacting health.
- **Discrimination claims:** when connected to a patient's disability or health condition.

- Discrimination cases will be reviewed to determine whether referral to Economic Justice workgroup, referral to a pro bono partner or a referral to the Equal Employment Opportunity Commission (EEOC) is more appropriate;
- **Family Medical Leave Act (FMLA) claims:** will be reviewed to determine whether the claim is connected to the patient or client's disability or health condition. If so, determine whether referral to the Economic Justice workgroup is possible, referral to a pro bono partner or a referral to the U.S. Department of Labor is more appropriate; and
- **Unemployment Insurance claims:** denials, terminations and/or overpayments when connected to a patient's health condition.
  - Unemployment denials in which the MLP did not represent the claimant at the hearing level will be considered if the denial implicates an issue that could significantly affect the wider client population (e.g. transportation, pregnancy, employers absent from hearings, etc.). These cases will be reviewed to determine whether referral to the Economic Justice Workgroup is possible, referral to a pro bono partner or a referral to the U.S. Department of Labor is more appropriate.

## **FAMILY LAW**

- **Orders of Protection:** extended services for victims of domestic violence and/or sexual assault or abuse when a direct health impact is or may be present for the ACH patient or family member;
- **Divorce:** initiate or defend a divorce if there is an ongoing or immediate risk of violence to the ACH patient or patient's family member and a direct health impact is or may be present.
  - Risk of violence will be evaluated using a risk assessment. Cases that do not meet these criteria will be directed to a pro bono resource, if available, or to the appropriate Legal Aid agency.
- **Custody and visitation modification:** it must be in the best interest of the child(ren) for our client to have custody; cases only accepted for extended services if there is an immediate risk of harm, if there is some personal safety issue, or if there are barriers to medical or educational services.
- **Minor guardianships:** extended services if there is an ongoing or immediate risk of harm to the ACH patient, or the patient's parent(s) or primary physical custodian(s) have abandoned the patient, or the parent(s) are incarcerated for a significant period of time and the patient is being denied access to education, healthcare or other basic needs that may impact the patient's health. Also, there must be clear indication that the guardianship is in the best interest of the patient.
- **Adult guardianships:** refer case to the Walmart pro bono team or other pro bono assets if medical evidence supports incapacitation, the ACH or other appropriate provider is willing to



provide supporting affidavit, and no one in the household has worked for Walmart in the last 7 years. If someone in the household has worked for Walmart in the last 7 years or Walmart pro bono team is unavailable, the case may be referred to another pro bono partner, if the resource is available, there is medical evidence to support incapacitation and the ACH or other appropriate provider is willing to provide a supporting affidavit.

- If no pro bono partner is available, evaluate for in-house representation after obtaining supporting medical affidavit or limited scope representation with appropriate pro se forms depending upon available resources.
- **Adoptions:** adoption petitions may be referred to a pro bono resource, if available. If no pro bono resource is available, case will be accepted if a direct health impact is or may be present and adoption is in the best interest of the child.
- **Name change:** limited scope representation or brief services if the youth is homeless, pregnant, or has been abused in the home. All other cases will be referred to pro se resources.
- **Emancipations:** limited scope representation or extended services if a direct health impact is identified.
- **Birth Certificates:** pro se forms will be provided for the correction, amendment, or procurement when the birth certificate or lack of birth certificate has a direct health impact on the patient, unless age or disability would make it difficult for the client to proceed on his or her own, then referral to pro bono resource and if unavailable, evaluate for extended representation.
- **Child support:** cases involving first time procurement of child support or enforcement of active orders will be referred to the Office of Child Support Enforcement.
- **Civil Gideon:** refer to Domestic Violence workgroup, pro bono resource, or CALS where there is a case at the trial court level with legal issues affecting fundamental rights.

## **IMMIGRATION**

- **Meritorious U-Visa applications:** refer case to a pro bono partner or other service organization, such as the Arkansas Justice Collective or Catholic Charities.
- Other immigration issues will be reviewed and referred to a pro bono partner, if resource is available.

## **PUBLIC BENEFITS**

- **Medicaid/Medicare:** timeliness issues, denials, terminations, or reductions of coverage, services, equipment, and/or medications; overpayments. Medicaid service denial issues will be referred to a pro bono partner or to the Legal Aid Economic Justice workgroup, if consistent with the group's current area of emphasis.

- **Social Security (SSI/SSDI) overpayments:** will not receive extended services unless (1) there is clear evidence of a wrongful determination of an overpayment or of a meritorious basis for waiver; (2) the amount in question is significant; (3) the case is otherwise meritorious; and (4) brief services would not adequately address the issue.

### **Child cessations and child-to-adult redetermination cases:**

- Provide advice or brief services unless it is clear that there has been a wrongful cessation or denial on redetermination;
- As a threshold requirement for merit evaluation, which involve lengthy CD, reviews, applicants will be required to (1) be receiving ongoing medical treatment; (2) be compliant with all treatment or have defensible reason for non-compliance; (3) on the basis of the intake interview, appear to have a meritorious case; and (4) ACH provider is willing to support the disability claim.

### **SSI Child Cases:**

- Initial eligibility applications for Child SSI that are awaiting hearing before an Administrative Law Judge (ALJ) will be accepted if the case is meritorious.
- Child initial eligibility applications and reconsideration will not be accepted, unless there is an exigent circumstance (e.g. parent/guardian is limited in their advocacy efforts, language barriers).
- As a threshold requirement for merit evaluation, which involve lengthy CD, reviews, applicants will be required to (1) be in treatment (in mental health clinic or in school services); (2) taking any medications prescribed; (3) on the basis of the intake interview, appear to have a meritorious case; and (4) ACH or other appropriate provider is willing to support the disability claim.
  - Receiving services through IDEA or Section 504 will also be considered for the threshold issue, though the MLP acknowledges that lack of services may be understandable, either due to a recently developed issue, lack of parent request, or wrongful school district practice.
- **Veterans' benefits:** denials, terminations, reductions, and/or overpayments; and
- **State benefits (TEA, SNAP, childcare, and Work Pays):** denials, terminations, reductions, fraud investigations, and/or overpayments, subject to the availability of resources, including non-attorney advocates within the Legal Aid organization and pro bono partners.

### **INSURANCE**

- **Life insurance:** denial of coverage for ACH patients; and
- **Private health insurance:** denials, terminations or reduction of coverage, services, equipment, and/or medications, where upon evaluation claims appear meritorious.

### **HOUSING**

In addition to published program housing priorities, the MLP will consider the following cases for extended representation:

- **Unsanitary/unhealthy housing conditions:** defense of evictions or termination of lease cases in cases where housing conditions are causing poor health outcomes, assistance in enforcing local housing codes and lease provisions;
- Meritorious eviction or foreclosure defense cases where eviction or foreclosure is arising out of a loss of income due to the patient's health condition;
- Clients being evicted for nonpayment of rent will receive advice unless other facts support brief or extended services;
- Fair housing cases, including requests for reasonable accommodation where there is support from the medical team; and
- Other housing related issues deemed to have a direct impact on health.

## **CONSUMER**

- **Bankruptcy:** cases will be referred to a pro bono partner if resource is available, or vetted in-house consistent with Legal Aid priorities, if within the Legal Aid service area;
- **Criminal record sealing:** accepted for services when sealing the record will impact the ACH patient's life for the better that could affect health (i.e. access to better housing or employment);
- **Termination of utilities:** appropriate services when terminating the patient's utility service will impact the child's health and the ACH provider is willing to sign medical letter in support.

## **OTHER CASES**

Other cases may be accepted for services through the MLP if ACH providers identify an unmet basic need with a significant health nexus and an appropriate legal resource or intervention exists.

## **MLP INCOME ELIGIBILITY**

- At least 90% of MLP clients must be at 200% of the federal poverty level or below.
- In cases of extreme hardship or other exigent circumstances, cases that are otherwise within MLP priorities with applicants who are above 200% of the federal poverty level may be accepted with approval of the Executive Director.

## **ACH MLP GOALS - 2019**

To guide acceptance decisions within the priorities above, the Medical Legal Partnership will focus on the following goals for 2019:

### **1. Pro Bono Resources:**

- Improve the referral process, including creating an information sheet for new attorneys, a brochure for clients, and evaluating realistic ways of communicating with pro bono partners regarding cases that have been referred out so that the MLP and the ACH providers that have referred the clients to us can stay up to date and informed as to how those referrals are beneficial to their patients.
- Through in-person opportunities, discuss with and learn what areas individual attorneys/firms will be most likely to accept cases within (e.g. their area of expertise or areas that they are particularly passionate about).
- Provide a collection of contacts, procedures, and guidance for sustainable and efficient use in the future.

## **2. Outreach and Training:**

- Provide outreach and information sessions for ACH patients and their families, and partnering with various community organizations for presentations;
- Provide training and education for ACH staff and community partners to improve efficiency and effectiveness of screeners implemented at the clinical level.

## **3. Increasing Presence at Clinical Level**

- Implementing weekly consultation hours to make available to clinics (when requested) to answer questions, interact with patients, and otherwise ensure continuity with all members of the interdisciplinary patient care teams.
  - Weeks where trainings are provided, consultation hours will be dedicated to said trainings.

## **4. Streamlining Process to Receive Advice on Common Patient Inquiries:**

- Make information on how to apply for SSI readily available upon request in as many common areas as possible so as to reduce the number of referrals not yet eligible for legal action to be taken.
- Simplify advice and instructions for 504 education plans with example information provided to better inform and more quickly assist with the initial inquiry needed by the school to be made by the parent and ensure that cases which appear meritorious upon intake, are followed-up with in the event the request is denied.

# Legal Aid of Arkansas 2019 PAI PLAN



Legal Aid of Arkansas

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The Legal Services Corporation (LSC) Regulation 1614.4 mandates that field programs develop and submit to LSC a PAI (Private Attorney Involvement) plan and budget. Each requirement is cited to the relevant section of LSC Reg. 1614.

## **General Policy §1614.2**

In 2019 Legal Aid of Arkansas projects that it will spend \$208,974 directly on PAI. We project to close approximately 350 cases, including 275 that are LSC eligible. When closing a case, a PAI attorney is asked the number of hours s/he spent on the case. We value service at \$200 per hour, the average hourly rate estimated for our service area. We estimate \$800,000 worth of donated PAI services in 2019. We will recruit at least 40 new pro bono volunteers during the year.

### **Procedures**

Program priorities: The priorities for Legal Aid and the Equal Access to Justice Panel/Arkansas Volunteer Lawyers are developed annually and adopted at the December Board Meeting. Priorities will then be published online at [www.arlegalaid.org](http://www.arlegalaid.org). The legal needs of eligible clients in the geographical area served by the recipient and the relative importance of those needs consistent with board established priorities.

### **Intake and Case Acceptance**

Consumers can apply for services through one of three methods: calling the HelpLine; completing an online application; and applying in person at one of our offices. They are screened for substantive case type, eligibility and conflicts. When applying for assistance for the Medical Legal Partnership at Arkansas Children's Hospital patients are screened and referred by clinicians and their team members by completing a referral to the MLP. This referral is received via fax or email. If qualified, they are transferred to one of four substantive law queues, domestic violence, housing, consumer or economic justice where they speak with an attorney. The Pro Bono Coordinators work closely with the workgroups to maximize the number and types of cases that can be accepted for referral to volunteers. The Helpline Manager receives periodic information on the number of cases open and resources available in each county so the cases can be successfully placed. The Work Groups review cases continuously and assign cases to the Pro Bono Unit for referral to a volunteer. This is easily accomplished through the case management system which provides for electronic transfer of cases.

### **Case Assignment**

Facts are clarified on pro bono cases prior to referral in order for volunteers to assess the issues presented in each case. Necessary documentation is collected, compiled, and forwarded to the volunteer. Cases are assigned by email, fax or letter with the client's information for a conflict check. The volunteer reviews the case synopsis and accepts or rejects the case. The task system on the Case Management System is utilized to alert coordinators of relevant deadlines and monitor pending referrals. All case activity is documented so staff in all offices will know the status of the case. Clients are notified of any delays that occur during the referral process.

## **Case Oversight and Follow-up**

A case file is maintained on each referral. Status checks on the progress of the case are performed every three months or more often as indicated. A case closing form is completed by the attorney to describe the services performed, the result, the time spent and the amount recovered or avoided for the client. A client satisfaction questionnaire is sent to clients when the case is over to ascertain their opinions about the services received and a thank you letter is sent to the attorney with the number of hours spent on the case. Attorneys receive client satisfaction surveys and a thank-you note for great results. The PAI staff follows up with the client and attorney when problems are identified.

### **Range of Activities §1614.4**

- EAJP primarily provides direct delivery of legal services to eligible clients.
- Arkansas Volunteer Lawyers for the Elderly partners with East Arkansas Area Agency on Aging, White River Area Agency on Aging, and the Area Agency on Aging for NWAR to serve the legal needs of clients 60 and older
- EAJP/AVLE works with veteran's advocates and providers to assist, advise, and advocate for programs for servicemen and women and veterans and their families.
- EAJP/AVLE works with the Legal Aid of Arkansas Low Income Taxpayer Clinic and the Taxpayer Advocate to provide volunteer attorneys, enrolled agents and CPAs for taxpayers who need advice, and to assist in tax controversies with the State and IRS
- EAJP partners with the University Of Arkansas School Of Law and Bowen School of Law Legal Clinics to encourage and promote pro bono service among law students. Pro Bono Law students provide research and technical assistance for Legal Aid staff and pro bono attorneys, and volunteer for pro bono attorneys and Legal Aid
- Legal Aid of Arkansas partners with Arkansas Children's Hospital in a Medical Legal Partnership with Walmart Legal Department
- Legal Aid of Arkansas partners with St. Vincent's in a Medical Legal Partnership
- EAJP partners with Mid Delta Health Systems in a Medical Legal Partnership with Friday, Eldridge & Clark. EAJP partners with the Veterans Health Care System of the Ozarks.

Volunteer recruitment efforts will be enhanced by a VISTA member. The VISTA member will work with statewide staff to strengthen and implement volunteer recruitment mechanisms to increase the number of pro bono attorneys and other volunteers supporting the organizations' efforts. At Arkansas Children's Hospital, recruitment will focus on providing services to clients at Medical-Legal Partnerships throughout Arkansas. EAJP works closely with the Center for Arkansas Legal Services and Arkansas Access to Justice Commission to support and advocate for a range of Arkansas Bar activities including, but, not limited to: recruitment drives and events celebrating and recognizing pro bono with the Young Lawyers Section; disaster legal assistance; the Arkansas Lawyer quarterly magazine and the editorial board and staff; recognition of all pro bono lawyers attending the annual meeting; the Equal Justice Distinguished Service Award; the Arkansas Bar's Community Legacy Award; the partnerships with the CLE, technology, and executive staff of the



Arkansas Bar; and corporate Pro Bono.

EAJP works with Tyson Foods and Walmart and their corporate legal departments to engage in projects or activities that will benefit Legal Aid clients as part of the corporate attorneys' pro bono obligation.

EAJP/AVLE participates in the National Pro Bono Week Celebration in cooperation with various community partners to host clinics/events throughout the service area during the year.

EAJP/AVLE will actively recruit at the local law schools. The purpose of this recruitment is not only to engage student volunteers, but to instill in these future lawyers knowledge of and support for pro bono work and the program itself. Many of the volunteers we recruit from law schools continue, as attorneys, to volunteer their time to our Program and other pro bono legal services. We will also be recognizing student volunteers at the University of Arkansas at the end of each semester.

Legal Aid supports and sponsors volunteer attorneys taking advantage of Administrative Order 15.2, which allows attorneys licensed in other jurisdiction to provide pro bono legal services to indigent clients. Many of these volunteers are corporate attorneys.

The current delivery methods available for volunteers to provide include, but, are not limited to: legal representation to referred clients; speak to eligible clients about legal topics; help Legal Aid and EAJP/AVLE/MLP raise money for services for eligible clients; serve on Boards or Advisory Panels of groups that work with Legal Aid; support EAJP/AVLE/MLP through local and State Bar activities; support EAJP/AVLE/MLP by advocating its message with the Arkansas Trial Lawyers; support EAJP/AVLE/MLP through the promotion of training and serve on the faculty; conduct legal clinics; mentor Legal Aid staff; provide substantive legal support for nonprofits incorporated through Legal Aid or that exist in the Legal Aid service area; provide services to the Low Income Taxpayer Clinic; provide services by volunteering for and answering questions on [www.ar.freelegalanswers.org](http://www.ar.freelegalanswers.org)

Legal Aid consults with the client community, private attorneys, law schools, Access to Justice Commission and Foundation, and bar associations on an ongoing basis when developing its annual PAI plan and distributes the proposed plan all local bar associations within the service area, and where appropriate, incorporates any response within the plan.

EAJP/AVLE does extensive outreach to publicize our services throughout the client community. We distribute announcements to community based organizations and flyers to clients. EAJP/AVLE will continue to create and update brochures and flyers that cater to the current structure of the program.

## **Support and Other Activities**

### ***Community Education***

Pro Bono Attorneys provide community education. For example, volunteer attorneys visit Senior Centers to update mature Arkansans on wills, advanced health care directives and beneficiary deeds. It is anticipated that EAJP/AVLE will conduct outreach events targeted to mature Arkansans. These events will take place in assisted-living facilities, health fairs and places that mature Arkansans frequent. Some examples include: rural health centers, physicians' offices, and senior health/wellness centers. With these events, either hosted by EAJP/AVLE or in conjunction with health programs already in place, EAJP/AVLE will access some of the most vulnerable populations with in-person contact with clients. Similar events will be held at MLP locations or in conjunction with MLP partners.

### ***Research***

Pro bono law students and volunteers from the Walmart Home Office Legal Team provide Legal Aid staff and pro bono attorneys with legal research as needed. In addition, they participate fully in the delivery of pro bono services with volunteer attorneys at events sponsored by the Law Schools and Bar Associations. EAJP's and AVLE's relationship with various volunteers, including law schools, promotes and encourages law students to provide pro bono research for panel volunteers as needed to assess cases, advise clients, and provide representation for pro bono clients.

### ***Advice and Counsel***

Pro bono attorneys provide advice and counsel to Legal Aid attorneys on an ongoing basis. For example, bankruptcy lawyers provide advice to Legal Aid staff when questions arise in the course of ongoing litigation.

### ***Co-counseling***

Pro bono volunteers have co-counseled with Legal Aid during the last year on larger impact issues such as Medicaid programs, criminal evictions, and the acceleration clause in unemployment compensation.

### ***Other Resources***

Private firms provide facilities for depositions and client meetings. Pro bono attorneys make technology available to Legal Aid so clients have access in or near their homes. County law libraries in the Legal Aid service area provide computerized legal research and updated Code and Rule books. In Washington County and Craighead Counties, the local law libraries as well as the Law School Library in Fayetteville, Little Rock and Memphis provide full LexisNexis research capabilities. Other resources from private attorneys are provided to Legal Aid staff as needed.

### ***Continuing Legal Education (CLE)***

Legal Aid sponsors training for local bar members, law students, and other members of the legal community throughout the year on a variety of issues.

### ***Technology/ Online Presence***

EAJP/AVLE continues to update their online presence. The Pro Bono Coordinator will use social media to showcase pro bono involvement and its impact on Legal Aid of Arkansas's overall work by highlighting successful projects, volunteers, and firms. Tweets are provided to update follower on status of key victories and on outcomes of collaborative work. Regular posts on Facebook Highlight upcoming clinic or the successful results of volunteer assistance at clinics and projects.

EAJP/AVLE have started the early stages in planning a dynamic, interactive webpage in which volunteers are able to access pro bono case descriptions. They, then, will be able to select a case they would like to work on. The goal is to implement this new program late 2019/ early 2020. Pro Bono Coordinator, Elizabeth Tong, is heading this project.

### **Use of Legal Aid Facilities and Resources**

Legal Aid allows volunteers to schedule use of conference rooms, which provides a place for clients to bring documents needed by pro bono volunteers, and the room has connectivity for technology as needed. We currently have Spanish Language and Marshallese translators on staff, which are accessible to PAI attorneys on cases referred by Legal Aid. We use other translators as necessary and subscribe to Language Line. It is the policy of Legal Aid to ensure that all Limited English Proficient persons and/or hearing and/or visually impaired clients who seek our services are provided free access to competent interpreters during consultation or case-related communications with Legal Aid.

### **Technology Assistance**

EAJP, AVLE, and MLP utilize the statewide website to provide a wide range of resources to volunteers who join the pro bono panels.

EAJP/AVLE will continue to update their application process on the Legal Aid of Arkansas website as well as the statewide website.

The Washington County Law Library Committee of the Bar Association provides financial support for Legal Aid to staff a Courthouse Help Desk each week. Other organizations that allow space similar to Help Desk are: Fayetteville VA, 7 Hills, and Forrest City Public Library. This provides an opportunity for pro bono volunteers and law students to answer questions and provide guidance to pro se litigants. The Help Desk provides only legal information and no attorney/client relationship is established. In the event the pro se litigant needs further assistance, they are referred to apply for services.

Legal Aid hosts legal clinics year round, primarily dealing with end of life estate planning issues and criminal record sealing. These clinics are staffed primarily by volunteer attorneys, and as there is a mix of legal information and brief services given, such as assistance in completing a Petition to Seal, Power of Attorney, or simple Will, only non-LSC funds are used to support these clinics. PAI requirement costs allocation decisions are made based on the clinic audience and the level of service provided, consistent with the guidelines in this section.

## **Determination of PAI activities**

### *Effective and Economical Delivery of Legal Assistance*

This is accomplished through steps, including, but not limited to: using our intake system to screen for potential PAI cases; having referrals made by PAI staff who know the cases and the panelists; matching cases to be referred with the expertise and interests of PAI attorneys; training PAI attorneys; providing other support services to our panelists; maintaining a quality control system that provides periodic case updates; removing from the panel attorneys who are unresponsive; and using cost-effective delivery methods such as mail and email referrals.

### *Substantive and Practical Expertise*

The range of expertise among members of EAJP/AVLE/MLP is substantial. Case types have remained primarily family, consumer, guardianship, wills and estates, and housing. EAJP/AVLE has a limited number of attorneys who will handle unique areas of the law like a Hague case, foreclosure and home ownership, Medicaid, tax liens, and land loss. MLP priorities are mainly education, disability, housing, and family law cases if the outcome would have a positive impact on the patient and their families.

## **Fiscal Recordkeeping §1614.7**

Legal Aid's accounting system separately allocates and accounts for PAI expenditures as they are incurred. At year's end all expenses are reviewed and allocation adjustments are made as necessary. The auditors annually review all PAI expenses, and the audited financial statements display PAI expenditures separately. The system that Legal Aid uses for the allocation of costs to private attorney involvement is based on below-mentioned policies.

1. Allocation of cost of staff time: All staff performs contemporaneous timekeeping on the case management system and uses the PAI funding code (15) when such work is performed. Staff directly engaged in pro bono activities as their primary job responsibility may use funding codes associated with other billable grants, as allowed, and that time will count as PAI. For example, AVLE uses a variety of funding codes depending on the funding grant. These include 9 (EAAA), 10 (NWAAAA), 11 (WRAAA) and 13 (AR Division on Aging).
2. Allocation of non-personnel and indirect costs are allocated as non-personnel costs intended solely for the PAI program are charged in their entirety to PAI.
3. The remaining non-personnel costs are allocated to PAI by percentage of those costs based overall cases closed.

**DIRECTOR'S REPORT**  
November 21, 2018

**National Developments**

President Trump signed appropriations legislation on September 28th that funds LSC at its current level, \$410 Million, through December 7. In May, the House Appropriations Committee approved the Commerce, Justice, Science and Related Agencies (CJS) appropriations bill for FY 2019 and included \$410 million for LSC. In June, the Senate Appropriations Committee approved the Senate CJS appropriations bill for FY 2019 and included the same funding level as the House. On September 18, the Senate passed a spending package that included a Continuing Resolution (CR) maintaining LSC funding at \$410 million through December 7; the House passed the legislation on September 26. The chart below shows the breakout of LSC's appropriation.

Budget Category	FY 2018 Enacted	FY 2019 House Approp. Committee	FY 2019 Senate Approp. Committee
Basic Field Grants	\$376,000,000	\$376,000,000	\$376,000,000
Technology Initiative Grants	\$4,000,000	\$4,000,000	\$4,000,000
Pro Bono Innovation Fund	\$4,500,000	\$4,500,000	\$4,500,000
Loan Repayment Assistance Program	\$1,000,000	\$1,000,000	\$1,000,000
Management and Grants Oversight	\$19,400,000	\$19,400,000	\$19,400,000
Office of Inspector General	\$5,100,000	\$5,100,000	\$5,100,000
<b>Total</b>	<b>\$410,000,000</b>	<b>\$410,000,000</b>	<b>\$410,000,000</b>

LSC will make its triennial census adjustment for basic field grant allocations in 2019. This adjustment will govern LSC's distribution of basic field grants in 2019, 2020, and 2021. The Bureau of the Census provides LSC with numbers to make adjustments. The calculations below, which are used by LSC, are based on American Community Survey one-year estimates. We do not believe the population eligible for our services has decreased by 36,493 as LSC, using Census estimates suggest, but we have no way to appeal this calculation. I have been in contact with a group of directors from around the country who have presented alternative solutions to the way the census adjustments are made, but did not feel comfortable enough with their suggestions to sign onto the proposal they sent LSC.

Comparison of the Allocation Amount and Population Base for the Basic Field Grant Program, FY18 and FY19

State and Recipient ID	Organization Name	Service Area	Funding Component	FY19		FY18		Difference in Allocation (FY18 - FY19)	Percentage Difference in Allocation (FY18 - FY19)	Difference in Poverty Pop (ACS 2014 - ACS 2017)	Percentage Difference in Poverty Pop (ACS 2014 - ACS 2017)
				Funding Estimate	Poverty Population (ACS 2017)	Funding Estimate	Poverty Population (ACS 2014)				
<b>Arkansas</b>											
604020	Legal Aid of Arkansas, Inc.	AR-6	Basic Field	\$1,460,547	177,309	\$1,557,645	213,802	-\$97,098	-6.2%	-36,493	-17.1%
604061	Center for Arkansas Legal Services	AR-7	Basic Field	\$2,322,821	281,988	\$2,265,850	311,010	\$56,971	2.5%	-29,022	-9.3%
			TOTAL FOR STATE ==>	\$3,783,368	459,297	\$3,823,495	524,812	-\$40,127	-1.0%	-65,515	-12.5%
<b>California</b>											

Included for review is LSC program letter 18-3 regarding compliance guidance. This is included for review instead of formal board training because of the length of this quarter's agenda.

## **Program and Statewide Developments**

As of November 11<sup>th</sup> we have opened 6,859 new cases in 2018, about 4.5% more than the same period in 2017. At the same time, we have closed 4,715 cases, a 4.3% decrease from the same period in 2017. A case statistical report for 1-1-2018 to 11-11-2018 is attached.

The pro bono week reception on Tuesday, October 23<sup>rd</sup> at Diamond Bear Brewing Company in North Little Rock by the Arkansas Access to Justice Commission to raise funds for the Campaign for Legal Aid was a success, with approximately \$10,000 available to grant to CALS and Legal Aid after expenses. The event was well-attended and will become an annual fundraiser and opportunity to recognize outstanding pro bono volunteers. Chief Justice Kemp, pictured below, was on hand to recognize those being honored for outstanding pro bono service.



The Access to Justice Foundation will be launching a statewide fundraising campaign among the private bar and others who have traditionally donated to Legal Aid the week after Thanksgiving. This effort has consistently raised between \$40,000 and \$50,000 annually.

Our criminal record sealing clinic held on November 2<sup>nd</sup> at the First Assembly of God Church in West Memphis was very successful, with 25 community members receiving assistance. We plan to follow this up with a wills clinic in partnership with the Benton County Bar Association in the first quarter of 2019.

The 2017 Justice Partners Annual Report is now [available online](#). A copy is included as an attachment.

I count 30 media stories mentioning Legal Aid in my outreach folder since mid-September, ranging from Landlord-Tenant to Consumer focused, with the bulk being about our Arkansas Works litigation.

We purchased 30 billboards from Lamar Advertising for \$100 each. These posters are placed in unsold locations and stay up until someone buys the canvass, which can be as little as one week or as long as a year. We are using two designs, both attached. One is a general solicitation to contact Legal Aid for assistance and the other is targeted at Arkansans who have lost or are in danger of losing their Medicaid

coverage as a result of the Arkansas Works reporting requirement. So far, billboards have been placed in Jonesboro and Harrisburg, but placement can be anywhere in the service area where Lamar has open canvass.

Our social media presence has greatly increased in 2018, with over 2,227 page likes on Facebook. We have been using Facebook as an effective outreach tool by boosting post to reach a wider audience. In 2018, boosted post have so far reached over 150,000 people.

We continue to get significant attention in the mainstream media. On November 19<sup>th</sup> PBS News Hour broadcasted and eight minute segment featuring Legal Aid and one of our lead plaintiffs in the Arkansas Works litigation. You can view the story at this [link](#).

We reached an agreement with the Center for Arkansas Legal Services over maintenance of the statewide website. The Center will transfer us \$17,727 and Legal Aid will assume primary responsibility for maintaining and developing the website. Helen Gratil will become Legal Aid’s Director of Community Engagement and Chief Information Officer and will spend 50% of her time working on the website in addition to her fundraising and development duties at Legal Aid.

We successfully transitioned our MLP at CHI St. Vincent in Little Rock to the Center for Arkansas Legal Services.

Our statewide Legal Aid conference was held October 10-12 in Little Rock. The agenda can be found [online](#). We presented staff awards in conjunction with the meeting which included:

- Gaylynn Alden, Paralegal Housing Group 5 Years
- Lela Davison, Attorney, Domestic Violence Group 10 Years
- Katheenya Willis, Intake and Legal Support Specialist 10 Years
- Susan Purtle, Attorney, Consumer Group 30 Years
- Teresa Franklin, Regional Manager, Housing Group Versalee Wyatt Award



Susan Purtle

The Versalee Wyatt Altruism Award is given to a Legal Aid of Arkansas staff member who has committed his or her life to the fair administration of justice for all people, demonstrated an exemplary

commitment to equal justice, has contributed in a significant way to the enhancement of the human dignity and quality of life of those persons unable to afford legal representation, and whose life and professional accomplishments serve as an inspiration to the entire legal profession.

Teresa Franklin was selected after a vote by her peers. In addition to an individual and \$250 performance award, a plaque listing the current and previous award winners hangs in the office where the winner works until next year's award is presented. Previous winners include Beth Shoupe, Marshall Prettyman, Kathy Grady and Margaret Reger.



Franklin & King

## **Case Examples**

### **Housing**

Crittenden County- The client called the HelpLine regarding eviction from her housing in which she has a Housing Choice Voucher. An individual had come to the home and started fighting her daughter, who was the victim. The Public Housing Authority cancelled her voucher, without an affirmative eviction and without notifying her. She was served with an unlawful detainer and Legal Aid filed an answer and counterclaim. Opposing counsel failed to file a response to the counterclaim and we filed a motion to dismiss with writ of restitution restoring us to the housing, which was ordered. The apartment complex alleged she owed \$1500, she had moved by this time, to which we spoke with opposing counsel and asserted we could move back in to the apartment, or they can waive the debt. They agreed to erase the debt. We were then able to get the Housing Choice Voucher transferred to her new residence.

Washington County- Our client was being evicted from Section 8/LITC housing because of a dispute over excessive noise her upstairs neighbors was making. We appeared in the Administrative Hearing process and were able to preserve her section 8 payments through the date our client moved out, as regulations specifically state that payments must continue until the client has been evicted. Her section 8



voucher was preserved, and she found other safe and suitable housing. Without Legal Aid intervention, the client would have been evicted, and lost her Section 8 voucher.

### **Domestic Violence**

Washington County- Client's short-term boyfriend would lock her in a room and beat her. He continued to stalk her up to the date of the hearing. The client was granted an order of protection for ten years on behalf of herself and her 4-year-old daughter. Client was young and had never been a victim of domestic violence; however, her boyfriend had previously abused others, including his brother and sister. When people tried to protect our client, the boyfriend threatened them also. Legal Aid's assistance will enable the client to live and enjoy life with her young daughter.

Craighead County- Our client suffered significant domestic abuse at the hands of her husband. He threatened her with a knife on multiple occasions by holding the knife to her throat. He has also pointed a gun to her head several times. He has knocked her unconscious and injected her with drugs, punched her in the face, and choked her – all of this occurred in front of their 2-year-old son. He then stabbed her somewhere between 5 and 10 times and began stomping on her chest in an attempt to kill her while forcing the child to stand beside him and watch. Our client was able to escape for help. The defendant ended up calling the FBI on himself and after threatening to blow the house up with the child inside. The defendant was convicted of multiple criminal charges. DHS took the child from the custody of our client and the defendant due to the abuse and drug use. Our client did everything requested of her and custody of the minor child was returned to her in the beginning of 2017. We filed for divorce on behalf of our client, seeking custody of the minor child and requesting that the defendant receive no visitation rights. The defendant filed responded, seeking custody of the minor child along with child support. At trial the husband maintained that he was only violent while under the influence of drugs. The Judge awarded our client a divorce, custody of the minor child, and support with no visitation to the husband. The husband was ordered to attend parenting classes, anger management classes and provide proof by fingernail testing of being clean from drugs and alcohol for a period of 90 days before he could see or speak to the child.

Benton County- An attorney volunteering for Legal Aid's Arkansas Volunteers for the Elderly Panel was able to obtain guardianship for our client over his wife so that she could continue to live with him without having to go to a nursing home. His wife has dementia and Parkinson. The guardianship allowed him to get her assisted living services and for her to remain in the home.

### **Economic Justice**

Arkansas Works Update: On November 5, Legal Aid, NHeLP, and SPLC amended our complaint to add six new plaintiffs, bringing the total to nine. Two have lost coverage due to the work requirements. One of these two, Adrian McGonigal, had a job earning about \$1200 per month in a poultry plant, lost his Arkansas Works insurance due to confusion around the reporting requirements, couldn't afford his \$800 COPD medicine, missed several days of work because of COPD-related issues, ended up in the hospital two times in three weeks, and was eventually terminated for attendance reasons. Still unable to get his medicine, he again went to the hospital and was kept three nights. Legal Aid has been able to help get his insurance back through a technicality, but he now has no job prospects and is again subject to the work requirement. Adrian is one of the roughly 20,000 low-income Arkansans who will have lost

coverage by the end of 2018. Along with amended complaint, the plaintiffs filed the motion for summary judgment and accompanying brief. The defendants--the US Department of Health and Human Services and, by intervention, the state of Arkansas--have until 12/5 to reply. The plaintiffs respond by 12/24, and the defendants respond on 1/14/19. At that point, all briefing will be closed, and the parties expect a decision on the merits by the end of March 2019.

Craighead County-Client was a 10-year CNA with a spotless record working at a dementia care facility. She had plans to enroll in nursing school. While at the facility, a difficult client known for constantly complaining about various CNAs called our client an "n\*\*\*\*\*". In response, our client asked that a second CNA be present during care to have a witness. About a week later, the resident made a complaint that our client threw a catheter bag in her lap. The incident was not reported right away by anyone. No chart notes were made. No injuries were recorded. Without informing or interviewing our client about the allegations, the facility fired her and opened up an abuse case with DHS. Despite a statutory requirement for a DHS investigation, DHS did not conduct any independent investigation and relied solely on the facility's shoddy inquiry. Legal Aid represented the client in the administrative hearing and lost (late 2015). This resulted in permanent placement on the CNA abuse registry without the possibility of ever being removed, which would have prevented our client from being a CNA and from being a nurse. We appealed to Circuit Court and lost again. Finally, we took the case to the Court of Appeals, which explained that DHS has a statutory duty to investigate and that failure to do so required reversal of the adverse determination. The Supreme Court denied DHS's petition for review in late September 2018. Our client's name has since been removed from the registry. She plans to enroll in nursing school in late 2019. And, the appellate decision has already served as a basis for challenging other adverse DHS determinations.

Arkansas Children's Hospital- A three-year-old patient at ACH was born with Down's Syndrome and faces a variety of developmental obstacles affecting her language and locomotive abilities. Her mother first applied for Supplemental Security Income on her behalf just a few months after she was born, but her application was denied. She then requested that the Social Security Administration's Office of Disability Adjudication reconsider her application, and was denied again. She filed a written request for a hearing and testified with the help of an interpreter but was again denied. In March of 2018, through the MLP, she appealed the decision to the Commissioner of Social Security and Office of Appellate Operations where it was determined that the child was indeed entitled to the SSI. The family is now due to receive nearly \$30,000 in benefits for the time the child was wrongly denied and will continue to receive additional assistance contributing to the child's care, enhancing her quality of life, and strengthening the overall well-being of her whole family.

### Consumer

Craighead County-The client came to Legal Aid after she was sued for \$8,876 on a car debt. She never had title to the car and the financing company did not clear title until six months after purchase, by which time client had already stopped making payments. Legal Aid appeared in the case and filed a counterclaim because the financing company never cleared title prior to repossession. The opposing party attempted to compel arbitration. After negotiations, allowed for a mutual dismissal of claims.

Washington County-Marshallese mother of 3 came to the Low Income Taxpayers Clinic for help with an IRS examination for Earned Income Tax Credit. By the time she came to us she had already waited

about 3 months for her tax refund. We assisted the client in securing extensive documentation to prove that she was entitled to EITC, including school and housing records, and to keep non-taxable income off of her return. We initially won the EITC examination, but the IRS included cancellation of debt income that she was entitled to exclude. We appealed the IRS determination, and won our case in Appeals. She received her entire refund of \$4392.

Northwest Arkansas-Legal Aid of Arkansas clients experienced a victory against a car dealer for failing to deliver titles to purchasers and failing to pay off loans from cars he took in trade leaving a string of lost jobs, cars and debt in his wake. Legal Aid has recovered money, car titles and cancelled loans for many of the clients. The Arkansas Attorney General took all of the complaints and put the dealer out of business, getting an award of \$647,053 in penalties and an order that the dealer can never sell cars again. As a result of the litigation, one Legal Aid client got his car title and his parents whose car loan was not paid when they used their car as a trade in will receive a check for \$5,400. Many Legal Aid of Arkansas clients participated as witnesses in the Attorney General's case. Clients also testified against the car dealer in a trial in Washington County Circuit which resulted in a damage award and \$50,000 in punitive damages. At the close of the proceedings the car dealer was arrested for theft by deception charges. Read more about the Attorney General proceedings here: <https://www.nwaonline.com/news/2018/aug/18/647-053-in-penalties-levied-on-used-car/>

### **Grants/Contracts/Fundraising**

Since the last board meeting, we have seen the following developments:

Our contract with Mid-Delta Health Systems to provide MLP services to clients in the Clarendon clinic was renewed for the period 10-1-2018 to 9-30-2019. The contract amount increased \$1,200 to \$15,600.

Our contract with the Washington County Law Library board to provide a HelpDesk each Friday morning at the Law Library in Fayetteville was renewed for 2019 for \$14,400.

Our application for Victims of Crimes Act funding to assist crime victims in our service area, one for the 1<sup>st</sup> Judicial District and one to serve the Marshallese and Latino populations in Northwest Arkansas, was successful. We will receive just over \$97,000 in funding for the period 10-1-2018 to 9-30-2019, with a strong possibility of a renewal for one year. More information on the attorneys hired can be found below.

The National Health Law Program has renewed a grant for \$50,000 that is funding an Economic Justice attorney position for the period 10-1-2018 to 9-30-2019. The project description and contract is attached.

Arkansas Advocates for Children and Families has also provided us \$15,000 to use 10-1-2018 to 6-30-2019 to educate the community concerning the importance of access to affordable coverage and eligibility changes to Medicaid and collect stories from consumers who have received coverage through Arkansas Works and the impact of the work requirement policy.

We received a \$75,000 donation from the Walmart Legal Department in late October. This marks more than a decade of significant annual financial support from our partners at Walmart. The Walmart Legal Department also continues to do significant pro bono work at our Children's Hospital MLP.

We are receiving \$17,975 from the Arkansas Children's Hospital Natural Wonders Innovation Fund to develop an ACEs (Adverse Childhood Experiences) focused Legal Aid program. We will use the money to form an ACEs trained core team, created an ACEs-screener to identify ACEs hot spots and patters, ensure all attorneys and staff are ACEs trained, and implement the screener during intake and outreach events.

We participated in the 7<sup>th</sup> Global Giving Tuesday campaign on November 27, 2018. As of 10:30 p.m. that night we raised approximately \$8,113 from 100 individual donors.

We have applied for summer internship grants with Tyson Foods and the LSC Rural Summer Legal Corp project. We will be submitting an applications to renew our HUD EOI (education and outreach) grant, currently \$125,000 annually, when it expires at the end of March, 2019. We will also be applying for a multi-year private enforcement grant which will bring significant resources, over \$300,000 annually, if successful.

### **Staff Changes**

**Cory Crawford**, a staff attorney in our consumer group in Jonesboro, is transitioning to the Springdale office to replace **Riley Cross** in our Housing Group, who left Legal Aid on November 30th to starts a Federal Judicial Clerkship. Mr. Crawford is being replaced in Jonesboro by **Anaicka Ortiz-Reed**, an attorney with two decades experience who practiced in Texas for 15 years prior to moving home to Arkansas. Mr. Ortiz-Reed is licensed in both Texas and Arkansas and is a graduate of South Texas College of Law and Arkansas State University.

**Ryan Hill's** last day at Legal Aid was November 16<sup>th</sup>. He is now working for the Center for Arkansas Legal Services in their Hot Springs office. Mr. Hill had been primarily responsible for our Medical Legal Partnership at the Center, which we transferred to the Center as stated above.

**Rachael Bakowicz** last day in our West Memphis office was November 16, 2018. She left Legal Aid to take a job with the Tennessee Division of Children's Services in Memphis, where she lives. Her duties as Fair Housing Testing Coordinator have been transitioned to **Kori Lancaster** in our Springdale office. We are currently analyzing whether to fill this position or wait until we hear from our Fair Housing grant applications.

**Kristen Callahan** is our new VOCA attorney serving victims of crime in Lee, Phillips and St. Francis Counties while **Kristen Komander** is working in a similar VOCA funded position serving the Marshallese and Latino communities in Northwest Arkansas.

Ms. Callahan is a 2018 graduate of University of Arkansas School of Law and is newly licensed in Arkansas. She received her undergraduate degree from the University of the Ozarks. Ms. Komander attended the City University of New York School of Law after obtaining her undergraduate degree from the University of Georgia. She previously worked for two years at the Bronx County Prosecuting Attorneys office and is licensed in New York as well as Arkansas.

**Helen Gratil** completed her VISTA service with Legal Aid on November 9, 2018, and transitioned into a new position as Director of Mission Engagement and Chief Information Officer. She will be

administering the statewide website (see Agreement with the Center for Arkansas Legal Services referenced above) and also taking the lead development position for Legal Aid. Ms. Gratil is a graduate of the Vermont School of Law and has previous experience working at the United Nations and as a Public Defender in New York, as well as being board president of the non-profit organization Environmental Protection in the Caribbean.

Working closely with Ms. Gratil is **Morgan O'Neil**, who joined Legal Aid as a VISTA on November 13<sup>th</sup> after previously working as Development Director for Literacy Action of Central Arkansas. She has a Masters from Southern Illinois University and did her undergraduate work at the University of the Ozarks.

Also joining us as a VISTA on November 13<sup>th</sup> was **Heidi Jamison**, who had previously worked as a pro bono coordinator at Legal Aid of Arkansas for over eight years. She will be engaged in volunteer recruitment and supporting our pro bono efforts.

A current office directory and organizational chart are attached.

**Non-priority, non-emergency case types-** None

## Program Letter 18-3

**TO:** All Executive Directors of LSC Grantees  
All Board Chairs of LSC Grantees

**FROM:** James J. Sandman, President

**DATE:** October 17, 2018

**SUBJECT:** Compliance Guidance

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This Program Letter describes the most common compliance issues that the Legal Services Corporation's (LSC) Office of Compliance and Enforcement (OCE) has observed during compliance oversight visits in the past 15 months, or which have otherwise been brought to LSC Management's attention. We highlight these issues so that you can avoid or mitigate compliance risks. More extensive guidance, including examples of how LSC recipients have implemented the compliance requirements listed below, can be found in OCE Final Reports from visits to LSC-funded legal aid programs, which are available at <http://www.lsc.gov/grants-grantee-resources/our-grantees/assessment-visit-reports>.

I encourage you to share this guidance, along with the guidance we have provided in previous years, with your staff.

### **Responsibilities of the Financial Oversight Committee or Committees of Your Board of Directors**

Each recipient's governing body must establish a financial oversight committee or committees.

- Each recipient's governing body must appoint/elect a financial oversight committee or committees and identify the duties of the committees in writing. LSC Accounting Guide, § 3-5.2(b).
- The duties and responsibilities of the financial oversight committee or committees should be defined in the recipient's bylaws or a governing body resolution. LSC Accounting Guide for LSC Recipients (2010 Ed.) ("LSC Accounting Guide"), § 1-7.
- As a best practice, the financial oversight committee or committees should have at least one member who is a financial expert, or the board should have access to a financial expert.

- A financial expert should have (1) an understanding of Generally Accepted Accounting Principles (GAAP) and financial statements, (2) the capacity to apply GAAP in connection with preparing and auditing financial statements, (3) familiarity with developing and implementing internal financial controls and procedures, and (4) the capacity to understand the implications of different interpretations of accounting rules. LSC Accounting Guide, § 1-7. LSC recognizes that the board composition requirements of 45 C.F.R. Part 1607 can limit a board’s ability to recruit board members with certain expertise. (e.g., finance, fundraising). LSC encourages grantees to add financial experts as non-voting members to its finance and/or audit committee(s) to the extent allowed by state law.

## **Fiscal Management Issues**

### **45 C.F.R. Part 1630—Cost Standards and Procedures**

- Expenditures by a recipient are allowable under the recipient’s LSC grant only if the recipient can demonstrate that the cost was, among other things, “reasonable and necessary for the performance of the grant” and “allocable to the grant.” *See* 45 C.F.R. § 1630.5(a)(2) and (3). In determining the reasonableness of a given cost, consideration must be given to, among other factors, “whether the cost is of a type generally recognized as ordinary and necessary for the operation of the recipient or the performance of the grant.” 45 C.F.R. § 1630.3(b)(1).
- **Please remember that common costs determined to be unallowable by LSC include flowers; alcohol; holiday cards; and gifts for staff, board members, and/or private attorneys such as cakes, shot glasses, or other promotional items or tokens of appreciation such as pens, t-shirts, or coffee mugs.**
- A cost is allocable to a particular cost objective, such as a grant, project, service, or other activity, only if the recipients can demonstrate that the cost was actually incurred in the performance of the grant or contract. For example, direct costs that should be charged to a particular grant include the salaries and wages of staff who are working on cases or matters that are identified with specific grants or contracts. Salary and benefits charged directly to LSC funds or contracts must be supported by personnel activity reports. Indirect costs are those incurred for common objectives and include, but are not limited to, the costs of operating and maintaining facilities, and the costs of general program administration, such as the salaries and wages of recipient staff whose time is not directly attributable to a particular grant or contract. Recipients should look to 45 C.F.R. §§ 1630.5(d), (e), (f), and (g) when determining how to allocate and document direct and indirect costs.

- LSC permits recipients of Basic Field Grants to allocate a proportional share of another funding source’s share of an indirect cost to LSC funds, where the other funding source “refuse[s] to allow the allocation of certain indirect costs to an award.” 45 C.F.R. § 1630.5(g). A refusal can take several forms, such as a cap on the amount of indirect costs that can be allocated to a grant or a statement from a funding source that including indirect costs in the application budget will cause the application not to be competitive. [Program Letter 18-2](#), issued on August 29, 2018.

### **Internal Controls and LSC Accounting Guide Concerns**

- *Written Policies and Procedures.* Many of the compliance concerns OCE has noted relate to improving fiscal-related written policies and procedures. Please ensure that accounting manuals or other staff guidance contain written policies that comply with LSC regulations and guidance and reflect current recipient practices. LSC Accounting Guide, § 3-4.
- *Oversight of Executive Director Expenses.* LSC strongly recommends that written policies be adopted and approved by each recipient’s board of directors to ensure adequate oversight of Executive Director expenses. The Executive Director’s expense reports, credit card statements, and travel reimbursements should be approved by a member of the Board of Directors and not by a subordinate of the Executive Director or by the Executive Director himself or herself. *See* LSC Accounting Guide, §§ 3-5.1 and 3-5.4(a).
- *Electronic Banking.* Electronic banking has made the transfer of funds much easier, while increasing the risk that funds could be redirected or misappropriated. All processes and procedures related to wire transfers, on-line transfers, and telephone transfers should be fully documented and include an authorized listing of approved types of electronic banking, as well as a listing of employees authorized to initiate and transmit electronic transactions. LSC Accounting Guide, § 3.5.15.
- *Bank Statement Reconciliation.* Bank statement reconciliations to the general ledger should be conducted **monthly** by an individual who has no access to cash, is not a check signer, and has no cash bookkeeping duties. LSC Accounting Guide, § 3-5.2(d).

The reconciliation must be reviewed and approved by a responsible individual. The review must be appropriately documented by signature and date. LSC Accounting Guide, § 3-5.2(d).

- *Petty Cash.* Petty cash should be reconciled upon replenishment. Occasional surprise counts should be conducted by an independent person to reduce the opportunities for misuse of petty cash. LSC Accounting Guide, § 3-5.4(c).



- *Property Inventory.* A physical inventory of property should be conducted at least once every two years. The results should be reconciled to property records, and any difference(s) identified should be investigated to determine the cause(s) for the difference. Material variances must be included in a note to the financial statements. LSC Accounting Guide, § 2-2.4 and Appendix VII, § C.
- *Fixed Assets Policy.* Written policies and procedures regarding the treatment of fixed assets should include accounting for sensitive electronics and guidance on disposal of fixed assets, and should fully capture all the property record elements required by LSC’s Fundamental Criteria. *See* LSC Accounting Guide, §§ 3-5.4 and 3-5.14 and Appendix II.

### **Specific Regulatory Concerns**

#### **45 C.F.R. § 1610.5 —Notification (Regarding Prohibitions and Restrictions That Apply to Funds)**

- Recipients may not accept funds in the amount of \$250 or more from any source other than the Corporation unless the recipient provides written notification of the prohibitions and the conditions that apply to such funds. 45 C.F.R. § 1610.5.
- Notification should be provided before the recipient accepts the funds. Thus, notice should be given during the course of soliciting funds or applying for a grant or contract. For unsolicited donations where advance notice is not feasible, notice should be given in the recipient’s letter acknowledging the contribution. *See* 62 Fed. Reg. 27695, 27696 (May 21, 1997).

#### **45 C.F.R. Part 1611—Financial Eligibility**

- Recipients must screen applicants regarding income prospects and record the responses appropriately, regardless of intake method. 45 C.F.R. § 1611.7(a)(1); *see also* Office of Legal Affairs (“OLA”) Advisory Opinion #AO-2009-1006, available at [http://www.lsc.gov/sites/default/files/LSC/lscgov4/AO\\_2009\\_1006.pdf](http://www.lsc.gov/sites/default/files/LSC/lscgov4/AO_2009_1006.pdf).
- Recipients should ensure that intake staff make reasonable inquiry of a client’s assets, including cash on hand and household items that do not fall under a specific exception under 45 C.F.R. § 1611.3(d)(1).

#### **45 C.F.R. Part 1612—Restrictions on Lobbying and Certain Other Activities**

- Pursuant to 45 C.F.R. § 1612.10, recipients must maintain separate recordkeeping and accounting records for any legislative and rulemaking activities undertaken with non-LSC funds. LSC recipients must track and maintain information in a way that provides sufficient separation to permit them to clearly and easily provide information to LSC "documenting the expenditure of non-LSC funds" for legislative

and rulemaking activities for which they can use only non-LSC funds. 45 C.F.R. § 1612.10(b).

#### **45 C.F.R. Part 1614—Private Attorney Involvement (“PAI”) – PAI cost allocations**

- Direct or indirect time of staff attorneys or paralegals allocated as a cost to PAI must be documented by time sheets. Personnel cost allocations for non-attorney or non-paralegal staff should be based on other reasonable operating data that is clearly documented. 45 C.F.R. § 1614.7(a)(1). Recipients should also look to 45 C.F.R. §§ 1630.5(d) and (e) when determining how to document direct and indirect costs.

#### **45 C.F.R. Part 1626—Restrictions on Legal Assistance to Aliens**

- Pursuant to 45 C.F.R. §§ 1626.6 and 1626.7, recipients must ensure that applicants and clients who are seen in person, as well as clients receiving extended services, execute a citizenship attestation or demonstrate alien eligibility and that all files contain the necessary documentation pursuant to CSR Handbook (2017 Ed.), § 5.5. This requirement also applies to clinics staffed by recipient staff and to PAI clinics supported by a recipient where legal assistance is provided. Pursuant to [Program Letter 16-2](#), issued on May 19, 2016, recipients may accept LSC-required signatures in electronic form when the recipient can document that the e-signature meets the three elements of ESIGN. Recipients must also comply with any other applicable laws regarding the use of e-signatures.
- The written policies that guide recipient staff in complying with 45 C.F.R. Part 1626 must be updated to conform with revisions made to the regulation effective May 19, 2014. In particular, recipients should update their policies to reflect changes to Part 1626 which made its provisions consistent with the provisions of the Victims of Trafficking and Violence Protection Act of 2000 (“VTVPA”), the Trafficking Victims Protection Reauthorization Act of 2003 (“TVPRA”), the Violence Against Women and Department of Justice Reauthorization Act of 2015 (“VAWA”), and the Fiscal Year 2008 LSC appropriation expansion of eligibility for legal assistance to include alien forestry workers admitted to the United States as temporary workers under the H-2B program of the Immigration and Nationality Act (“INA”). *See* 45 C.F.R. §§ 1626.4 and 1626.11.

#### **45 C.F.R. Part 1629 – Bonding Requirement for Recipients**

- Recipients must supply fidelity bond coverage for all employees, officers, directors, agents, and volunteers.
- If a recipient uses a third party for payroll, billing, or collection services, the recipient must either supply bond coverage covering the third party or ensure that the third party has a fidelity bond or similar insurance coverage.

#### **45 C.F.R. Part 1635—Timekeeping Requirement**

- Time spent by attorneys and paralegals must be documented by contemporaneous time records that record the amount of time spent on each case, matter, or supporting activity. 45 C.F.R. § 1635.3(b).

#### **45 C.F.R. Part 1631 – Purchasing and Property Management**

- Recipients owning LSC-funded real property are required to adhere to certain recordkeeping provisions under 45 C.F.R. Part 1631. Recipients must maintain an accounting of LSC funds related to the purchase or maintenance of real property purchased with LSC funds. The accounting must include the amount of LSC funds used to pay for acquisition costs, financing, and capital improvements. This accounting must be provided to LSC annually, no later than April 30 of the following year or in a recipient's annual audited financial statements submitted to LSC. 45 C.F.R. § 1631.19. As a best practice, all recipients owning property in which LSC has an interest should contemporaneously document property-related expenses and track the amount of LSC funds used over the life of the investment.

#### **Additional Information**

If you have a concern or a question regarding compliance with LSC regulations or directives, particularly the compliance areas noted in this Letter, please contact Lora M. Rath, Director of LSC's Office of Compliance and Enforcement, at [rathl@lsc.gov](mailto:rathl@lsc.gov) or 202-295-1524. In addition, LSC can provide training upon request. In most cases, training will be done via webcast. Training requests should also be submitted to Ms. Rath.

Legal Aid of Arkansas  
Cases Closed 1-1-2018 to 11-11-2018

Legal Problem Code	A - Counsel and Advice	B - Limited Action	F - Settlement no Litigation	G - Settlement with Litigation	H - Administrative Agency Decision	IA - Uncontested Court Decision	IB - Contested Court Decision	L - Extensive Service	Totals
01 Bankruptcy/Debtor Relief	100	8	0	0	0	16	0	5	129
02 Collect/Repo/Def/Garnsh	143	41	4	14	0	4	2	5	213
03 Contract/Warranties	55	8	2	1	0	0	1	0	67
04 Collection Practices / Creditor Harassment	0	2	0	0	0	0	0	0	2
06 Loans/Installment Purchases (Not Collections)	1	0	0	0	0	0	0	0	1
07 Public Utilities	10	1	0	0	0	0	0	0	11
08 Unfair and Deceptive Sales Practices (Not Real Property)	7	2	2	1	0	0	0	0	12
09 Other Consumer/Finance	13	3	0	0	0	0	1	1	18
<b>Consumer Totals</b>	<b>329</b>	<b>65</b>	<b>8</b>	<b>16</b>	<b>0</b>	<b>20</b>	<b>4</b>	<b>11</b>	<b>453</b>
12 Discipline (Including Expulsion and Suspension)	3	0	1	0	0	0	0	0	4
13 Special Education/Learning Disabilities	45	22	1	1	0	0	0	6	75
16 Student Financial Aid	2	0	0	0	0	0	0	0	2
19 Other Education	11	2	1	0	0	0	0	1	15
<b>Education Totals</b>	<b>61</b>	<b>24</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>96</b>
21 Employment Discrimination	22	3	0	0	0	0	0	0	25
22 Wage Claims and Other FLSA Issues	9	0	0	0	1	0	0	0	10
23 EITC (Earned Income Tax Credit)	0	1	4	0	0	0	0	0	5
24 Taxes (Not EITC)	11	25	64	4	1	0	0	2	107
25 Employee Rights	28	1	0	0	0	0	0	0	29
29 Other Employment	21	3	0	1	0	0	0	0	25
<b>Employment/Tax Totals</b>	<b>91</b>	<b>33</b>	<b>68</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>201</b>
30 Adoption	20	1	0	0	0	5	2	1	29
31 Custody/Visitation	278	18	1	14	0	0	1	2	314
32 Divorce/Sep./Annul.	541	43	0	37	0	92	17	31	761

Legal Aid of Arkansas  
Cases Closed 1-1-2018 to 11-11-2018

Legal Problem Code	A - Counsel and Advice	B - Limited Action	F - Settlement no Litigation	G - Settlement with Litigation	H - Administrative Agency Decision	IA - Uncontested Court Decision	IB - Contested Court Decision	L - Extensive Service	Totals
33 Adult Guardianship / Conservatorship	87	9	0	1	0	30	2	0	129
34 Name Change	2	1	0	0	0	0	0	0	3
35 Parental Rights Termination	1	0	0	0	0	0	0	0	1
36 Paternity	4	2	0	2	0	0	0	1	9
37 Domestic Abuse	76	6	0	189	1	189	143	313	917
38 Support	26	0	0	1	0	0	0	0	27
39 Other Family	2	0	0	0	0	0	0	0	2
<b>Family Law Totals</b>	<b>1,037</b>	<b>80</b>	<b>1</b>	<b>244</b>	<b>1</b>	<b>316</b>	<b>165</b>	<b>348</b>	<b>2,192</b>
42 Neglected/Abuse/Dep	17	0	0	0	0	0	0	0	17
43 Emancipation	3	0	0	0	0	0	0	0	3
44 Minor Guardianship / Conservatorship	178	10	0	2	0	18	7	5	220
49 Other Juvenile	30	3	0	0	0	0	0	0	33
<b>Juvenile Totals</b>	<b>228</b>	<b>13</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>18</b>	<b>7</b>	<b>5</b>	<b>273</b>
51 Medicaid	40	25	0	0	1	0	0	0	66
52 Medicare	7	2	0	0	0	0	0	0	9
53 Government Children's Health Insurance Programs	0	1	0	0	0	0	0	0	1
54 Home and Community Based Care	18	7	0	0	12	0	1	4	42
55 Private Health Insurance	2	0	0	0	0	0	0	0	2
56 Long Term Health Care Facilities	1	1	0	0	0	0	0	0	2
57 State and Local Health	4	3	0	0	0	0	0	0	7
59 Other Health	21	4	0	0	0	0	0	1	26
<b>Health Totals</b>	<b>93</b>	<b>43</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>155</b>
61 Federally Subsidized Housing	51	5	1	3	1	0	0	0	61
62 Homeownership/Real Property (Not Foreclosure)	75	12	0	0	0	0	2	3	92
63 Private Landlord/Tenant	331	33	0	8	0	0	1	2	375
64 Public Housing	21	4	0	1	1	0	1	0	28

Legal Aid of Arkansas  
Cases Closed 1-1-2018 to 11-11-2018

Legal Problem Code	A - Counsel and Advice	B - Limited Action	F - Settlement no Litigation	G - Settlement with Litigation	H - Administrative Agency Decision	IA - Uncontested Court Decision	IB - Contested Court Decision	L - Extensive Service	Totals
65 Mobile Homes	0	1	0	0	0	0	0	0	1
66 Housing Discrimination	28	8	1	1	0	0	0	1	39
67 Mortgage Foreclosures (Not Predatory Lending/Practices)	19	2	0	0	0	0	1	2	24
68 Mortgage Predatory Lending/Practices	3	0	0	0	0	0	0	0	3
69 Other Housing	8	2	0	0	0	0	0	1	11
<b>Housing Totals</b>	<b>536</b>	<b>67</b>	<b>2</b>	<b>13</b>	<b>2</b>	<b>0</b>	<b>5</b>	<b>9</b>	<b>634</b>
71 TANF	1	0	0	0	0	0	0	0	1
72 Social Security (Not SSDI)	4	3	0	0	0	0	0	0	7
73 Food Stamps	28	6	2	1	2	0	1	0	40
74 SSDI	31	9	1	0	3	0	0	1	45
75 SSI	85	15	0	0	11	0	0	1	112
76 Unemployment Compensation	10	0	0	0	3	0	0	0	13
77 Veterans Benefits	4	0	0	0	0	0	0	0	4
<b>Income Maintenance Totals</b>	<b>163</b>	<b>33</b>	<b>3</b>	<b>1</b>	<b>19</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>222</b>
84 Disability Rights	1	0	0	0	0	0	0	0	1
85 Civil Rights	1	0	0	0	0	0	0	0	1
87 Criminal Record Expungement	161	56	0	1	0	28	1	1	248
89 Other Individual Rights	2	1	0	0	0	0	0	0	3
<b>Individual Rights Totals</b>	<b>165</b>	<b>57</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>28</b>	<b>1</b>	<b>1</b>	<b>253</b>
94 Torts	4	0	1	0	0	0	0	0	5
95 Wills and Estates	122	50	1	0	0	1	0	6	180
96 Advanced Directives/Powers of Attorney	15	28	0	0	0	0	0	0	43
99 Other Miscellaneous	7	1	0	0	0	0	0	0	8
<b>Miscellaneous Totals</b>	<b>148</b>	<b>79</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>6</b>	<b>236</b>
<b>Grand Totals</b>	<b>2,851</b>	<b>494</b>	<b>87</b>	<b>283</b>	<b>37</b>	<b>383</b>	<b>184</b>	<b>396</b>	<b>4,715</b>

2017  
JUSTICE  
PARTNERS  
REPORT

# ANNUAL REPORT



Arkansas Access to Justice Foundation  
Center for Arkansas Legal Services  
Legal Aid of Arkansas





“

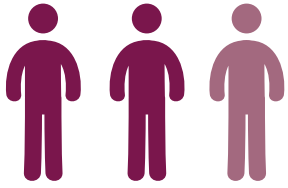
*I have been that person who could barely afford to pay my bills, much less hire an attorney if I had needed one. Doing pro bono is my way of passing along my knowledge of the law and the court system to those in need.*

”

Lori Howard,  
AR Free Legal Answers Volunteer



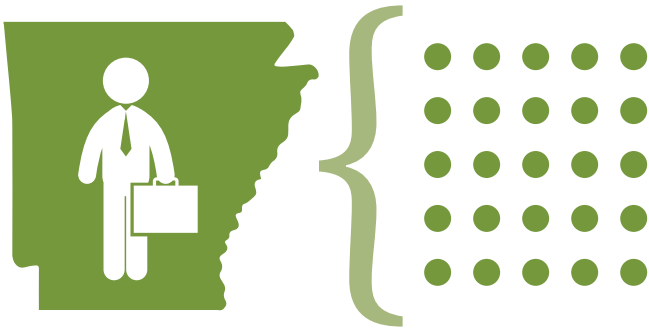
# Justice Denied: Unmet Legal Need in Arkansas



Two-thirds of adults have experienced a civil legal problem in the past 18 months.



Only 14% made their way to a court, lawyer, or legal aid.



Arkansas has the fewest attorneys per capita in the country, with **one attorney** for every **406 Arkansas residents**.



The state's 25 least populous counties are critically underserved, with **one attorney** for every **1,729 residents** in those counties.



By comparison, there is **one legal aid attorney** for every **14,957 eligible Arkansans**.



1 in 4 Arkansans qualify for civil legal aid.



**30,000**  
CALLS EACH YEAR  
FOR HELP

The Center for Arkansas Legal Services and Legal Aid of Arkansas receive 30,000 calls each year for help.



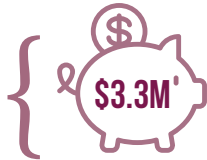
More than half are turned away because they lack the resources or capacity to meet the demand.

# Center for Arkansas Legal Services

The Center for Arkansas Legal Services ensures fairness for low-income clients in 44 counties located in western, central, and southern Arkansas. In 2017, we accomplished this with a staff of 24 attorneys and paralegals, as well as 189 volunteer attorneys who accepted cases through our regional pro bono programs: Volunteer Organization for the Center for Arkansas Legal Services (VOCALS) and the River Valley Volunteer Attorney Project (VAP).

## 2017 AT A GLANCE

**22 ATTORNEYS**  
**02 PARALEGALS**



22 attorneys and 2 paralegals who provided \$3.3 million worth of services

**3,250**  
**CASES IMPACTING**



**8,195 PEOPLE**

3,250 cases impacting 8,195 people, including 3,554 children and 214 veterans

**189 VOLUNTEER ATTORNEYS**  
**372 CASES**



189 volunteer attorneys who handled 372 cases at a value of more than \$390,070

**\$7.3**  
**MILLION**



\$7.3 million in financial recoveries or losses avoided for clients

## WHO WE HELPED



**477**  
**CONSUMERS**

477 consumers victimized by scams or harassed by creditors



**272**  
**CHILDREN**

272 children who were abused, neglected, or in need of permanency



**381**  
**ELDERLY/DISABLED**

381 elderly or disabled people needing financial security



**502**  
**TENANTS/HOMEOWNERS**

502 tenants and homeowners facing eviction or foreclosure



**994**  
**FAMILIES**

994 families in need of stability through orders of protection, custody, or guardianship



**624**  
**INDIVIDUALS**

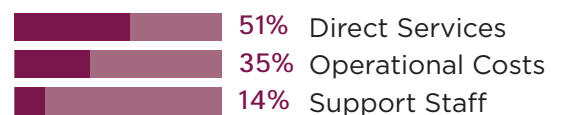
624 individuals needing help accessing employment, health coverage, or education

## REVENUES & EXPENDITURES

**REVENUES \$3.24 million**



**EXPENDITURES \$3.11 million**



# Center for Arkansas Legal Services

## CLIENT STORIES

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Mr. Polk\* had been homeless and denied employment and housing assistance many times because of a felony burglary conviction. The problem was, Mr. Polk was never convicted of a felony. Instead, a misdemeanor conviction from 1978 was being inaccurately reported as a felony. The background check

provided virtually no details of the case. Likewise, the District and Circuit Courts had no record of the case. After being denied assistance to help him break out of homelessness because of this inaccurate criminal background check, Mr. Polk eventually found the Center for Arkansas Legal Services. Clayton Smith, a staff attorney was able to locate an old report in the police department's microfiche records which proved that Mr. Polk was not a felon. Clayton was then able to correct the erroneous background check and get the record of the old misdemeanor sealed. This meant that Mr. Polk was eligible to receive housing benefits. Because of Clayton's help Mr. Polk now has a safe place to live.

.....



In 2014 Mr. & Mrs. Baxter,\* an airman and a daycare teacher, decided to purchase a home. In buying the home, they relied on the seller's statement that the well, the only source of water for the property, was in good condition. However, when they moved in, the well didn't produce enough water for the home

and the water it did produce was unusable because of its high mineral content. The sellers had not told the Baxters that they also had been unable to drink the water for the past four years. The Baxters were forced to haul buckets of water from a nearby creek to fill their toilet, buy thousands of dollars' worth of bottled water, and schedule their entire lives around the very limited water from the well. They tried to work with the sellers, but could not work out a solution. The airman and his wife contacted the Center for Arkansas Legal Services to help. Cecille Doan, a staff attorney, and Dan Carter, a pro bono attorney, worked together to sue the sellers. The court ruled that the sellers lied about the true condition of the well. The court awarded the Baxters \$25,000.00 so that they could fix the problems with the well.

Mr. & Mrs. Logan,\* an elderly couple, owned their own home. Officials from the city where they lived believed that the Logans' house wasn't being maintained properly and that they couldn't care for themselves. Rather than offer assistance, the city officials called Adult Protective Services (APS) on

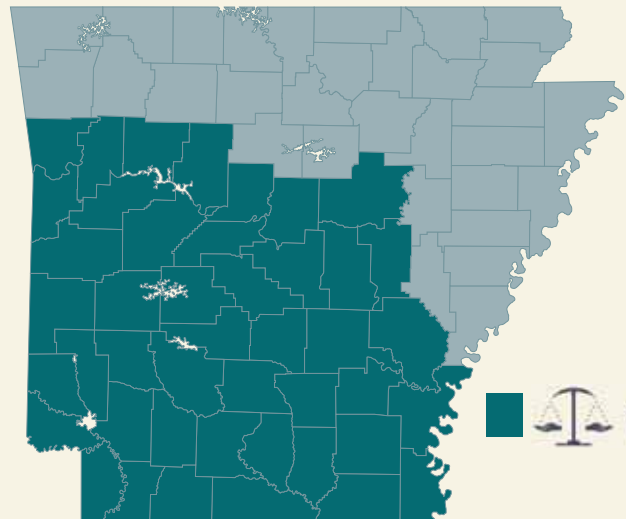


the clients. This resulted in the Logans being removed from their home by APS and placed in different nursing homes. When they finally went before a judge many weeks later, the judge found that they were capable of living independently. After the trauma of being unjustly forced from their home and separated, the Logans returned to find their home was blocked by yellow police tape. They were threatened with arrest by the police if they attempted to enter the home. The city had given the clients no notice that the home would be condemned and no opportunity to challenge that action. Dustin Duke, an attorney with the Center for Arkansas Legal Services, with assistance from Mickey Stevens, a pro bono attorney, filed suit in federal court against the city on behalf of the Logans. The case was settled for \$65,000 paid to clients by the city. This allowed the Logans to purchase a home in a different community where they could continue to live together and independently.

*\*Clients are identified by pseudonyms to protect their privacy.*

## WHERE WE HELP

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# Legal Aid of Arkansas

Legal Aid of Arkansas ensures fairness for low-income clients in 31 counties located in northern and eastern Arkansas. We also serve clients statewide through our Low Income Taxpayers Clinic and Medical-Legal Partnerships. In 2017, we accomplished this with a staff of 30 attorneys and paralegals, as well as 307 volunteer attorneys who accepted cases through our pro bono programs.

## 2017 AT A GLANCE

**26 ATTORNEYS**  
**04 PARALEGALS**



26 attorneys and 4 paralegals who provided \$4.20 million worth of services

**6,269 CASES IMPACTING**



6,269 cases impacting 15,746 people, including 7,237 children and 358 veterans

**307 VOLUNTEER ATTORNEYS**  
**379 CASES**



307 volunteer attorneys who handled 379 cases at a value of more than \$613,130

**\$3.7 MILLION**



\$3.7 million in financial recoveries or losses avoided for clients

## WHO WE HELPED



**629 CONSUMERS**

629 consumers victimized by scams or harassed by creditors



**346 CHILDREN**

346 children who were abused, neglected, or in need of permanency



**298 ELDERLY/DISABLED**

298 elderly or disabled people needing financial security



**778 TENANTS/HOMEOWNERS**

778 tenants and homeowners facing eviction or foreclosure



**2,932 FAMILIES**

2,932 families in need of stability through orders of protection, custody, or guardianship

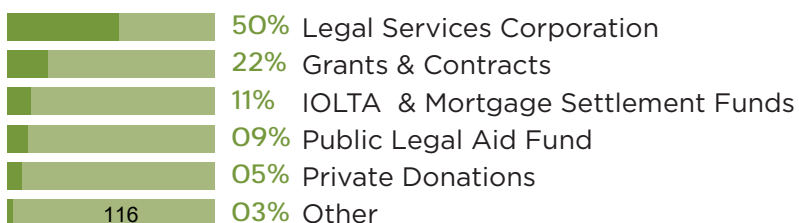


**1,286 INDIVIDUALS**

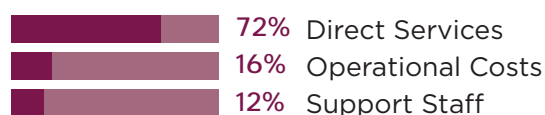
1,286 individuals needing help accessing employment, health coverage, or education

## REVENUES & EXPENDITURES

REVENUES **\$2.93 million**



EXPENDITURES **\$2.62 million**



# Legal Aid of Arkansas

## CLIENT STORIES

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When Ms. Fulton's\* daughter Sarah,\* returned from visitation with her father, Ms. Fulton knew she had to do something. There had been behavior problems after prior visits, but this time Sarah had a gash on her head and severe bruising around her neck. Sarah's father refused to explain what caused the injuries. That's when Ms. Fulton called Legal Aid of Arkansas. Teresa Franklin, a legal aid staff attorney, stepped in and was able to convince a judge to limit the father's visitation to Skype calls and eventually visitation was stopped altogether. Now that Sarah is safe, her behavior has improved, and she's thriving.

.....



Ms. Greene\* had experienced some hard financial times and was facing the prospect of homelessness. She has a severe disability and her home was being foreclosed on by the bank. With limited options, Ms. Greene contacted Legal Aid of Arkansas and met Riley, a staff attorney, and Gaylynn Alden, a paralegal. Riley and Gaylynn worked with the bank to arrive at a solution that prevented the client from facing a judgement of more than \$30,000. They were also able to help her successfully apply for a housing voucher from the local housing authority. Because of Legal Aid of Arkansas, Ms. Greene avoided homelessness.

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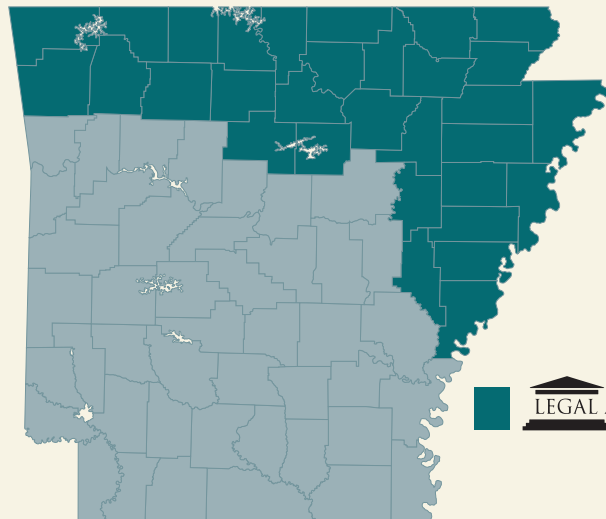
Ms. Miller,\* a 62-year old school bus driver, came to Legal Aid of Arkansas's tax clinic for help with an old IRS debt of over \$10,000. She had accumulated self-employment tax during a short stint as a truck driver. However, she was unable to pay because of a period of unemployment and then under-employment. She ultimately had to settle for a low-paying job as a bus driver. This left her unable to both support herself and pay her tax debt. She was extremely concerned when the IRS notified her that it would collect the debt from her wages.

That was money she needed just to survive. R. Dawn Allen, a pro bono attorney who volunteers with Legal Aid of Arkansas's tax clinic, agreed to help Ms. Miller work out an agreement with the IRS. Then, during the case, the Ms. Miller had to undergo surgery to remove a brain tumor. Complications from the cancer and surgery forced the client to quit her job and survive on Social Security benefits alone. Based on her extreme financial hardship the IRS accepted \$50 and forgave the remainder her debt. The client was overjoyed with the result and can now focus on her health.

*\*Clients are identified by pseudonyms to protect their privacy.*

## WHERE WE HELP

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# Pro Bono Attorneys of the Year



Jefferson County VOCALS  
Attorney of the Year  
Baim Law Firm

Diana Turner

---



10th Judicial District VOCALS  
Attorney of the Year  
Gill Law Firm

Brooks Gill

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Outstanding Pro Bono  
Attorney Award  
Law Office of Donna M. Price

Donna Price

---



Outstanding Pro Bono  
Attorney Award  
Womack, Phelps, Puryear,  
Mayfield & McNeil

Ariel Snyder

---



Outstanding Pro Bono  
Attorney Award  
Odom Law Firm

Russell Winburn

---



Outstanding Pro Bono  
Attorney Award  
Winston Law Firm

Jeannie Winston

---



Pulaski County VOCALS  
Attorney of the Year  
Hyden, Miron & Foster

Lori Holzwarth

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For more information about the 2017 Pro Bono Award winners, visit:  
<http://arkansasjustice.org/pro-bono-awards-2017/>

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Tina Adcock-Thomas	David Biondolillo	Jim Carfagno	Greg Cuzick
Matthew Adlong	Matt Bishop	Mark S. Carter	William Webster Darling II
Charles Gregory Alagood	John Blair	Mitchell Cash	Steven Davis
Lisa Alexander	Mylissia M. Blankenship	Grace Casteel	Steven R. Davis
R. Dawn Allen	Caroline Boch	Casey Castleberry	Sarah DeLoach
Robyn P. Allmendinger	Stanley V. Bond	Mark Chadick	Mike DeLoache
Billy Allred	A. Paul Bowen	Jennifer Chang	Lisa Dennis
Erin Anderson	Eric Bray	William Changose	Mike Dennis
Joyce Arias	David Bridgforth	Gladys Cherry	Peter DeStefano
Blair Arnold	John Bridgforth	Kesha Chiappinelli	Dena C. Dickinson
LaTonya Austin	William C. Bridgforth	Kerry Chism	Terry P. Diggs
Andrew Bailey	William McShane Bridgforth	Greg Clark	Michael Dodson
Joshua Bailey	Brad Broadway	Suzanne Clark	Richard T. Donovan
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Jay Bequette*	Arkie Byrd	James Crouch	Christopher Foster

\*Attorneys have reported completing 50 hours or more of pro bono service in the calendar year

Amanda Fray	Mark Johnson	Mark Moll	Lewis E. Ritchey
Kelly Freeze	Stephen N. Joiner	Orin E. Montgomery	Bonnie Robertson
Craig Friedman	Alan Jones	Eric Moore	Jeannette Robertson
Matthew Fryar	Dustin Jones	Harry Truman Moore	Randall Rudisill
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Charles Gardner	Oscar Jones	Roger Morgan	Stacey Ryall
Tom Garner	Eun Sol Kim	Vince Morris	Ernest Sanders
Robert Gibson	Michael Knollmeyer	Keith Morrison	Ted Sanders
Tyler Ginn	Hugh Laws	Wm. Kirby Mouser	Nicolas Sasso
Catherine Golden	George Lea	Carla Nadzam	Caitlin Savage
Summer Goldman	Tabitha Lee	Christopher Nanos*	Edward Schieffler
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Paul Gregory	Victoria Leigh	David Nixon	Jay Scurlock
M. Joseph Grider	Beth Levi*	Rashauna Norment	Jan Scussel
Tyler Griffin	Kendall Lewellen	Laura O'Bryan	Gail Segers
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Kenneth Hall	Erin Lewis	Bobby Odom	Randolph J. Shock
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Victoria Hargis Bruton	J. Dale Lipsmeyer	John Olaimey	Shaneen Kelleybrew Sloan
Terry D. Harper	J. Nicholas Livers	Chad Oldham	Raymond Smith
Chris Harris	Sonya London	Goodman Onyilagha	Scott E. Smith
Sandra Y. Harris	Kirk Lonidier	Kevin Orr	Tim Snively
Charles Harwell	Jerry Lovelace	Ken Osborne	Ariel Snyder*
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Mauricio Herrera	Steven McClelland	James Phillips	Jocelyn A. Stotts
Hadley Hindmarsh	Corey McGaha	John G. Phillips	Lane Strother
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Brian Hogue	Kaye Hartenstein McLeod	Brian Pipkin	Don Taylor
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Lori L. Holzwarth	Judy P. McNeil	William Marshall Prettyman	Larry Thompson
Janan Kemp Honeysuckle	Roger McNeil	B.R. Price	Theodis Thompson
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David R. Horn	Abtin Mehdizadegan	Rebecca Prince	Trevor Townsend
Bill Horton	Joshua Meister	Amy Pritchard*	Tom Travis
Michelle Huff	Giana Messore*	Kelly Procter-Pierce	James L. Tripcony
Karen J. Hughes	Tim Meyers	Brian Rabal	Diana Turner*
Teresa L. Hughes	Brian Miles	Tucker Raney	Karen "Betsy" Turner
James Hunt	Alex Miller	Tim Reed	David Tyler
Jason Hutcheson	Brett Miller	Margaret Reger	Gary Vinson
Randolph Jackson	Jeffrey Mitchell	Emily Reynolds	Stevan Vowell
Patrick R. James	Donn Mixon	George R. Rhoads	Bill Waddell*
Larry Jennings	H. Clarke Mixon	Grace Rice	Ralph Waddell
Christopher Jester	Walmart Medical-Legal	Kris Richarson	Jason Wales
Susan Johnson-Wakefield	Partnership*	Victor Richarson	James Wallace
Joel Johnson	Sara Cate Moery	Chris Rippy	Stan L. Warrick

Dana Watson  
Jeff Watson  
Katie Watson  
Billy Bob Webb  
Jonathan Welk  
Richard West

Jeanette Whatley\*  
Lorie Whitby  
Esther M. White  
M. Scott Willhite\*  
Darrin Williams  
Todd Williams

Jillian Wilson  
Philip M. Wilson  
Ronald C. Wilson  
Russell Winburn\*  
Jeannie Winston\*  
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Too many Arkansans who need our help had to be turned away last year, and the same will be true this year. As Arkansans and as lawyers, we can do better for those less fortunate in our community. **Please consider a gift to the Campaign for Legal Aid.** 100% of the donations received go directly to the Center for Arkansas Legal Services and Legal Aid of Arkansas to provide legal aid that supports families, preserves homes, and maintains economic stability.

For a monthly investment of just \$20, 50, or \$100, you can cover what it costs for legal aid to represent a domestic violence victim, a veteran struggling to

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You can make your one-time or monthly gift online today at [www.arkansasjustice.org/donate](http://www.arkansasjustice.org/donate).



## VOLUNTEER

There are many reasons to volunteer. It's a great opportunity to network, to learn new skills, and, most importantly, to give back to the community.

Our volunteer opportunities aren't just limited to taking cases. We offer a wide range of services, and attorneys, law students, and community members of all backgrounds are needed to support our efforts.

Volunteers can do something as simple as give advice to a client through [AR.FreeLegalAnswers.org](http://AR.FreeLegalAnswers.org), help us keep legal fact sheets up to date, or give one-on-one consultations to clients at outreach events.

To learn more about volunteer opportunities or to sign up through legal aid, visit [www.arlegalservices.com/node/888/volunteer-today](http://www.arlegalservices.com/node/888/volunteer-today) and [ar.freelegalanswers.org](http://ar.freelegalanswers.org).



# How You Can Help



## DIRECT TO ACCESS TO JUSTICE COURT AWARDS & CY PRES AWARDS

Court awards of residual funds are made by a court when some or all of the funds from a class action or similar representative action cannot be distributed to the intended recipients. This is sometimes referred to as a cy pres award. In making an award, the court attempts to put them to a use that is as near as possible to their intended purpose. In many cases, directing these funds to legal aid will satisfy that purpose. Legal aid serves client populations that

often mirror plaintiff classes. Furthermore, cy pres awards made to support legal aid can be tailored to a specific region or purpose, such as combating abusive collections or foreclosure practices.

If you're interested in learning more about how cy pres awards can support legal aid, contact Amy Johnson at (501) 492-7172 or [adjohnson@arkansasjustice.org](mailto:adjohnson@arkansasjustice.org).



## OPEN YOUR IOLTA ACCOUNT AT A PREFERRED BANK

The Arkansas IOLTA rules require that attorneys place IOLTA accounts at financial institutions that pay interest rates comparable to other similarly situated accounts. Preferred Banks are those that go above and beyond the eligibility requirements of the rules to support the IOLTA program in its mission to ensure that low-income Arkansas residents have access to the legal services they desperately need.

If you are an Arkansas attorney with an IOLTA account, one simple way for you to support justice is to bank with one of the IOLTA program's preferred Banks. Preferred Banks are financial institutions that waive fees and pay competitive interest rates, generating more funding to support grants for legal aid. By banking with a preferred Bank or by encouraging your financial institution to join—you can help ensure that domestic violence victims, veterans, families in need of economic security, and children with special education needs have equal access to the justice system.

To learn more and to see a list of Preferred Banks, visit <http://arkansasjustice.org/iolta/banks>.

### Did You Know? Ethics Rule Establishes Process for Disposition of Unclaimed and Unidentifiable Client Trust Account Funds.

The Arkansas Supreme Court has adopted changes to Arkansas Rule of Professional Conduct 1.15 to lay out a mechanism by which attorneys or estates of deceased attorneys can deal with unclaimed or unidentifiable funds in client trust accounts by reporting and remitting those funds to the Arkansas Access to Justice Foundation.

The provision addresses situations where an attorney, law firm, or estate of a deceased attorney (1) winds up in possession of client or third party funds and the client or third party cannot be located, despite diligent efforts to locate the rightful owner; or (2) is in possession of funds in a client trust account that cannot be traced back to a particular client.

The Arkansas rule change addresses these scenarios by providing a simple process for attorneys to dispose of unclaimed and unidentifiable funds consistent with applicable ethical obligations, while generating additional revenue for the IOLTA Program of the Arkansas Access to Justice Foundation, which will use the funds to make grants supporting the provision of free civil legal aid to the poor.





# Campaign for Legal Aid | Donation Form

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(Please write your name as you want it to appear in next year's recognition publication.)

I/We would like to remain anonymous

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For more information about the Campaign for Legal Aid, please visit [www.arkansasjustice.org/CampaignForLegalAid](http://www.arkansasjustice.org/CampaignForLegalAid).

# To champion equal access to justice for all regardless of economic or social circumstances



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Legal Aid of Arkansas  
Lee Richardson, Executive Director  
714 S. Main Street  
Jonesboro, AR 72401  
870-972-9224 | [www.arlegalaid.org](http://www.arlegalaid.org)



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Center for Arkansas Legal Services  
Jean Carter, Executive Director  
1300 West 6th Street  
Little Rock, AR 72201  
501-376-3423 | [www.arlegalservices.org](http://www.arlegalservices.org)



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Arkansas Access to Justice  
Amy Dunn Johnson, Executive Director  
1111 West 6th Street, Suite D  
Little Rock, AR 72201  
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## AGREEMENT

### **CENTER FOR ARKANSAS LEGAL SERVICES AND LEGAL AID OF ARKANSAS**

Effective Date of Agreement: November 16, 2018

Term of Agreement: November 16, 2018 to November 15, 2019

Total Monetary Amount to be Paid: \$17,727 plus any additional expenses as set forth in the Agreement

Scope and purpose of the Agreement: Legal Aid of Arkansas will take primary responsibility for maintenance of the statewide website found at [www.arlegalservices.org](http://www.arlegalservices.org), coordination of statewide taskforces, and statewide conference planning and implementation. The Legal Aid of Arkansas Mission Engagement and Chief Information Officer will devote 50% of work time, contemplated to average 20 hours weekly, to these tasks.

### **TERMS AND CONDITIONS**

Amount and Payment Schedule. The Center for Arkansas Legal Services will pay \$17,727 to Legal Aid of Arkansas, as per the Payment Schedule below:

Payment Schedule

First Payment	\$ 2,215.88	Payable with agreement
Second Payment	\$ 4,431.75	Payable January 1, 2019
Third Payment	\$ 4,431.75	Payable April 1, 2019
Fourth Payment	\$ 4,431.75	Payable July 1, 2019
Final Payment	<u>\$ 2,215.88</u>	Payable October 1, 2019
Total	\$17,727.00	

Additional costs and expense for related items such as website hosting and third party maintenance will be shared by the parties in proportion to poverty population as determined by the American Community Survey as interpreted by LSC.

Use of Funds. Legal Aid of Arkansas will use the Funds solely as described in the scope and purpose. Legal Aid of Arkansas will not use Funds or derivative income to influence any election, to engage in any political or other activity that is prohibited by Internal Revenue Code Section 501(c)(3), to support any person or organization engaged in terrorist activity, or to engage in any activity consider an “entity” restriction by the Legal Services Corporation. This agreement will not entail the use of any Legal Services Corporation funds, and as such is not be subject to LSC subgrant rules or regulations.

Reporting, Record Keeping and Materials. Legal Aid of Arkansas will provide such reports, documents, and other information Center for Arkansas Legal Services may request in connection with execution and compliance with the Subgrant Agreement. Subgrantee will maintain records relating to its Project responsibilities in a manner such that Center for Arkansas Legal Services

relating to its Project responsibilities in a manner such that Center for Arkansas Legal Services can evaluate Legal Aid of Arkansas compliance with this Agreement. Legal Aid of Arkansas will make records available for review by Center for Arkansas Legal Services on reasonable notice during the term of this Agreement and for a period of five (5) years after its termination. Legal Aid of Arkansas will reasonably cooperate with Center for Arkansas Legal Services in providing information in connection with any funder, financial or tax audit, or similar matter, in which Center for Arkansas Legal Services is engaged.

Malpractice Insurance. Both parties to this agreement will maintain Lawyer's Professional Liability Insurance which will cover any claims that may arise as a result of statewide technology projects.

Continuation and Orderly Termination. The parties agree to give each other thirty (30) day notice of intent to continue this agreement beyond the current term. This agreement may be terminated early with sixty (60) day notice from one organization Executive Director to the other by acknowledged email communication.

Indemnification. Legal Aid of Arkansas will defend, indemnify, and hold Center for Arkansas Legal Services and its directors, officers, employees, agents, and assigns harmless against all third party claims, liabilities, losses, damages, and expenses any Center for Arkansas Legal Services Party may suffer and which arise directly or indirectly from: (a) Legal Aid of Arkansas's execution of the Project; or (b) Legal Aid of Arkansas's breach of this Agreement or the Funding Agreement. Legal Aid of Arkansas will have no obligation to indemnify any Center for Arkansas Legal Services Party to the extent the liability is caused by such Center for Arkansas Legal Services Party's negligence or willful misconduct.

Additional Terms. The Legal Aid of Arkansas will cover the costs associated with the implementation of the scope and purpose, except the Center for Arkansas Legal Services will cover these costs when any assignment is being done solely at their behest for their exclusive purpose. Both Party's to this agreement will share equally the expense of sending the primary implementer to the Legal Services Corporation Innovations in Technology Conference, if such training is deemed appropriate by agreement of the parties. Any shareable or extra expenses are billable directly as they arise.

The Parties hereby certify that, to the best of our knowledge, the information in this Agreement is true and correct and agree to bind the Parties to the provisions of this Agreement.

Jean Turner Carter, Executive Director  
Center for Arkansas Legal Services

  
\_\_\_\_\_  
Signature

Date 11/15/18

Lee Richardson, Executive Director  
Legal Aid of Arkansas

  
\_\_\_\_\_  
Signature

Date November 11, 2018

## Health Law Partnership

### Grant Agreement

This Grant Agreement contains the terms and conditions for a grant in the amount of \$50,000 (the “Grant Funds”) from the **National Health Law Program** (NHeLP) to **Legal Aid of Arkansas** (the “Grantee”). The Grant Funds are to be used exclusively to fund the activities described in the Project Description, attached as Exhibit A, and any addendum agreed on by NHeLP and the Grantee.

#### ***Payment and Expenditures***

Upon receipt of this signed Grant Agreement, NHeLP will pay the Grantee the Grant Funds minus 10%. The balance of the Grant Funds will be paid upon submission of Grantee’s final report.

Expenditures from the Grant Funds must be made in accordance with Grantee’s approved budget (Appendix B). Any increases or decreases to a budget line of more than 10% must be approved by NHeLP in advance in writing.

#### ***Term***

The Term of this Grant Agreement shall begin on October 1, 2018 and shall end on September 30, 2019 unless terminated sooner, in which case the date of such termination shall be the end of the Term.

#### ***Financial Records and Reporting***

The Grantee shall:

1. maintain adequate financial records consistent with generally accepted accounting principles, retain such records for at least four years after the Term, and make those records available to NHeLP if requested (this provision shall survive expiration or termination of this Grant Agreement);
2. return to NHeLP any portion of the grant funds and interest thereon which are not used in furtherance of the Project or otherwise in accordance with the terms of this Grant Agreement or that remain unexpended after expiration or termination of this Grant Agreement (this provision shall survive expiration or termination of this Grant Agreement);
3. consult with NHeLP if there are significant changes in the environment affecting the Project so that the parties may revise this Grant Agreement as needed;
4. consult with and obtain permission from NHeLP in advance of entering into any subcontract for \$10,000 or more to be paid from Grant funds;
5. provide two reports to NHeLP, one by April 15, 2018 and the second at the conclusion of the Term, both reports containing: (a) a summary of work done and accomplishments achieved, where possible in quantified formats (*e.g.*, if the state strategy includes a

campaign to generate written comments to a government agency, information about the number of comments submitted and the range of commenters; if litigation is filed, the outcome/status of the case); (b) summary of internal work, including best practice suggestions; (c) summary of media coverage (if appropriate to the activities); (d) suggestions for next steps, including ways to continue to grow our partnership; and (e) a budget report, to include efforts underway to obtain ongoing funding.

### ***Compliance***

Grantee may not use any portion of the Grant Funds to engage in any activity considered to be direct or grass roots lobbying under Internal Revenue Code (“IRC”) Section 4911.

Grantee may not participate or intervene in any political campaign on behalf of (or in opposition to) any candidate for public office within the meaning of IRC Section 501(c)(3) or otherwise provide a selective benefit to any political party or candidate for public office throughout the Term, or use funds from this grant to conduct any voter registration activities or to intervene in any election.

Grantee represents and warrants that it is currently in compliance with all applicable federal, state, and local laws and that it shall remain in compliance with such laws throughout the Term.

Grantee shall cause any person to whom it re-grants a portion of the Grant Funds to use them in compliance with the terms of this Grant Agreement.

The Grantee will comply with 42 USC 1612 in carrying out all activities under this grant.

When the Grantee provides legal services to clients under this grant, each client will be considered a client of Grantee from the date of the initial intake by Grantee, and pursuant to Supreme Court Rule 20:1.6, neither the Grantee nor NHeLP shall reveal information relating to representation of a client unless the client consents after consultation. The exceptions to this disclosure principle are disclosures necessary to represent the client, and which by virtue of that representation, are implied by the client to be authorized.

### ***Notifications***

This Grant Agreement serves to confirm that the Grantee has furnished NHeLP with a copy of its most recent determination letter from the Internal Revenue Service recognizing the Grantee as being exempt from federal income taxes under IRC Section 501(c)(3). Grantee represents and warrants that there has been no change to its tax-exempt status since the date of such determination letter and agrees to give NHeLP immediate written notice should the Grantee’s federal tax-exempt status change.



### ***Reversion of Grant Funds***

The Grantee shall return to NHeLP any unexpended Grant Funds in the event NHeLP determines, in its sole discretion, that the Grantee has not performed in accordance with the terms of this Grant Agreement or if Grantee loses its exemption from federal income tax.

### ***License***

The Grantee shall make any work product, data, research, knowledge, and other information developed with the Grant Funds freely available to NHeLP and its designees, and to grant to NHeLP and its designees a perpetual license to all right, title and interest in any copyright and all other tangible and intangible property or ownership rights (including all renewals and extensions) relating to all materials created by or for NHeLP in the performance of the Project.

At the request of NHeLP, the Grantee shall execute all necessary or appropriate documents and take all other reasonable steps to document or formalize such rights in such materials. This paragraph shall survive termination of this Grant Agreement.

### ***Acknowledgement***

The Grantee shall seek prior approval of NHeLP and acknowledge NHeLP and the Health Law Partnership, using a project title to be provided by NHeLP, in any public releases, credits, or publications that mention activities supported by this grant, and send copies of these to NHeLP when possible. Grantees are encouraged to make public announcements, especially when these might stimulate additional support or help spread the word about important new projects.

### ***Use of Information***

The Grantee agrees to allow NHeLP to include information about this Grant in any of its public and internal reports. This provision shall survive termination of this Grant Agreement.

### ***Indemnification***

The Grantee agrees to indemnify NHeLP and its directors, officers, employees, and agents and to hold them harmless from any and all liability, loss, damage, cost, or expense, including reasonable attorneys' fees and expenses, paid or incurred by reason of Grantee's breach of any of the obligations, covenants, representations or terms contained in this Grant Agreement or in connection with the Project. This paragraph shall survive termination of this Grant Agreement.

NHeLP agrees to indemnify the Grantee and its directors, officers, employees, and agents and to hold them harmless from any and all liability, loss, damage, cost, or expense, including reasonable attorneys' fees and expenses, paid or incurred by reason of NHeLP's breach of any of the obligations, covenants, representations or terms contained in this Grant Agreement or in connection with the Initiative. This paragraph shall survive termination of this Grant Agreement.

***Integration***

This Grant Agreement, including its appendixes, represents the complete and exclusive statement of agreement between NHeLP and Grantee with respect to the Project and supersedes any proposal or prior agreement, oral or written, and any other communications between NHeLP and Grantee relating to the subject matter herein.

***Governing Law, Severability, and Venue***

The validity, interpretation, construction, performance, and enforcement of this Grant Agreement shall be controlled by and construed under the laws of the District of Columbia, without giving effect to its conflicts of law principles. In the event that any portion of this Grant Agreement is held to be unenforceable, such holding shall not limit or otherwise modify or affect any other portion. Any party bringing a legal action or proceeding against the other party arising out of or relating to this Grant Agreement or the transactions it contemplates shall bring the legal action or proceeding in an appropriate court within the city of Washington, D.C., and each party consents to the exclusive jurisdiction of such court and its appellate courts. Each party agrees that the exclusive choice of forum set forth in this paragraph does not prohibit the enforcement of any judgment obtained in that forum or any other appropriate forum. This paragraph shall survive termination of this Grant Agreement.

IN WITNESS WHEREOF, the undersigned intending to be legally bound have executed this Grant Agreement effective as of the last date appearing below.

**Grantee Name: Legal Aid of Arkansas**

**Accepted by:** *(Agreement must be signed and dated by an authorized officer of the Grantee.)*

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Agreed to and Acknowledged on behalf of the National Health Law Program:**

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

## **Health Law Partnership**

### **Appendix A – Project Description**

The goals of the Health Law Partnership are to:

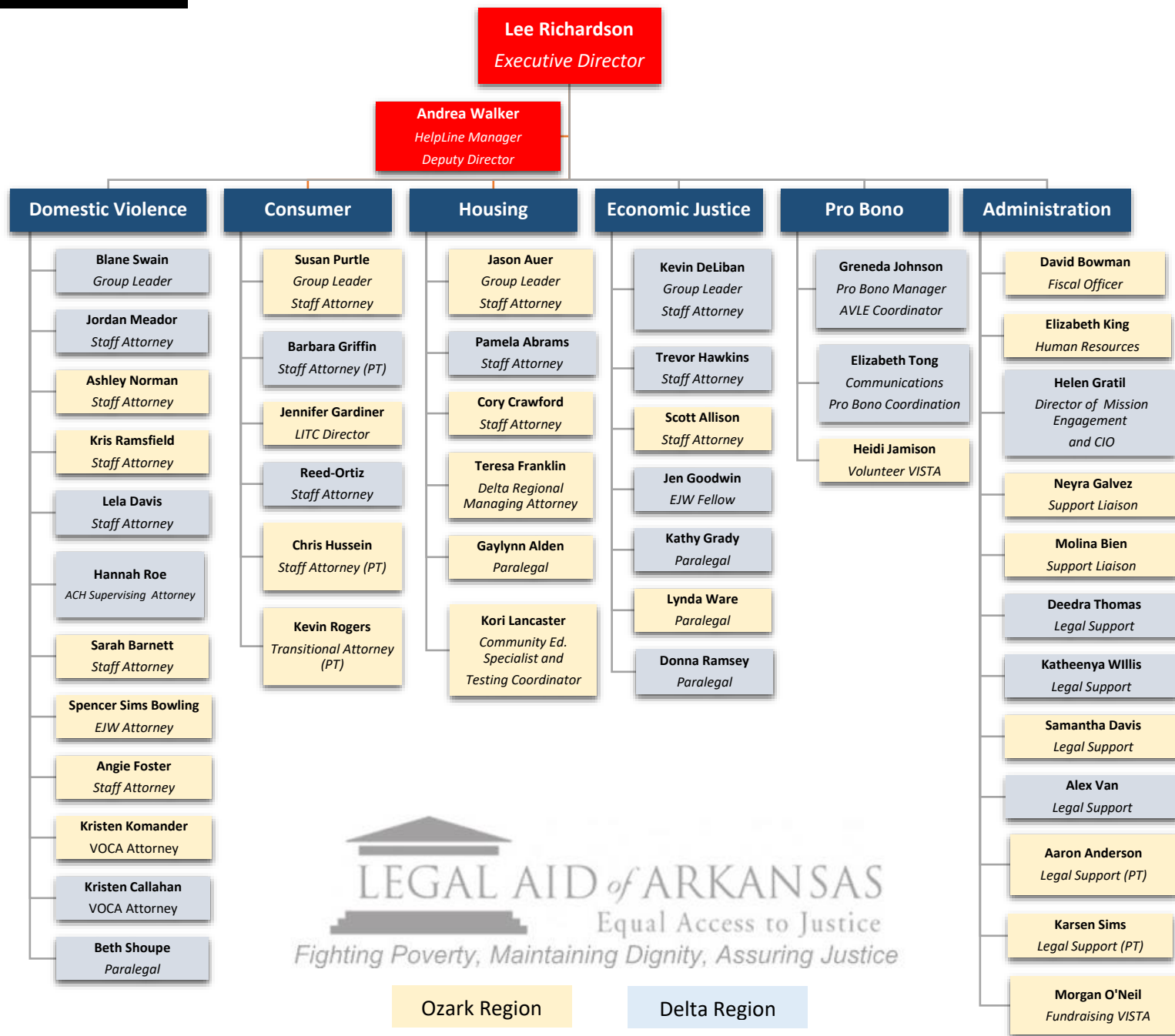
- Preserve and protect access to high quality health care, including through Medicaid, the ACA, and the Americans with Disabilities Act;
- In compliance with 42 USC 1612, shape policy debates at the state level by educating policymakers, newsmakers, health care providers, and reporters about the importance of the Medicaid and other related provisions under attack and what proposed changes will mean for people in the state;
- Build robust administrative records, at the state and federal level, regarding proposed administrative actions;
- Bring litigation that will, to the extent possible, block or delay the implementation of illegal actions and bad policy impacting health care for low income people; and
- Build strong ongoing relationships between NHeLP and state advocate organizations and among state advocate organizations.

As part of this Project, the Grantee will:

- Announce the formation of the Health Law Partnership, using a project title “Health Law Partnership”, to state contacts, national partners, and funders;
- Form a monitoring and enforcement team with NHeLP, and, where needed, additional local, state, and national partners;
- Identify state and federal actions that are resulting or will result in significant reductions in health coverage, and formulate enforcement and litigation strategies for addressing the problems;
- With support from NHeLP, develop written materials that make clear what is at stake in harmful policy proposals and the importance of resisting actions that will reduce access to care for people in the state; share those materials with state policymakers, health care providers, newsmakers, and media;
- In compliance with 42 USC 1612, identify and engage with significant state stakeholders, including health care providers, experts, clients and others, to submit comments on proposed changes to ensure a robust evidence-based administrative record at the state and federal levels;
- Partner with NHeLP to bring litigation, including developing legal arguments and strategies, identifying plaintiffs, drafting pleadings and participating in hearings;

- In coordination with NHeLP, develop and implement a communications strategy that supports and enhances the legal strategy and elevates the visibility of the Health Law Partnership;
- Meet annually with other state advocate organizations that are involved in this Initiative;
- Share materials and best practices with other state advocate organizations involved in this Project;
- Seek funding to bolster and sustain the work of the Project; and
- Meet annually with other state organizations that are involved in this effort.

# ORGANIZATIONAL CHART



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