

Legal Aid of Arkansas
Board of Directors Meeting
Saturday, December 10, 2016
9:00 A.M.



Legal Aid of Arkansas
1200 Henryetta Street
Springdale, Arkansas 72762



Legal Aid of Arkansas

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

The Access to Justice Commission/Foundation meeting materials are posted as a separate upload at the above link.

**LEGAL AID** of ARKANSAS
Equal Access to Justice

TOLL FREE
1-800-967-9224

TELEPHONE
1-870-972-9224

HELPLINE
1-800-952-9243

www.arlegalaid.org

Arkansas Children's Hospital
1 Children's Way, Slot 695
Little Rock, AR 72202-3500
501-978-6479 – Fax

Harrison
205 W. Stephenson Ave.
Harrison, AR 72601
800-967-9224 – Fax

Helena-West Helena
622 Pecan
Helena, AR 72342
870-338-9834 – Fax

Jonesboro
714 South Main Street
Jonesboro, AR 72401
870-910-5562 – Fax

Newport
202 Walnut Street
Newport, AR 72112
870-523-9892 – Fax

Springdale
1200 Henryetta
Springdale, AR 72762
479-751-0002 - Fax

West Memphis
310 Mid Continent Plaza
Suite 420
West Memphis, AR 72301
870-732-6373 – Fax

November 28, 2016

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 10th at the Legal Aid of Arkansas' Springdale Office. The office is located at 1200 Henryetta Street, Springdale, AR. Board members may also participate by conference call using the attached instructions. Lodging on Friday night is provided for those traveling 100 miles or more. Please contact me if you wish me to take care of lodging arrangements on your behalf.

Lunch will be provided for those attending in person immediately following the meeting.

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.

Sincerely,

Elizabeth King
Administrative Assistant/HR Manager

/eak
Encl.



PARTICIPATING BY CONFERENCE CALL/GO TO WEBINAR

Dial 1-866-625-9936

Enter Guest Pin 21154265#

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.**

Directions to the Comfort Inn and Suites and Legal Aid of Arkansas Office

Accommodations for those spending Friday night will be at the Comfort Inn & Suites located at 1099 Rieff Street in Springdale. To reach the hotel, take Exit 72 off of I-540 and travel East on U.S. 412 (Sunset Avenue) slightly less than 1 mile. The Comfort Inn will be on the left.

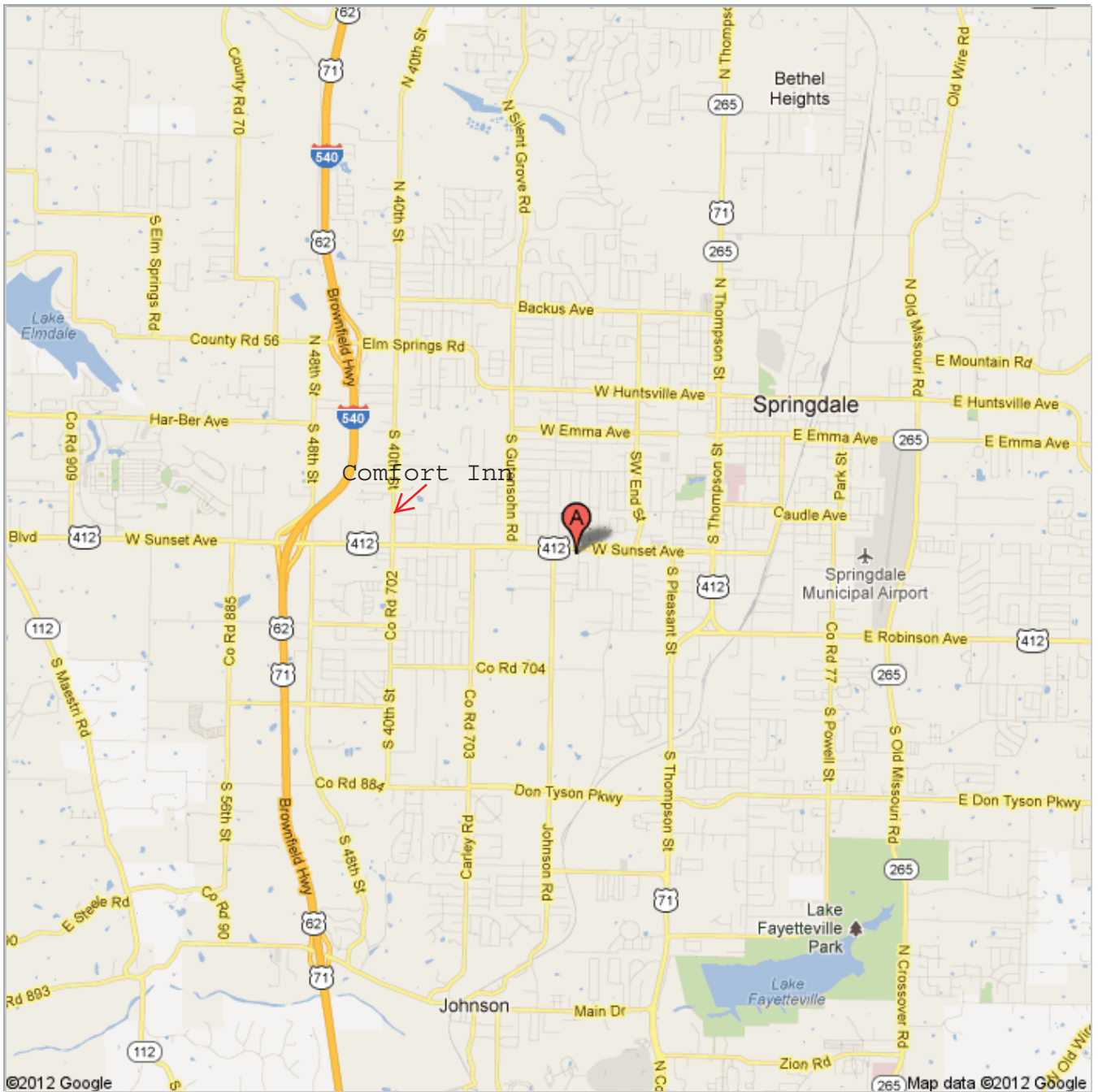

To reach the Legal Aid Office located at 1200 Henryetta, turn left on Sunset when you leave the hotel and travel approximately 1.5 miles. You will then turn right on Henryetta, just past the Waffle Hut and just before you reach Enterprise Rent-A-Car. The office will be on your immediate right.

For further reference, please see the maps attached. The arrow on the first map points to the location of the Comfort Inn while the “A” indicates the location of the office.



Address 1200 Henryetta St
Springdale, AR 72762

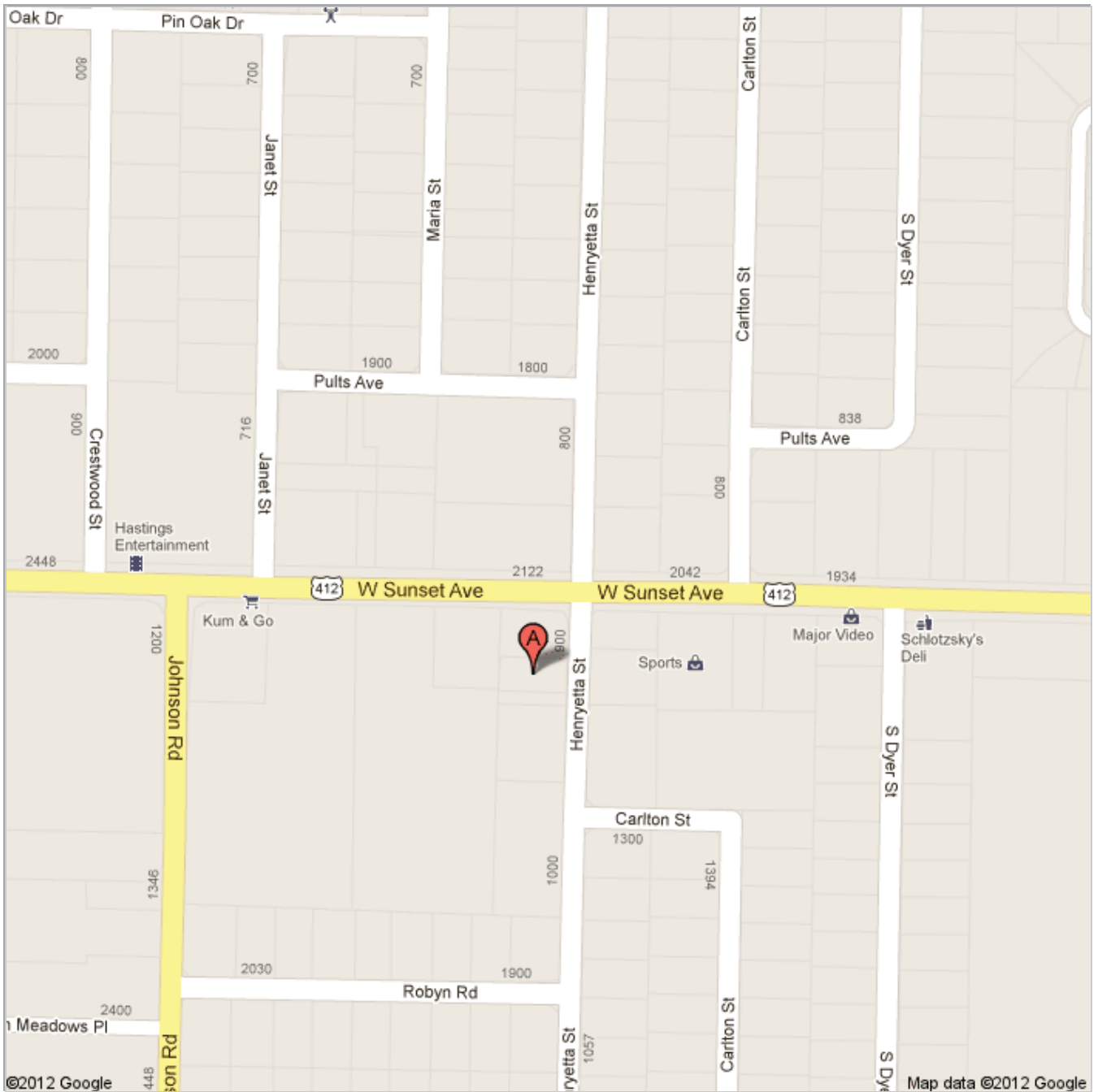

Get Google Maps on your phone
Text the word "GMAPS" to 466453





Address 1200 Henryetta St
Springdale, AR 72762

Get Google Maps on your phone
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PROPOSED AGENDA
BOARD OF DIRECTORS MEETING
December 10, 2016

1. Call to Order (Ms. Cung)
2. Approval of Minutes of September 10, 2016 Meeting (Ms. Cung)
3. Committee Reports
 - a. Personnel/Client Grievance (Mr. Price)
 - b. Audit/Finance (Ms. Haun)
4. Salary Scale Update (Mr. Richardson)
5. Proposed 2017 Budget (Mr. Bowman, Ms. Haun)
6. Financial Report (Mr. Bowman)
7. Certification of Objective Integrity and Independence (Mr. Richardson)
8. Expiring Board Terms and 2017 Officers (Mr. Richardson)
9. Locations and Dates of 2017 Board Meetings (Mr. Richardson)
10. United Way Grant Applications (Mr. Richardson)
11. Case Acceptance Priorities 2017 (Mr. Richardson, Work Group Leaders)
12. Consumer Work Group and Low Income Taxpayer Clinic Report (Ms. Purtle, Ms. Liguori)
13. Update on Pro Bono Activities and Approval 2017 Private Attorney Involvement Plan (Ms. Jamison and Ms. Tank)
14. Update on 50th Anniversary Celebration (Ms. Morrison)
15. Director's Report (Mr. Richardson)
16. Old/New Business (Ms. Cung)
17. Adjournment (Ms. Cung)

Lunch will be provided at the end of the meeting to those in attendance.

**LEGAL AID OF ARKANSAS
BOARD OF DIRECTOR'S MEETING
September 10, 2016**

A meeting of the Board of Directors of Legal Aid of Arkansas was held at 9:00 a.m. Saturday, September 10, 2016 at the Legal Aid of Arkansas' Jonesboro office.

The formal agenda was as follows:

1. Call to Order (Mr. McLarty)
2. Approval of Minutes of June 25, 2016 Meeting (Mr. McLarty)
3. Committee Reports
 - Personnel/Client Grievance Committee (Mr. Price)
4. Financial Report (Mr. Bowman)
5. Revisions to Bank Accounts – Authorized Signers (Ms. King)
6. Policy Adoptions and Updates
 - a. Contracting Policy and Procedures
 - b. Electronic Banking Policy
 - c. Section 3010(D) of Personnel Policy Manual Re-Employment
7. Housing Workgroup Report (Mr. Auer)
8. Director's Report (Mr. Richardson)
9. Old/New Business (Mr. McLarty)
10. Adjournment (Mr. McLarty)

Present in person were Beverly Claunch, John Deitenbeck, Jim McLarty, Val Price, Faye Reed and Rene Ward. Present via conference call were Neal Burns, Niki Cung, Annie Smith, Curtis Walker, Demetre Walker, Kandy Webb and Ron Wilson. LAA staff in attendance in person included Lee Richardson, Executive Director; Elizabeth King, HR/Admin Asst.; Jason Auer, Housing Workgroup Leader, Cory Crawford, Staff Attorney. Present via conference call was David Bowman, Fiscal Officer and Heather Hersh, Ozark Regional Manager. Also present in person were members of the general public Aimee Albrecht and Raven Traman.

Board Vice Chair Jim McLarty called the meeting to order. He welcomed everyone and moved to item two on the agenda, Approval of Minutes of June 25, 2016 Meeting. He asked for questions regarding the minutes. Ms. Claunch pointed out a typing error on page two where Justin Tuck should be Justice Tuck. Hearing no other comments, Mr. McLarty called for a motion.

A motion was made by Val Price, seconded by Niki Cung to approve the minutes of the June 25, 2016 Meeting. The motion carried with none opposed.

Mr. McLarty moved to item three on the agenda, Committee Reports.

Mr. Price stated that the Personnel/Grievance Committee had met recently to hear a client grievance. He then asked Mr. Richardson to present the details of that meeting. Mr. Richardson stated that we had a client that was being served out of our Harrison office and we had filed a motion to withdraw on an annulment action and she had complained about that. He stated that we had filed the Motion to Withdraw due to not having adequate cooperation from the client. The board committee took

statements from the client, our staff and himself and the committee decided that we would go ahead and assist the client due to the fact that we had not notified the client of our Motion to Withdraw allowing her a chance to object. The client was informed that we would assign a new attorney to assist her, with the condition that she treat our staff with respect. We have also made it a practice to always notify the client when filing a Motion to Withdraw allowing them a chance to object.

Mr. McLarty moved to item four on the agenda, Financial Report.

Mr. Richardson introduced David Bowman as the new returning Fiscal Officer. Mr. Bowman then gave the financial report and Mr. Richardson reported on the state of the finances as well.

Mr. McLarty asked for questions regarding the Financial Report, hearing none he called for a motion.

A motion was made by Beverly Claunch, seconded by Curtis Walker to approve the Financial Report. The motion carried with none opposed.

Mr. McLarty moved to item five on the agenda, Revisions to Bank Accounts – Authorized Signers.

Ms. King stated that due to some staff changes and moving the financial office back to Springdale there were some check signer changes that are needed. She requested the following changes:

Centennial Bank Signers to Add:

- Allison Tank
- Casey Trzcinski Sherman

Centennial Bank Signers to Remove:

- W. Marshall Prettyman

Iberia Bank Signers to Add:

- Allison Tank
- Casey Trzcinski Sherman

Iberia Bank Signers to Remove:

- W. Marshall Prettyman

Bank of Fayetteville Signers to Add:

- Allison Tank
- Casey Trzcinski Sherman

Bank of Fayetteville Signers to Remove:

- W. Marshall Prettyman

Mr. McLarty asked for questions, hearing none he called for a motion to approve the check signer changes.

A motion was made by Faye Reed, seconded by Niki Cung to approve the check signer changes as presented. The motion carried with none opposed.

Mr. McLarty moved to item six on the agenda, Policy Adoptions and Updates.

Mr. Richardson presented the Contracting Policy and Procedures policy as required by Legal Services Corporation.

Mr. McLarty asked for questions regarding the Contracting Policy and Procedures, hearing none he called for a motion.

A motion was made by Rene Ward, seconded by Val Price to approve the Contracting Policy and Procedures.

Mr. Richardson presented the Electronic Banking Policy as required by Legal Services Corporation.

Mr. McLarty asked for questions regarding the Electronic Banking Policy, hearing none he called for a motion.

A motion was made by Faye Reed, seconded by Beverly Claunch to approve the Electronic Banking Policy.

Mr. Richardson presented the revision of Section 3010(D) of Personnel Policy Manual Re-Employment. He stated that we want to have this policy in place prior to the new AmeriCorps Members and Equal Justice Works members coming on board.

Ms. Claunch presented some questions regarding the language in section 2 b. and it was reworded to state the following:

- a. Employees who were involuntarily terminated by Legal Aid or who were laid off (with a less-than-satisfactory work record) will not be considered for rehire.

Mr. McLarty asked for any further questions regarding the revisions of Section 3010(D) of the Personnel Policy Manual Re-Employment, hearing none he called for a motion.

A motion was made by Val Price, seconded by Beverly Claunch to approve the revisions of Section 3010(D) of the Personnel Policy Manual Re-Employment. The motion carried with none opposed.

Mr. McLarty moved to item seven on the agenda, Housing Workgroup Report.

Mr. Auer presented a report on the good work that is being done by the Housing Workgroup.

Mr. McLarty moved to item eight on the agenda, Director's Report.

Mr. Richardson stated that he would highlight a few items. He stated that there is nothing new on the national level and we don't expect any spending bills to pass until the election is over. We should be

on a continuing resolution beginning October 1st. He stated that he expects us to come out either \$35,000 to the good or worst case scenario \$30,000 to the bad.

He stated that statewide there is a joint Access to Justice Foundation and Access to Justice Commission meeting in Little Rock at the Marriott that was formally the Peabody October 28th -29th with a reception the evening of the 27th. He stated that our board as well as the Center for Arkansas Legal Services board has been asked to attend if you are so inclined. He stated that he was asked to get an idea of who might be interested in attending. Ron Wilson stated that he would like to attend. Mr. McLarty asked that anyone else interested in attending to let Lee know as soon as possible.

Mr. Richardson stated that we are still working to plan our 50th Anniversary Celebration. A formal invitation has been made to Secretary Clinton with no response as of yet. He stated that we are waiting for a response before setting a date or location. He further stated that on page seventy of the packet there is a logo we have come up for 50th Anniversary swag and wanted the board to see what we are working on.

Mr. Richardson stated that the Access to Justice Foundation has received a little over \$4 million in Bank of America settlement funds and they intend to give the money to Legal Aid of Arkansas and the Center for Arkansas Legal Services. He stated that this is the final disbursement from the Foreclosure Crisis money that Bank of America had agreed to parse out over the 50 states. He further stated that the Center for Arkansas Legal Services has figured out they were getting 55% when their poverty population was 59%. He stated that \$2.5 million will be distributed out over the next five years and Legal Aid of Arkansas will get \$227,500 annually and the Center for Arkansas Legal Services will get an amount consistent with their share of the poverty population. The remaining \$1.5 million may be competitively bid on. He stated that he has drafted a Memorandum of Understanding to get the ball rolling as the money is to be used for foreclosure prevention and community redevelopment. He stated that the Commission did not adopt his Memorandum of Understanding but we will be making some proposals when they are solicited.

Mr. Richardson stated that our office at Arkansas Children's Hospital has moved to the Arkansas Children's House, which is a free standing house, as the place where we were has been condemned. He believes that the office will be moving again in November and we will then have individual offices for all employees.

Mr Richardson asked Ms. King to talk about The Payroll Company and how it will benefit our program.

Ms. King stated that we are currently talking with TPC, The Payroll Company. She stated that this is something we have been talking about for several months in regard to outsourcing some of the HR and Payroll duties. She stated that the goal is that this will streamline things for us and TPC will handle payroll, payroll taxes, paystubs and W-2's. She stated that on the HR side it creates a virtual file cabinet where all employee personnel records will be stored. This allows us to access the information from any location we may be at. She stated that recently our accounting software has gone to a cloud based server which allows the same capabilities to access the software from any location that has internet access and it will work with TPC to streamline the payroll process. She stated that with TPC each employee will have a login where they can see all of their pay stubs and w-2's at any time. She stated that we will use this for personnel policy updates, onboarding new employees and much more.

This will basically allow us to go paperless. She stated that this will save time on our part and the liability for all reporting and taxes is on them. She stated that it will free David and herself up to work more on other things.

Mr. Richardson stated that it is very economical as the time it will save us is worth more than the cost. He further stated that we have received three different demonstrations from other programs for comparison. Ms. King also stated that one of the things we like about TPC is their give back program, once you have been a client for a year they give 10% back to your program each year.

Mr. Richardson moved to updates to grants contracts and fundraising. He stated that we submitted the Pro Bono Innovation Fund application to Legal Services Corporation and they asked us to add \$50-\$75 thousand dollars to what we were asking for and then they denied our grant. He stated that we are still waiting to hear on the Fair Housing Grant and we should hear any day. He stated that the grant will start a Fair Housing Program in Arkansas for twelve months and give us the opportunity to apply for a much larger grant. Mr. Richardson stated that an Equal Justice Works Elder Law attorney position was awarded for Harrison and we have hired Valerie Morato who will start on the 16th of September. He stated that she will provide services to older adults who are victims of abuse, neglect and exploitation. He further stated that we received the Walmart donation which is paying for the expenses of a staff attorney at Arkansas Children's Hospital as well as our part of a fellow at Arkansas Children's Hospital which is basically the benefits and then Walmart and Akin Gump pay the Fellows salary.

Mr. Richardson stated that the State sent us a notice that they had an additional \$54,000 in Victims of Crime Act money for the next year that we were allowed to apply for. He stated that we were already getting \$78,000 to do Order of Protection work in 17 counties and this would expand that into Northwest Arkansas and put an attorney full time in there to help do the order of protection work.

He stated that we received a grant from the United Way of Northwest Arkansas to pay for a staff attorney in Northwest Arkansas under their new child poverty law project and our attorney will set up partnerships with schools and other community partners with the goal of trying to alleviate poverty by starting to serve families with young children from early on, do some preventive type things. We have hired Summer McCoy to be the attorney on that project.

He reviewed the staff changes that are in the Directors' report with the addition of Briana Panos to be a volunteer recruitment vista in Northwest Arkansas. He stated that we still have two of the five Vista positions to fill and we have filled three of the four AmeriCorps positions.

Mr. Richardson stated that we will be doing our annual priorities setting for case accept types in the coming months and he reminded the board that last December we had volunteers to work with each Workgroup. He stated that the volunteers were as follows:

- Jim McLarty – Domestic Violence
- Annie Smith – Economic Justice
- Faye Reed – Consumer
- Helen Jenkins – Housing

He inquired if all were still on board for that. Those in attendance stated that they were. He stated that there will be conference calls later in October and the board members that have volunteered would be

asked to participate in those calls. He stated that this is one of the most important things we do throughout the year.

Mr. Richardson stated that he will be in Albuquerque New Mexico October 15th -18th along with a director from Pennsylvania and New Mexico to talk about the priority setting process to the Legal Services Corporation Board of Directors. He stated that they picked out our priorities as one of the models they want to talk about.

He stated that was all he had and asked for questions.

Mr. Price asked about the status of the Modest Means Panel and is there any plan to expand that. Mr. Richardson stated that it was set up to try and serve more rural areas and is still going but the success rate of attorney's actual being retained by the people we refer to them is a very low percentage. He stated that he would like to see the Access to Justice Fund or Access to Justice Commission take it over at some point. He stated that if we expand it we will have to expand our investment as well.

Mr. McLarty moved to item nine on the agenda, Old/New Business

Ms. Albrecht referenced the June 25th meeting minutes and inquired if Mr. DeLiban was present to give an update on the case filed against DHS.

Mr. Richardson stated that Mr. DeLiban is not present but the federal court hearing is coming up in Helena in late October.

Ms. Albrecht then inquired about some personal legal matters.

Mr. McLarty stated that we would move to adjourn the meeting and then talk with her more off the record.

Hearing no more business, Mr. McLarty asked for a motion to adjourn.

A motion was made by Beverly Claunch, seconded by Faye Reed to adjourn the meeting. The motion carried with none opposed.

DATED: _____, 2016

Secretary
Board of Directors
Legal Aid of Arkansas

**AUDIT/FINANCE COMMITTEE
MEETING MINUTES
November 14, 2016**

The Audit/Finance Committee met by conference call on Monday, November 14, 2016 at 12:00 p.m. to review the 2017 Budget, Audit Agreement and Salary Scale Revision. Present were Pam Haun, Niki Cung, Annie Smith, Lee Richardson, David Bowman and Elizabeth King.

Ms. Haun called the meeting to order and asked Mr. Richardson to proceed. Mr. Richardson stated that it is time to sign an audit agreement with our auditor Yoakum Lovell and Co. He further stated that we are not in a year where we would do RFP requests for auditors. We did a request in 2013 and got responses from several auditors but Yoakum Lovell and Co. came in lowest and is one of the few in the area that has experience doing LSC audits. He stated that they have submitted an agreement for 2016 for \$15,000 audit which has been a consistent price for many years. He stated that they have been audited twice by the Office of the Inspector General through a subcontractor and there were minor findings in the compliance but not financial areas. He asked the committee to approve him signing the audit agreement to perform the 2016 audit for the same price as last year.

Ms. Cung inquired if the administration was comfortable that since they have been performing the audit for some time that they are producing an organic audit and not a repeat of past years.

Mr. Richardson responded that he has no concerns as they have sent different accountants throughout the years and we feel if they found an issue they would have no problem bringing it to our attention. He stated that every time we do a request for proposal they have the best credentials and the best price. He stated that the key is they have had these two different OIG audits who sends a contractor from St Louis who will spend several days there and go over our audit and how they conducted our audit and they have come out really well. The whole purpose of that audit is to ensure things are done correctly.

Ms. Smith stated that there is a mandatory arbitration agreement and generally she does not like those but for this it may not matter. Mr. Richardson stated that he would prefer to leave that in for this year due to time constraints and remember to ask to have that removed next year.

A motion was made by Niki Cung, seconded by Annie Smith to approve the audit agreement with Yoakum Lovell and Co. for the 2016 audit. The motion carried with none opposed.

Mr. Richardson stated that the second item is the 2017 budget and projections. He stated that our original budget that was approved for 2016 contemplated that we would be \$107,072 in the negative at the end of 2016. That does not mean we will be negative in our bank accounts; it means that our expenses would have exceeded our income in 2016. He stated that in fact we are showing \$160,751 to the good that we will carry forward to 2017. Mr. Richardson stated that the \$160,751 adds on to the \$509,513 which brings us to \$670,264 carryover into 2017 which is the most we have ever had. He stated that we are projecting to have about two and a half months of reserve which has been our target. He moved to the 2016-2018 projections which would include the new salary scale. He stated that the rolling budget includes the salary scale adjustment we would like to make. He stated that we have not adjusted the scale for non-attorney staff since 2010 and attorney staff since 2012. He stated that he had a more ambitious scale he wanted to try

and implement but for right now, based on projections, we would rather implement this one that is a bit more conservative. He stated that if we implement the revised salary scale we would eat into that \$670,264 by about \$47,000 in 2017 and then another \$127,000 in 2018 which would still leave us around \$500,000 and we don't want to go below that if we can help it. He stated that this is a very conservative estimate, we will probably not end up down \$47,000 in 2017 or the \$127,000 in 2018. He stated that the column headed 2017 Projected our projected budget for 2017 that we would ask the committee to present to the board.

A motion was made by Niki Cung, seconded by Annie Smith to approve the projected 2017 Budget. The motion carried with none opposed.

Mr. Richardson presented the revised salary scale. He stated that he may add a footnote about paralegals as we have two or three paralegals that on the old schedule would still have several steps to go to and on the new scale they will top out so he would like to consider grandfathering them in where they can go above that. Ms. Cung stated that she felt that was a necessary step. He added that his salary and David's as the Fiscal Officer are not on this scale and those salaries will be negotiated by the board on an annual basis.

A motion was made by Niki Cung, seconded by Annie Smith to approve the revised salary scale with the footnote regarding paralegals as discussed.

Mr. Richardson stated that we will be giving staff a year-end bonus at half of the maximum allowed and the board had previously authorized him to be able to do the bonuses without having to seek board approval each year.

Hearing no other business, the meeting was adjourned.

APPENDIX C: Salary Structure
Updated 12-10-2016

| 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 |
| COLA | ONLY | | | | | | |

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

Those 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.

Current staff will be placed at the salary immediately higher than their current annual salary, which will in no way impact eligibility to receive a step raise as scheduled.

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 placed on step 9 or above. The Fiscal Officers salary is negotiable with the Executive Director and Board.

APPENDIX C: Salary Structure
Updated 11-08-2012

| Attorneys | | Paralegals | | Administrative* | | Clerical | |
|-------------|-------------|------------|--------|-----------------|--------|----------|--------|
| Step | Salary | Years | Salary | Years | Salary | Years | Salary |
| 1 | 40,800 | 1 | 25,379 | 1 | 32,361 | 1 | 19,439 |
| 2 | 43,248 | 2 | 26,134 | 2 | 33,369 | 2 | 20,033 |
| 3 | 45,843 | 3 | 26,917 | 3 | 34,369 | 3 | 20,627 |
| 4 | 48,135 | 4 | 27,728 | 4 | 35,394 | 4 | 21,248 |
| 5 | 50,542 | 5 | 28,564 | 5 | 36,474 | 5 | 21,869 |
| 6 | 52,564 | 6 | 29,429 | 6 | 37,554 | 6 | 22,543 |
| 7 | 54,666 | 7 | 30,292 | 7 | 38,689 | 7 | 23,218 |
| 8 | 56,853 | 8 | 31,210 | 8 | 39,849 | 8 | 23,921 |
| 9 | 59,127 | 9 | 32,154 | 9 | 41,038 | 9 | 24,622 |
| 10 | 61,492 | 10 | 33,100 | 10 | 42,280 | 10 | 25,351 |
| 11 | 63,337 | 11 | 34,100 | 11 | 43,548 | 11 | 26,134 |
| 12 | 64,604 | 12 | 35,125 | 12 | 44,844 | 12 | 26,917 |
| 13 | 66,542 | 13 | 36,177 | 13 | 46,194 | 13 | 27,728 |
| 14 | 68,538 | 14 | 37,258 | 14 | 47,571 | 14 | 28,538 |
| 15 | 70,594 | 15 | 38,392 | 15 | 49,002 | 15 | 29,402 |
| COLA | ONLY | 16 | 39,526 | 16 | 50,488 | 16 | 30,292 |
| | | 17 | 40,714 | 17 | 51,998 | 17 | 31,182 |
| | | 18 | 41,956 | 18 | 53,538 | 18 | 32,129 |
| | | 19 | 43,197 | 19 | 55,131 | 19 | 33,100 |
| | | 20 | 44,061 | 20 | 56,238 | 20 | 33,749 |
| | | 21 | 44,952 | 21 | 57,372 | 21 | 34,423 |
| | | 22 | 45,843 | 22 | 58,533 | 22 | 35,110 |
| | | 23 | 46,760 | 23 | 59,693 | 23 | 35,828 |
| | | 24 | 47,706 | 24 | 60,736 | 24 | 36,528 |
| | | 25 | 48,192 | 25 | 62,097 | 25 | 37,259 |
| | | 26 | 48,651 | 26 | 62,718 | 26 | 37,635 |
| | | 27 | 49,137 | 27 | 63,339 | 27 | 38,014 |
| | | 28 | 49,702 | 28 | 63,987 | 28 | 38,392 |
| | | 29 | 50,136 | 29 | 64,633 | 29 | 38,769 |
| | | 30 | 50,649 | 30 | 65,255 | 30 | 39,174 |

*Administrative category includes the following: Controller/Financial Manager, Grant Specialist, Human Resources Specialist, *Pro Bono* Manager (if not an attorney), Technology Director (if not an attorney) and other administrative staff where a degree is required.

Annual adjustments are as follows:

- Attorneys – 6% for step 1 through 3, 5% for step 4 and 5, 4% for step 6 through 10, 3% for step 11-15.
- Paralegals, Administrative and Clerical – 3% for years 1 through 19, 2% for years 20-24 and 1% for years 25 through 30.

Depending on the availability of funds and subject to Board approval, a cost-of-living adjustment will be made each year based on inflation (Consumer Price Index). Because of other adjustments, there will be no cost-of-living increase applied to the Attorney Salary Schedule in 2011 for 2010.

APPENDIX C: Salary Structure
Updated 11-08-2012

The following positions/skills will be allocated additional credit as follows:

| Position | Credit |
|--------------------------------------|---------------------------------------------------------|
| Deputy Director | 2 Steps |
| Litigation Director | 1 Step |
| Regional Manager | 1 Step |
| Controller/Financial Manager | 1 Step (If CPA) |
| HelpLine Manager | 1 Step |
| Technology Director | 1 Step (2 Steps if degreed in technology related field) |
| Development Director | 1 Step |
| <i>Pro Bono</i> Manager | 1 Step |
| Foreign Language | 1 Step (Only for language identified as program need) |
| Paralegal with 4-year degree or J.D. | 1 Step |
| LEP Coordinator | 1 Step |

Law student interns will be paid \$12.50 per hour or an amount specified by funding source.

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

- A. Experience in that job classification with another Legal Services program or public interest law firm – Not less than 100%
- B. Legal experience in that job classification other than with another Legal Services program or public interest law firm – Not less than 50%
- C. Non-legal experience in that job classification – Not less than 25% (Controller/Financial Manager, Grant Specialist, Human Resources Specialist, Technology Director – Not less than 50%)

Those 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.

Current staff will be placed at the salary immediately higher than their current annual salary, which will in no way impact eligibility to receive a step raise as scheduled.

LEGAL AID OF ARKANSAS
 PROJECTED REVENUE & EXPENDITURES
 FOR THE PERIOD JANUARY 1 THRU DECEMBER 31

| Line# | Revenue: | 2016 Projected | 2017 Projected | 2018 Projected |
|-----------|-----------------------------------------------------|-----------------------|-----------------------|-----------------------|
| 1 | LSC BASIC GRANT | \$1,480,844.00 | \$1,480,844.00 | \$1,480,844.00 |
| 2 | Ark Adm Justice Funds | \$250,213.86 | \$250,213.86 | \$250,213.86 |
| 3 | IOLTA | \$20,000.00 | \$0.00 | \$0.00 |
| 4 | Americorps (Includes CALS Funds and Summer Project) | \$78,983.98 | \$123,497.71 | \$0.00 |
| 5 | STOP/VAWA/VOCA | \$82,875.00 | \$118,125.00 | \$77,000.00 |
| 6 | Modest Means | \$375.00 | \$0.00 | \$0.00 |
| 7 | IRS-LITC | \$60,000.00 | \$60,000.00 | \$60,000.00 |
| 8 | IOLTA-Housing Foreclosure | \$225,000.00 | \$257,500.00 | \$227,500.00 |
| 9 | MLP-EJW&ACH&-2016 | \$100,600.00 | \$100,600.00 | \$100,600.00 |
| 10 | AR CARE | \$50,000.00 | \$0.00 | \$0.00 |
| 11 | ST VINCENT | \$0.00 | \$30,000.00 | \$0.00 |
| 12 | GEORGETOWN UNIVERSITY | \$3,333.33 | \$16,666.67 | \$0.00 |
| 13 | Equal Justice Works | \$21,407.71 | \$25,200.00 | \$0.00 |
| 14 | AAA-White River | \$2,500.00 | \$2,500.00 | \$2,500.00 |
| 15 | AAA-East Arkansas | \$35,000.00 | \$35,000.00 | \$35,000.00 |
| 16 | AAA NWA | \$9,112.00 | \$9,112.00 | \$9,112.00 |
| 17 | UW-Boone Cnty | \$1,500.00 | \$2,000.00 | \$2,000.00 |
| 18 | UW-Bly | \$2,500.00 | \$3,000.00 | \$3,000.00 |
| 19 | UW-NW Ark | \$18,459.83 | \$80,000.00 | \$80,000.00 |
| 20 | UW-NE Ark | \$15,565.00 | \$15,974.00 | \$15,974.00 |
| 21 | UW-Independence Cnty | \$4,000.00 | \$4,000.00 | \$4,000.00 |
| 22 | UW-Mid South | \$4,869.74 | \$4,819.00 | \$4,819.00 |
| 23 | ADHS-DAAS | \$22,254.00 | \$22,178.00 | \$22,178.00 |
| 24 | Donations | \$117,752.34 | \$85,000.00 | \$85,000.00 |
| 25 | Interest income | \$2,647.68 | \$2,500.00 | \$2,500.00 |
| 26 | Attorney fees | \$6,000.00 | \$4,000.00 | \$4,000.00 |
| 27 | Other-(FReed\$600 & othr) - | \$0.00 | \$0.00 | \$0.00 |
| 28 | Affordable Care Act (2016-UA.Navig.\$ +ACF \$ | \$9,412.72 | \$0.00 | \$0.00 |
| 29 | Washington County Law Library | \$12,500.00 | \$12,500.00 | \$12,500.00 |
| 30 | RACES-NEA LawDay & NWA Judicata | \$7,949.00 | \$0.00 | \$0.00 |
| 31 | TIG | \$0.00 | \$0.00 | \$0.00 |
| 32 | Revenue (excludes carryOver) | \$2,645,655.19 | \$2,745,230.24 | \$2,478,740.86 |

LEGAL AID OF ARKANSAS
 ACTUAL REVENUE & EXPENDITURES
 FOR THE PERIOD JANUARY 1 THRU OCTOBER 31, 2016

| Line# | Revenue: | 2016 Revised Budget | Oct 2016 Actual |
|-----------|-----------------------------------------------------|-----------------------|-----------------------|
| 1 | LSC BASIC GRANT | \$1,480,844.00 | \$1,234,034.00 |
| 2 | Ark Adm Justice Funds | \$250,213.86 | \$208,511.50 |
| 3 | IOLTA | \$20,000.00 | \$20,000.00 |
| 4 | Adm Office of Crts-Parental Counsel | \$0.00 | \$0.00 |
| 5 | Ark Community Foundation | \$1,000.00 | \$0.00 |
| 6 | Americorps (Includes CALS Funds and Summer Project) | \$50,342.55 | \$60,485.52 |
| 7 | STOP/VAWA/VOCA | \$77,000.00 | \$58,500.00 |
| 8 | Modest Means | \$0.00 | \$375.00 |
| 9 | IRS-LITC | \$60,000.00 | \$25,000.00 |
| 10 | IOLTA-Housing Foreclosure | \$225,000.00 | \$168,750.00 |
| 11 | MLP-EJW&ACH&-2016 | \$100,600.00 | \$74,598.64 |
| 12 | AR CARE | \$50,000.00 | \$50,000.00 |
| 13 | ST VINCENT | \$20,000.00 | \$0.00 |
| 14 | Equal Justice Works | \$48,400.00 | \$24,200.02 |
| 15 | AAA-White River | \$2,500.00 | \$1,656.25 |
| 16 | AAA-East Arkansas | \$35,000.00 | \$18,825.00 |
| 17 | AAA NWA | \$9,112.00 | \$6,162.00 |
| 18 | UW-Boone Cnty | \$1,500.00 | \$1,500.00 |
| 19 | UW-Bly | \$2,500.00 | \$2,500.00 |
| 20 | UW-NW Ark | \$18,000.00 | \$26,646.44 |
| 21 | UW-NE Ark | \$15,565.00 | \$15,920.40 |
| 22 | UW-Independence Cnty | \$4,000.00 | \$4,000.00 |
| 23 | UW-Mid South | \$4,661.00 | \$4,869.74 |
| 24 | ADHS-DAAS | \$22,254.00 | \$7,262.34 |
| 25 | Donations | \$85,000.00 | \$106,333.48 |
| 26 | Interest income | \$2,000.00 | \$2,514.94 |
| 27 | Attorney fees | \$4,000.00 | \$6,000.00 |
| 28 | Other-(FReed\$600 & othr) - | \$0.00 | \$0.00 |
| 29 | Affordable Care Act (2016-UA.Navig.\$ +ACF \$ | \$21,725.25 | \$9,412.72 |
| 30 | SNAP- Rev | \$0.00 | \$0.00 |
| 31 | Washington County Law Library | \$12,500.00 | \$10,416.70 |
| 32 | RACES-NEA LawDay & NWA Judicata | \$10,000.00 | \$7,949.00 |
| 33 | 7 Hills.ServiceVetFamilies | \$0.00 | \$0.00 |
| 34 | TIG | \$0.00 | \$0.00 |
| 35 | Revenue (excludes carryOver) | \$2,633,717.66 | \$2,156,423.69 |

LEGAL AID OF ARKANSAS
 ACTUAL REVENUE & EXPENDITURES
 FOR THE PERIOD JANUARY 1 THRU DECEMBER 31, 2016

| Line# | Revenue: | 2016 Revised Budget | 2016 Budget | 2016 Projected |
|-----------|-----------------------------------------------------|-----------------------|-----------------------|-----------------------|
| 1 | LSC BASIC GRANT | \$1,480,844.00 | \$1,374,008.00 | \$1,480,844.00 |
| 2 | Ark Adm Justice Funds | \$250,213.86 | \$250,213.86 | \$250,213.86 |
| 3 | IOLTA | \$20,000.00 | \$20,000.00 | \$20,000.00 |
| 4 | Adm Office of Crts-Parental Counsel | \$0.00 | \$0.00 | \$0.00 |
| 5 | Ark Community Foundation | \$1,000.00 | \$1,000.00 | \$0.00 |
| 6 | Americorps (Includes CALS Funds and Summer Project) | \$50,342.55 | \$50,342.55 | \$78,983.98 |
| 7 | STOP/VAWA/VOCA | \$77,000.00 | \$77,000.00 | \$82,875.00 |
| 8 | Modest Means | \$0.00 | \$0.00 | \$375.00 |
| 9 | IRS-LITC | \$60,000.00 | \$60,000.00 | \$60,000.00 |
| 10 | IOLTA-Housing Foreclosure | \$225,000.00 | \$211,618.00 | \$225,000.00 |
| 11 | MLP-EJW&ACH&-2016 | \$100,600.00 | \$90,600.00 | \$100,600.00 |
| 12 | AR CARE | \$50,000.00 | \$0.00 | \$50,000.00 |
| 13 | ST VINCENT | \$20,000.00 | \$0.00 | \$3,333.33 |
| 14 | Equal Justice Works | \$48,400.00 | \$48,400.00 | \$21,407.71 |
| 15 | AAA-White River | \$2,500.00 | \$2,500.00 | \$2,500.00 |
| 16 | AAA-East Arkansas | \$35,000.00 | \$25,753.00 | \$35,000.00 |
| 17 | AAA NWA | \$9,112.00 | \$9,112.00 | \$9,112.00 |
| 18 | UW-Boone Cnty | \$1,500.00 | \$1,500.00 | \$1,500.00 |
| 19 | UW-Bly | \$2,500.00 | \$2,500.00 | \$2,500.00 |
| 20 | UW-NW Ark | \$18,000.00 | \$18,000.00 | \$18,459.83 |
| 21 | UW-NE Ark | \$15,565.00 | \$15,565.00 | \$15,565.00 |
| 22 | UW-Independence Cnty | \$4,000.00 | \$4,000.00 | \$4,000.00 |
| 23 | UW-Mid South | \$4,661.00 | \$4,661.00 | \$4,869.74 |
| 24 | ADHS-DAAS | \$22,254.00 | \$22,254.00 | \$22,254.00 |
| 25 | Donations | \$85,000.00 | \$85,000.00 | \$117,752.34 |
| 26 | Interest income | \$2,000.00 | \$2,000.00 | \$2,647.68 |
| 27 | Attorney fees | \$4,000.00 | \$4,000.00 | \$6,000.00 |
| 28 | Other-(FReed\$600 & othr) - | \$0.00 | \$0.00 | \$0.00 |
| 29 | Affordable Care Act (2016-UA.Navig.\$ +ACF \$ | \$21,725.25 | \$21,725.25 | \$9,412.72 |
| 30 | SNAP- Rev | \$0.00 | \$0.00 | \$0.00 |
| 31 | Washington County Law Library | \$12,500.00 | \$12,500.00 | \$12,500.00 |
| 32 | RACES-NEA LawDay & NWA Judicata | \$10,000.00 | \$10,000.00 | \$7,949.00 |
| 33 | 7 Hills.ServiceVetFamilies | \$0.00 | \$0.00 | \$0.00 |
| 34 | TIG | \$0.00 | \$0.00 | \$0.00 |
| 35 | Revenue (excludes carryOver) | \$2,633,717.66 | \$2,424,252.66 | \$2,645,655.19 |

LEGAL AID OF ARKANSAS, INC (LEGFND)

Detailed Balance Sheet

As of: 10/31/2016

11/7/2016 11:11:22 AM

All Funds

Page 1

Assets

| | | |
|-----------|------------------------------|--------------|
| 10-00-100 | CASH - BANK OF FAYETTEVILLE | 519,268.95 |
| 10-00-101 | CASH-CENTENNIAL BANK-GENERAL | 99,007.89 |
| 10-00-105 | CASH-IN-BANK - B.O.F. LITC | 20.00 |
| 10-00-107 | CASH-IBERIA BANK MM | 224,315.54 |
| 10-00-110 | CLIENTS TRUST BANK ACCTS | 11,985.51 |
| 10-00-150 | LAND | 8,000.00 |
| 10-00-151 | BUILDINGS | 505,799.34 |
| 10-00-155 | FURNITURE & EQUIPMENT | 122,201.89 |
| 10-00-170 | LEASEHOLD IMPROVEMENTS | 71,595.81 |
| 10-00-180 | ACCUMULATED DEPRECIATION | (427,948.14) |

Total Assets

\$1,134,246.79
=====

Liabilities

| | | |
|-----------|-----------------------------|-------------|
| 10-00-204 | CLIENTS TRUST | 11,985.51 |
| 10-00-210 | UNITED WAY W/H | 170.00 |
| 10-00-213 | GROUP INS. W/H & PAYABLE | (11,361.92) |
| 10-00-214 | RETIREMENT W/H & PAYABLE | (71.65) |
| 10-00-220 | ACCRUED LEAVE | 67,531.17 |
| 10-00-240 | DEFERRED SUPPORT | 123,407.00 |
| 10-00-245 | NOTE PAYABLE-FIRST SECURITY | 211,424.12 |

Total Liabilities

\$403,084.23

Net Assets

| | | |
|-----------|----------------------------------------|------------|
| 10-00-303 | Net Assets-Property Restricted | 24,782.00 |
| 10-00-304 | NET ASSETS-DONATIONS RESERVE | 75,000.00 |
| 10-00-305 | NET ASSETS-DONATIONS-Unrestricted | 434,513.00 |
| 10-00-306 | Net Assets-Property Unrestricted | 42,795.00 |
| 10-00-321 | NET ASSETS-OTHR "ARCom.Foundtn.& SNAP" | 24,600.00 |
| 10-00-322 | Net Assets- misc/audit report rounding | 0.09 |
| | Excess Revenues Over Expenses | 129,472.47 |

Total Net Assets

\$731,162.56

Total Liabilities and Net Worth

\$1,134,246.79
=====

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 10, 2016

§ 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 13, 2015, the recipient has not transferred LSC funds to any organization which engages in restricted activity; *and*
3. Since December 13, 2015, 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 10, 2016

Date

Niki Cung, Chair
Board of Directors

Legal Aid of Arkansas Board of Directors 2016

Expiring Board Terms

Jiley Conner

(Domestic Violence Service
Community-Family Violence
Prevention)

Niki Cung

(Madison or Washington County
Bar Associations)

John Deitenbeck

(Baxter, Marion, Searcy or Van
Buren County Bar Associations)

Pamela Haun

(Wild Card)

Helen Jenkins

(United Way Agency – CASA
of the 2nd Judicial District)

James McLarty

(Jackson, Lawrence, Randolph
or Sharp County Bar
Associations)

Demetre Walker

(Mental Health/Disability –
Arkansas Support Network)

Rene Ward

(Area Agencies on Aging – Area
Agency on Aging of East AR)

Current Officers

Niki Cung, Chair

James McLarty, Vice

Chair

Pam Haun, Treasurer

Vilma Asencio,

Secretary

Executive Committee

Niki Cung

James McLarty

Pam Haun

Demetre Walker

Val Price

Ron Wilson

Personnel/Client Grievance Committee

Val Price

Niki Cung

Faye Reed

Demetre Walker

Search/Appointments /Nominations Committee

Beverly Claunch

Niki Cung

Lori Chumbler

Helen Jenkins

Client Advisory Group

Vilma Ascencio

Jiley Conner

Helen Jenkins

Laura Sharp

Demetre Walker

Rene Ward

Niki Cung

Audit/Finance Committee

Pam Haun

Helen Jenkins

Annie Smith

Niki Cung

**Current Board Membership
December 2016**

| Position No. | Appointing Organization | Location | Client Population | Board Member | Term Expires |
|---------------------|------------------------------------------------------------------------|-----------------------------------------|----------------------------------------------------------|---------------------|---------------------|
| 1 | Lee, Monroe or Phillips County Bar Association | 1st Judicial District | Lee, Monroe and Phillips counties | Faye Reed | 12/31/2018 |
| 2 | Cross, St. Francis or Woodruff County Bar Associations | 1st Judicial District | Cross, St. Francis and Woodruff counties | Mary Hoshall Hodges | 12/31/2018 |
| 3 | Crittenden County or Osceola Bar Associations | 2nd Judicial District | Crittenden and Mississippi (South) counties | Ron Wilson | 12/31/2017 |
| 4 | Clay or Greene County or Blytheville Bar Associations | 2nd Judicial District | Clay, Greene and Mississippi (North) counties | Neal Burns | 12/31/2018 |
| 5 | Craighead or Poinsett County Bar Association | 2nd Judicial District | Craighead and Poinsett counties | Val Price | 12/31/2018 |
| 6 | Jackson, Lawrence, Randolph or Sharp County Bar Associations | 3rd Judicial District | Jackson, Lawrence, Randolph and Sharp counties | James McLarty | 12/31/2016 |
| 7 | Cleburne, Fulton, Independence, Izard or Stone County Bar Associations | 16th Judicial District | Cleburne, Fulton, Independence, Izard and Stone counties | Beverly Claunch | 12/31/2017 |
| 8 | Madison or Washington County Bar Associations | 4th Judicial District | Madison and Washington counties | Niki Cung | 12/31/2016 |
| 9 | Benton County Bar Association | 19th (East) Judicial District | Benton County | Lori Chumbler | 12/31/2018 |
| 10 | Boone-Newton or Carroll County Bar Associations | 14th and 19th (East) Judicial Districts | Boone, Carroll and Newton counties | Kandy Webb | 12/31/2017 |
| 11 | Baxter, Marion, Searcy or Van Buren County Bar Associations | 14th and 20th Judicial Districts | Baxter, Marion, Searcy and Van Buren counties | John Deitenbeck | 12/31/2016 |
| 12 | University of Arkansas School of Law at Fayetteville | At Large | At Large | Annie B. Smith | 12/31/2017 |

**Current Board Membership
December 2015**

| | | | | | |
|-----------|-----------------------------------------------------------------|----------|------------------------------|------------------|------------|
| 13 | Arkansas Bar Association | At Large | At Large | Curtis Walker | 12/31/2017 |
| 14 | Domestic Violence Service Community-Family Violence Prevention | At Large | Victims of Domestic Violence | Jilley Conner | 12/31/2015 |
| 15 | Area Agencies on Aging-Area Agency on Aging of East AR | At Large | Elderly | Rene Ward | 12/31/2016 |
| 16 | Community Action Programs-CRDC | At Large | Program Clients | Dennis Blackmore | 12/31/2018 |
| 17 | Mental Health/Disability-Arkansas Support Network | At Large | Mentally Ill/Disabled | Demetre Walker | 12/31/2016 |
| 18 | Faith Based Service Organization-Ozark Rape Crisis Center | At Large | Program Clients | Laura Sharp | 12/31/2017 |
| 19 | United Way Agency-CASA of the 2 nd Judicial District | At Large | Agency Clients | Helen Jenkins | 12/31/2016 |
| 20 | Misc Organization Serving Low-Income Clients – Workers Justice | At Large | Program Clients | Vilma Ascensio | 12/31/2017 |
| 21 | Wild Card | At Large | At Large | Pamela Haun | 12/31/2016 |

**LEGAL AID OF ARKANSAS
BOARD OF DIRECTORS
2016**

| | POSITIONS HELD | APPOINTING ORGANIZATION | TERM BEGINS | TERM ENDS |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------|
| Vilma Asencio 2301 Anna Street Springdale, AR 72762 479-200-6978 Vasencio@outlook.com | Secretary/ 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 Nelson.wjc@gmail.com | 01/01/15 | 12/31/17 |
| Dennis Blackmore 880 Bryant Street Batesville, AR 72501 870-384-0245 denniswblackmore@gmail.com | 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 b.neal.burns@gmail.com | | 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 lori.chumbler@walmartlegal.com | Search/Appointments/ Nominations Committee | 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 |
| Beverly Claunch Attorney at Law 105 N. Third St. Heber Springs, AR 72543 501-362-7777 501-362-7779 – Fax 501-250-7777 – Cell | Search/Appointments/ Nominations Committee | Cleburne County Bar Association Zac White, President 115 South Third Street - 2 Heber Springs, AR 72543 501-362-0055 wzwhite@mayswhite.com | 01/01/15 | 12/31/17 |
| Jilley Conner 10726 Hwy 62 East Henderson, AR 72544 870-405-9915 praylovegod@yahoo.com | Client Advisory Committee | Serenity Paulette Hill, Executive Director P. O. Box 1111 Mountain Home, AR 72654 870-424-7576 870-424-7498 –Fax paulette@serenityinc.org | 01/01/13 | 12/31/15 |
| 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 niki.cung@kutakrock.com | Chair; Executive Committee; Audit/Finance Committee; Client Advisory Committee; Personnel/Client Grievance Committee; Search Appointments/ Nominations Committee | Washington County Bar Association David Dixon, President Davis, Clark, Butt, Carithers & Taylor PLC P.O. Box 1688 Fayetteville, AR 72702 479-521-7600 479-521-7661 – Fax DDIXON@DAVIS-FIRM.COM | 01/01/14 | 12/31/16 |

**LEGAL AID OF ARKANSAS
BOARD OF DIRECTORS
2016**

| | POSITIONS HELD | APPOINTING ORGANIZATION | TERM BEGINS | TERM ENDS |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------|
| John Deitenbeck Attorney at Law P.O. Box 2956 Mountain Home, AR 72654 870-656-0710 jdeitenbeck@gmail.com | | Baxter County Bar Association Shaunda Goodwin, President | 01/01/15 | 12/31/16 |
| Pamela Haun Attorney at Law P.O. Box 1700 Jonesboro, AR 72403 870-931-1700 870-931-1800 – Fax phaun@barrettdeacon.com | Treasurer; Audit/Finance Committee; Executive Committee | Craighead County Bar Association Robert Jones, President 300 S. Church St., #3 Jonesboro, AR 72401 870-931-1700 | 01/01/14 | 12/31/16 |
| 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 annjen@yahoo.com | Client Advisory Committee; Audit/Finance Committee | CASA of the 2 nd Judicial District Desternie Richmond 511 Union Street, Suite 327 Jonesboro, AR 72401 870-935-1099 | 01/01/14 | 12/31/16 |
| James McLarty Attorney at Law 114 Main Street Newport, AR 72112 870-523-2403 870-523-3630 - Fax jamlaw@suddenlinkmail.com | Vice Chair; Executive Committee | Jackson County Bar Association Mr. Randall S. Rudisill 600 Third Street, Suite B P.O. Box 69 Newport, AR 72112 870-523-3677 870-523-5015 - Fax | 01/01/14 | 12/31/16 |
| Val P. Price Attorney at Law P.O. Box 3072 Jonesboro, AR 72403-3072 870-934-9400 870-934-9400 - Fax valandleah@yahoo.com | Personnel/Client Grievance Committee; Executive Committee | Craighead County Bar Association Lucinda McDaniel, President P.O. Box 3077 Jonesboro, AR 72403-3077 870-932-0900 | 01/01/13 | 12/31/18 |
| Faye Reed Attorney at Law 110 Oakland Ave. Helena-West Helena, AR 72342 870-817-0235 870-995-3198 – Cell frimprove@gmail.com | Personnel/Client Grievance Committee; | Phillips County Bar Association Mr. Phillip Allen P.O. Box 2602 West Helena, AR 72390 | 01/01/13 | 12/31/18 |
| Laura Sharp 19833 Circle Creek Drive Omaha, AR 72662 870-688-3085 llwoods1969@yahoo.com | Client Advisory Committee; Executive Committee | Ozark Rape Crisis Center Dorinda Edmisten, Executive Director 125 W. Industrial Park Rd. Suite 2A Harrison, AR 72601 870-741-4141 870-741-3084 - Fax | 01/01/13 | 12/31/17 |

**LEGAL AID OF ARKANSAS
BOARD OF DIRECTORS
2016**

| | POSITIONS HELD | APPOINTING ORGANIZATION | TERM BEGINS | TERM ENDS |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------|
| 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 abs006@uark.edu | 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 | 01/01/15 | 12/31/17 |
| Curtis Walker P.O. Box 627 Blytheville, AR 72316-0627 curtisjerome@sbcglobal.net | | Arkansas Bar Association Tom Womack, President 2224 Cottondale Lane Little Rock, AR 72202 501-375-4606 501-375-4901 – Fax | 01/01/15 | 12/31/17 |
| Demetre Walker 902 N Larkspur Lane Fayetteville, AR 72704 479-587-3068 - Work 479-790-0440 - Cell | 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 | 01/01/14 | 12/31/16 |
| Rene Ward PO Box 3031 Forrest City, AR 72336 870-261-4309 grward72335@yahoo.com | 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 | 01/01/15 | 12/31/16 |
| Kandy Webb Webb Law Offices P.O. Box 2447 Harrison, AR 72602-2447 870-741-2711 870-741-2781 – Fax | | Boone-Newton Bar Association Mike Loggains, President 816 N. Main Street, Suite B Harrison, AR 72602 870-972-9224 870-741-4255 - Fax | 01/01/15 | 12/31/17 |
| Ron Wilson P.O. Box 1299 West Memphis, AR 72303-1299 870-735-2940 870-732-0174 – Fax esquirewilson@yahoo.com | Executive Committee | Crittenden County Bar Association Bart Ziegenhorn, President 106 Dover Road West Memphis, AR 72301 870-732-9100 | 01/01/15 | 12/31/17 |

**Legal Aid of Arkansas
2017
Proposed Board Meeting Dates & Locations**

Parameters- Meetings must be held quarterly, generally in March, June, September, and December. We have traditionally rotated meetings throughout the service area. We have had meetings in Fayetteville, Jonesboro, Harrison, Heber Springs, Mountain Home, Batesville, Newport, Brinkley, Helena-West Helena, Forrest City, Little Rock, Mountain View, Rogers, Springdale and West Memphis. This plan continues our effort to showcase one office each year so that in each four year cycle, the board will have visited all the branch offices in addition to Jonesboro and Springdale. One of the meetings below could be reschedule to coincide with the Legal Aid 50th Anniversary Celebration once those plans are firm.

| DATE | LOCATION |
|--------------------|-----------------|
| March 25, 2017 | Blytheville |
| June 24, 2017 | Virtual |
| September 16, 2017 | Jonesboro |
| December 9, 2017 | Springdale |

**UNITED WAY
FUNDING INFORMATION
2016-17**

| Funder | Contact Person | Address | Grant Purpose | Funding Cycle | Amount |
|--------------------------------------|-----------------------|---------------------------------------------------------|--------------------------------------------------------------------------------|----------------------|---------------|
| United Way of Boone County | Tamara Keeter | P.O. Box 2503 Harrison, AR 72602-2503 | Free legal services in Boone and Newton counties | January-December | \$2,000 |
| United Way of Greater Blytheville | Mary Helen Moody | P.O. Box 866 Blytheville, AR 72316 | Free legal services in Blytheville | January-December | \$3,000 |
| United Way of North Central Arkansas | Sue Krag | P.O. Box 2639 Batesville, AR 72503 | Free legal services in Independence, Izard, Cleburne, Sharp and Stone Counties | January-December | \$4,000 |
| United Way of Northeast Arkansas | Nanette Heard | P.O. Box 234 Jonesboro, AR 72403-0234 | DV and MLP projects | January-December | \$15,909 |
| United Way of Northwest Arkansas | Jill Darling | 117 Parkwood St. Lowell, AR 72745 | Language Access and ESL issues plus Child Poverty Project | July-June | \$83,139 |
| United Way of the Mid-South | Meisha Waller | 6775 Lenox Center Court, Suite 200 Memphis, TN 38115 | Free legal services in Crittenden County | July-June | \$4,819 |



2017 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. 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, AmeriCorps, Equal Justice Works, Title III, LITC, MLP, IOLTA Housing, VOCA, and donation funding may exceed 200% when/if allowed by those specific grants or funding sources. All expansions will comply with LSC regulations.

For 2017, targeted projects include medical-legal partnerships, low-income taxpayer clinic, targeted veterans services, housing issues, 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 PRIORITIES

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.
- Defend debtors in collection actions filed by debt buyers.
- Enforce debtors' rights under state and federal law.
- Coordinate with ongoing Legal Aid projects to prioritize clients from certain groups, i.e. clients introduced through employment opportunity projects, veteran's hospital, MLP, LEP community outreach, etc., and 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.

LITC Clinic Representation Priorities

Priorities specific to taxes are separate but related to the Consumer substantive work group.

Income Taxes

- Assisting with responses to collection activities, including liens and levies.
- Innocent Spouse Relief cases.
- Audit reconsiderations for examinations, including Earned Income Tax Credit, exemptions, filing status, and self-employment income, among others.
- Assisting with IRS examinations.
- Offer in Compromise.
- Identify theft.
- Audit and Tax Court Representation, including *Pro se* petitioners referred by U.S. Tax Court (will usually involve one of the priority issues).
- Worker misclassification (1099 –MISC instead of W-2).
- Tax liens.
- Responding to IRS notices.
- Tax debts and Installment Agreements.
- Non-filers coming into voluntary compliance.
- State Income Tax issues.
- Other meritorious tax claims.

Tax Court assistance will be provided on both small and regular case dockets, and will be made available to unrepresented clients who otherwise meet Legal Aid LITC case acceptance guidelines. Assistance may be provided by Legal Aid staff members or attorneys and enrolled agents who volunteer for Legal Aid's Pro Bono Panel.

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 and a factual evaluation based on clinic priorities.

Reentry

- Criminal Record Sealing – Felony- Where a felony Petition to Seal falls within a petition to seal statute, extended services. For multiple felonies priority is given to cases where we can seal all of the felony records but exceptions can be made where one conviction is causing particular harm. Where no petition to seal statute allows for the sealing of the criminal record, advice and pardon application.
- Criminal Record Sealing- Misdemeanors, Arrests, Nol Prosequi- Where a Petition to Seal is likely to be approved by a Court, advice on how to proceed pro se to successfully seal the record. If a misdemeanor record is particularly detrimental to housing or employment (recent thefts, possession, assault as examples), extended services as resources allow. Extended services will be considered when the client does not appear to have the capability of proceeding pro se.
- Housing – where background check is wrongfully being used to deny housing to reentry client or where client is being evicted because of background check, extended services with input from Housing workgroup.
- Employment – where background check is wrongfully being used to deny employment to reentry client or where licenses need to be reinstated (and is not part of an ongoing sentence), extended services.
- License suspension and license reinstatement related to criminal record, advice.
- Other- where legal services will increase the likelihood of successful integration into society or decrease the likelihood of recidivism and those legal services are meritorious. Two community outreach events during 2017 addressed to eligible pro se filers in counties to be determined by AmeriCorps Reentry attorney, Ryan Hill and the Consumer Work Group. Reentry work plan of Ryan Hill incorporated by reference.

Bankruptcy Priorities for Consumer Group

Chapter 7 bankruptcy petitions

- Where the wages of the client are being garnished or subject to garnishment.
- Where the primary transportation of the client is subject to repossession, to stop repossession of the car, or to recover the car for the client.
- Where loss of the home is threatened through foreclosure see Housing group priorities below.
- Pro bono referral in priority areas.
- It is estimated that the Consumer Work Group will accept ten cases for bankruptcy in NW Arkansas and possibly Boone and Baxter counties and ten cases in the Delta where pro bono resources are not available.
- In NW Arkansas, referrals for Chapter 7 Bankruptcy are made to the Law School's Bankruptcy Clinic at the beginning of the fall and spring semester.
- Higher priority for non-English speaker applicants in the Springdale office.
- Where the debt has accrued due to circumstances beyond the client's control extended services can be considered.

Bankruptcy Priorities for Housing Group (see Housing Priorities)

Debt Collection

- Fair Debt Collection Practices Act, Fair Credit Reporting Act- where client has a cause of action and likelihood of prevailing.
- Creditor Harassment – where a creditor is violating federal laws through harassment or some other means, brief services in the form of demand letters to creditor. In particularly egregious harassment cases, extended services see above.
- Where bad service affects the validity of the judgment, advice on how to set the judgment aside. Acceptance for extended services when attorney resources are available on a case by case basis or when the client does not appear to have the capability to be successful pro se. Referral to pro bono volunteers as resources allow.
- Deficiency Judgments – when there is a defense that will allow the client to prevail, advice. Extended services when defenses are present and staff or pro bono resources are present.
- Other Debt Collection – where original creditor sues, provide brief services in the form of answer and advice on how to proceed in the case. If meritorious defense exists consider extended services to client.
- Medical Services – where a client receives Medicaid and is sued for the provider’s failure to submit the claim to Medicaid; where the client is insured and is sued when the provider has failed to submit the claim to the insurer. Referral to the Office of Civil Rights for discrimination against immigrant clients who suffer disparate impact by medical providers. All other cases advice with brief services as resources are available for limited English populations.
- Coordinate with the Consumer Federal Protection Bureau consent decrees regarding actions filed suing debt buyers.

Auto Fraud

- Violations – where a used car dealer has violated state or federal laws, rules or regulations, whether the violations be of the UDTPA (Unconscionable and Deceptive Trade Practices Act), the UCC (Uniform Commercial Code), or any other, extended services to help clients be justly compensated for dealer’s wrongdoings.
- Buyer’s Guide – Where no Buyer’s Guide is posted at the time of sale, help for the client in revoking the sale or enforcement of requirement for the dealer to make necessary repairs since sale was not AS IS. With continuing help from FTC office in Dallas, be mindful of any dealership not abiding by Used Car Buyer’s Guide rule.
- Deficiency Judgments – see “Deficiency Judgments” in “**Debt Collection**”

Financial Exploitation of the Elderly

For clients over 60

- Where caretakers coerce clients into signing financial documents that are against their interest.
- Where an elderly client has been or is being exploited by a car dealer or debt buyer.
- We will refer these elder abuse cases to Valerie Morato, Equal Justice Works Fellow Attorney in Harrison, or Brooke Thompson, AmeriCorps Fellow Attorney in Jonesboro.

Other Claims with an Adverse Party

- Public Utilities – Advice to prevent shut off of public utility, and referral to Public Service Commission. Advice for non-regulated public utilities such as water.
- Contracts – Where there is a meritorious claim for breach of contract advice on how to proceed *pro se*. Where the breach cannot be adequately litigated at small claims level, advice on the cause of action, the time to pursue the claim and referral to a private attorney. Where circumstances merit, referral to pro bono program for representation.

Other Matters

- Student Loan matters and cases – Advice and Brief Services
- Fair Credit Reporting Act - Help client dispute and clear reports. Violations see “**Debt Collection.**”
- Identity Theft – Advice or brief services to victims in collecting reports and helping clients navigate the credit reporting system. Assistance to those who need to utilize the Fair Credit Reporting Act to block the erroneous item from their report to qualify for a home or car loan.
- Incorporation for Nonprofits–referral to University of Arkansas School of Law Transaction Clinic where a nonprofit has legitimate basis for incorporation and for application for tax-exempt status.

Advice and Limited Services

All cases receive some minimal advice regarding the cause of action, the time to pursue the claim and to contact a private attorney if Legal Aid cannot give advice or provide brief services. Cases not within priorities may be screened or referred to the private bar as a mechanism to strengthen response times and work product on priority cases by work group members or if the group is at capacity handling priority cases.

A focus on community education and outreach through fact sheets, advice letters, and blog posts is contemplated for 2017.

A focus on veterans’ issues is contemplated with regularly scheduled outreach to the VA Clinic in Fayetteville and the Seven Hills Homeless Shelter Day Center in Fayetteville. The work plan of the Veterans’ AmeriCorps Attorney is incorporated by reference. Advice and brief services are contemplated for the veterans’ project, with cases for extended services at the discretion of the Veteran’s AmeriCorps attorney in consultation with work group leaders.

PROTECTION FROM DOMESTIC VIOLENCE PRIORITIES

ADOPTIONS

- Adoption defenses if there is a meritorious defense.
- Adoption petitions only if:
 1. pro bono resources are available; and
 2. the opposing party's consent is not required by law; and
 3. the adoption would provide a financial benefit to the child/ren; and
 4. the adoption would be in the best interest of the child/ren.
- Step-parent adoptions will only be considered if the parties have been married for at least two years and the biological parent has not been involved in the child's life.

BIRTH CERTIFICATES

- Pro se forms provided to clients for the correction, amendment, or procurement when the birth certificate or lack of birth certificate prohibits client from receiving benefits, services, or impacts employment. Acceptance for representation in situations where the client does not appear to be able to navigate the system pro se.

CENTRAL ABUSE REGISTRY

- Assistance in appeals or removal when the facts are meritorious and the finding of neglect/abuse will materially impact the client.

CHILD CUSTODY AND VISITATION

- Extended services if there is an ongoing or immediate risk of violence to the client or child/ren, including cases of founded abuse by the Department of Human Services or the State Police.
- Meritorious jurisdictional disputes where the children have been abducted and are in imminent danger with the abductor, including international child abduction cases.

CHILD SUPPORT

1. Assistance in child support defense cases in which child support is based solely on funds exempt from child support.
2. For all other child support cases involving modification of child support, pro se forms shall be made available to applicants. Cases involving those recently released from prison, or participating in a prison diversion program, will be evaluated on a case by case basis with consideration being given to factors such as veteran status and the availability of special funding.

CIVIL GIDEON

- Factual situations where LAA may advocate at the trial court level or on appeal for a right to counsel in civil cases in a narrow set of issues, such as termination of parental

rights in an adoption, defenses to adult guardianships, or incarceration in a child support contempt action without representation.

DIVORCE

- Extended services if:
 1. there is an ongoing or immediate risk of violence to the client or child/ren based on a risk assessment, considering the totality of the circumstances, regardless of the length of time since the last incident of physical abuse; and
 2. the divorce would help ensure that client would permanently escape abuse, such as providing an economic benefit to client.

OR

1. client's only source of income is Supplemental Security Income from the Social Security Administration; and
 2. there are clear grounds for divorce; and
 3. pro bono counsel or other resources are available; and
 4. client has no other resources are available to secure private counsel.
- Extended services for post-judgment enforcement actions meeting divorce criteria.
 - Provided that the program may deny extended services to any divorce applicant where it is apparent that representation will involve significant expenditure of time and resources, the applicant is not in danger of bodily harm, and
 1. obtaining the client's objectives will not materially improve the safety or welfare of the children of the parties, and
 2. resolution of the case will not be of precedential value to others in the client community.

EMANCIPATIONS/REMOVAL OF DISABILITIES

- For homeless minors, pregnant minors, or minors attempting to avoid violence or abuse, when the facts are meritorious.

GUARDIANSHIPS, ADULT

- Legal Aid will attempt to support the health and welfare of incapacitated persons who are unable to provide for their own medical or financial needs. Cases involving an immediate danger to the health, welfare, or residence of an incapacitated adult, i.e., where there is an urgent medical or financial issue and no alternative to guardianship exists, will be a high priority.
- Cases where there is not an immediate danger, but an incapacitated adult is unable to provide for his or her own health, welfare, or residence will be accepted if pro bono or other resources are available, if they fall within MLP priorities, or if they can be prosecuted under a contract with an Area Agency on Aging.

- Defenses to Adult Guardianships will be provided if the facts of the case are meritorious.

GUARDIANSHIPS. MINOR

- Extended services if:
 1. there is an ongoing or immediate risk of violence to the child/ren; or
 2. the parent/s or primary physical custodian/s have abandoned the child/ren; and
 3. the child is being denied access to education, health care, or other basic necessities, if other, noncustodial alternatives, are insufficient; and
 4. there is clear indication that the guardianship is in the best interests of the child/ren;

or

 5. where a guardianship is required to administer the estate of a minor, and the resources of the estate are too small to pay for a private attorney.

IMMIGRATION

- Assist clients with meritorious U-Visa applications, with a preference for making referrals to other service organizations, if practicable.

NAME CHANGE

- Referral to pro se materials absent extreme hardship resulting if the name change is not done and an indication that the client will not be able to navigate the system pro se.

OTHER

- Work with the other workgroups to provide extended services to victims of domestic violence where those services would help make the client more independent, and therefore less likely to return to her/his abuser.

ORDERS OF PROTECTION

- Extended services for victims of domestic violence and/or sexual assault or abuse.
- Advice to victims of domestic violence and/or sexual assault if filed on behalf of the children and there is a pending or recent child custody case open indicating that the Order of Protection is being used to harass and/or take custody away from the opposing party.
- Advice to Respondents only if client was referred by a domestic violence shelter or was previously a client in a family law case involving the same opposing party.
- Extended services to Respondents if client meets the criteria for advice and also appears to be a victim of domestic violence committed by the Petitioner.

Economic Justice Workgroup Priorities

Disability Rights

- Enforce and protect the rights of the mentally ill and disabled in situations not covered by other priorities.

Education

- Denials of access to free and appropriate public education as required by law, including civil rights laws;
- Special education services: initial and/or continuing eligibility, inappropriate placement, manifestation determination review issues, and due process hearing complaints; and
- Truancies, suspensions, and/or expulsions.

Employment

- Discrimination claims (Title VII, ADEA, ADA, PDA, etc.);
- 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:
 - FLSA and FMLA claims may be referred to the U. S. Department of Labor;
 - Wage theft claims of \$2,000 or less may be directed to the Arkansas Department of Labor.
- Trafficking cases, subject to available workgroup expertise;
- Unemployment claims: denials, terminations, and/or overpayments;
 - Unemployment denials in which Legal Aid 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.).
- 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.
- Defense of CNA registry license cases

Healthcare

- Denials of access to health services required by law, including civil rights laws;
- 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; and
- Issues with health care access under the Affordable Care Act.

Public Benefits

- Medicaid/Medicare: denials, terminations, or reductions of coverage, services, equipment, and/or medications; overpayments;
- 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 defensible reason for non-compliance; and (3) on the basis of the intake interview, appear to have a meritorious case.
- 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 veteran (with adequate AmeriCorps resources available to assist the applicant); (3) a patient of an MLP partner clinic; or (4) 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.
- 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 or in school services); (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 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.
- o 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 or in school services) and (2) taking any medications prescribed.
 - 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.
- State benefits (TEA, SNAP, childcare, and Work Pays): denials, terminations, reductions, and/or overpayments;
 - Veterans' benefits: denials, terminations, reductions, and/or overpayments, subject to the availability of AmeriCorps veteran resources;
 - Benefits available to kinship families, including foster care board payments, subsidized guardianships, and adoption subsidies.

2017 Goals

To guide acceptance decisions within the priorities above, the Economic Justice workgroup will focus on the following goals for 2017:

1. Health Access. Continue and deepen Medicaid advocacy, including (1) opposing widespread denial of Medicaid-funded in-home care services by the Arkansas Department of Human Services through affirmative litigation (if feasible pre-litigation negotiation fails), administrative advocacy, client education, and, if applicable, commenting on proposed regulations; (2) facilitating access to Affordable Care Act coverage for eligible clients with legal issues (as opposed to issues within an assister's purview) with initial applications, renewals, or terminations through 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; and (3) investigating service-related issues 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. Continue Existing SNAP and Education Advocacy. We will continue two of 2016's focus areas of (1) SNAP cases involving ABAWD (Able Bodied Adults Without Dependents) and fraud issues and (2) school advocacy for districts suspected of extensive issues with excessive use of suspensions and/or expulsions and improper denial of special education services. With respect to education, we note widespread district resistance to recognizing and accommodating autism spectrum disorders.

3. Evaluate Opportunities for Meaningful Employment Law Advocacy. Prior experience has shown a dearth of private bar resources available for discrimination, wage theft, and NLRA claims below \$30,000. The workgroup has had some significant successes filling this gap and has settled multiple employment cases, though such success often requires significant investment of staff time. Outside of NLRA claims, however, settlements are likely to be confidential, meaning that the casework may not benefit other clients. Also, all employment case types require extensive time to properly vet, and we have found proper vetting often reveals facts that undermine merit. The workgroup must continue to navigate these competing factors to determine whether and when to accept employment cases. We are mindful of the need for advocacy while noting the limited workgroup capacity. Brief services to draft EEOC complaints and/or extended representation in initial negotiations may be worthwhile.

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-based 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, 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: In 2016, each workgroup member reduced her caseload 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.

Housing Case Acceptance Priorities

Civil Rights

1) Discrimination

Policy: Legal Aid will place a high priority on protecting the civil rights and liberties of low-income Arkansans.

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

Policy: Legal Aid will protect and defend our Constitution. We will make sure low income tenants and homeowners are afforded the protections to which we are all entitled.

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) Assure that courts operate fairly and lawfully to protect the rights of participants in the justice system, including but not limited to assuring they follow legal standards regarding fines and fees, and address situations where civil disputes are criminalized.
- 3) Affirmative or defensive litigation challenging any discriminatory, illegal, or arbitrary law, ordinance, regulation, or policy.

Eviction Defense

1) Criminal Eviction

Policy: Legal Aid believes that eviction is a civil matter. Arkansas's criminal eviction procedure uses the threat of criminal prosecution. It denies tenants due process and chills their right to a trial. It also imposes criminal sanctions, including imprisonment, for the breach of a private

contract. Criminal eviction is incompatible with the United States Constitution and the Arkansas Constitution.

Case Acceptance Priorities:

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

2) Civil Eviction Defense

Policy: Forced moves creates housing instability and causes disruption in the lives of families. Housing instability leads to food insecurity, poor health, job loss, children being pulled from school, and a general loss of hope. Legal Aid recognizes that eviction is proper in certain circumstances and when done through adequate legal process. However, meritless or illegal evictions will be vigorously defended.

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

Policy: Legal Aid recognizes the vast shortage of assisted housing units in Arkansas. Housing subsidies allow low-income families to thrive by reducing rent burdens. Legal Aid will defend meritless evictions and subsidy terminations. We will also seek to protect and expand the stock of affordable 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

Policy: All tenants are entitled to a home that is fit for living. Legal Aid will pursue all available avenues to ensure tenants can seek redress when the conditions of their homes are intolerable.

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

Policy: Leases should be freely negotiated and only contain fair and legal terms. Legal Aid will challenge landlords and management companies that use unconscionable terms or illegal fees.

Case Acceptance Priorities:

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

Foreclosure Defense

Policy: Home ownership is important to the stability and advancement of low-income families and communities. Legal Aid will assist with foreclosure defense consistent with priorities set out herein.

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) Any applicant 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

Policy: When resources permit, Legal Aid will seek to help low income Arkansans protect and preserve assets through prevention of land loss and estate planning.

Case Acceptance Priorities:

LAND LOSS

All land loss cases will be evaluated on a case-by-case basis and will 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 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, absent special funding and/or special project priorities.

Emergency wills or power of attorney cases may be considered for limited and/or extended services if resources permit.

- 1) Wills and end of life planning if the client is 60 years of age or older or has a terminal illness.
- 2) Preparation of simple wills 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.

Arkansas Children's Hospital Medical Legal Partnership Priorities

The following 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 the Arkansas Children's Hospital or one of its partner clinics. In all other cases, the individual will be directed to the statewide legal Helpline at (800) 952-9243.

Advanced Planning

- Last wills and testaments, trusts, powers of attorneys and advanced directives
- Assist parents of patients with special health care 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:** individuals will be directed to the self-help forms on the statewide legal website. Case will only 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.

Employment

- **Discrimination claims** when connected to a patient's disability or health condition. Discrimination cases will be reviewed to determine whether immediate acceptance, 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 immediate acceptance, 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 (i.e. transportation, pregnancy, employers absent from hearings, etc).

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:** case accepted for extended services 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. 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:** only accepted if a direct health impact is identified;
- **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, health care 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. If the minor guardianship is uncontested by the patient's parent(s), then the client will be referred to the forms on the statewide legal website.
- **Adult guardianships:** case will be referred to the Walmart pro bono team if medical evidence supports incapacitation, the ACH 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, the case will be accepted for in-house extended representation or referred to another pro bono partner, if the resource is available, there is medical evidence to support incapacitation and the ACH provider is willing to provide a supporting affidavit.
- **Adoptions:** 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;
- **Name change:** extended services if a direct health impact is identified. All other cases will be referred to the pro se forms on the statewide legal website;
- **Emancipations:** extended services if a direct health impact is identified;
- **Birth Certificates:** extended representation 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. All other cases will be referred to pro se forms; and
- **Child support:** Case involving first time procurement of child support will be referred to the Office of Child Support Enforcement. Services shall be rendered to applicants on all other child support issues if a direct health impact is or may be present.

Immigration

- Assist client with meritorious **U-Visa applications** with a preference for referring the case to a pro bono partner or other service organization.
- **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 the Walmart pro bono team;

- **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:**
 - 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:**
 - Only child initial eligibility applications awaiting hearing before an Administrative Law Judge (ALJ) will be accepted if the case is meritorious. Child initial eligibility applications at the initial and reconsideration stage will not be accepted, unless there is an exigent circumstance (i.e. parent/guardian is limited in their advocacy efforts, language barriers). 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 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 provider is willing to support this disability claim.
 - b. 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.
- **State benefits (TEA, SNAP, childcare, and Work Pays):** denials, terminations, reductions, fraud investigations and/or overpayments;
- **Veterans' benefits:** denials, terminations, reductions, and/or overpayments, subject to the availability of resources, including pro bono partners;

Insurance

- **Private health insurance:** denials, terminations or reduction of coverage, services, equipment and/or medications;
- **Life insurance:** denial of coverage for ACH patients

Housing

- In addition to local program housing priorities (evictions, foreclosures, federal housing issues, and discrimination), 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;
- **Eviction or foreclosure defense cases** where eviction or foreclosure is arising out of a loss of income due to the patient's health condition;
- **Fair housing cases;** 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);
- **Termination of utilities:** 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.

2017 Goals

To guide acceptance decisions within the priorities above, the Medical Legal Partnership will focus on the following goals for 2017:

1. Health Access. Continue and deepen Medicaid advocacy, including investigating service-related issues 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. Continue Existing SNAP and Education Advocacy. We will continue to focus on areas of (1) SNAP cases involving ABAWD (Able Bodied Adults Without Dependents) and fraud issues and (2) school advocacy for districts suspected of extensive issues with excessive use of suspensions and/or expulsions for children with disabilities and improper denial of special education services.

3. General Outreach. Continue Parents Know Your Rights sessions and community outreach on areas of law that impact ACH patients and their families.

Delta Medical Legal Partnerships Priorities

PRIORITIES FOR DELTA MLPs

For clients who are not patients of our clinic partners but come to us through them, case acceptance decisions will be based strictly according to the general Legal Aid of Arkansas Case Acceptance Priorities. For clients who are patients of our clinic partners, we will apply the following considerations to guide decisions about extended representation.

General Factors

- Priority will be given to cases referred by physicians, nurses, therapists, social workers, and others acting in the capacity of health care provider and/or legal screener, especially where acceptance will augment the MLP's credibility.
- Priority will be given to cases involving a significant nexus with health, which, among other things, may include cases in which the patient's health status, access to healthcare, ability to thrive in a work or school-related environment due to health-related issues, or ability to pay healthcare-related costs are impacted by legal intervention. To guide this determination, Legal Aid staff will consult with appropriate health providers.
- Priority will be given to cases involving issues identified as potential systemic concerns in the areas served by ARcare, Mid-Delta Health Systems, Lee County Cooperative Clinic, and Mid-South Health Systems. For the year 2017, such concerns include access to Medicaid and related services (including home and community based "waiver" services) and education issues, including school discipline and special education issues (especially in areas served by Mid-Delta Health Systems).
- In settings where an MLP has been implemented for less than a year, some consideration may be given to a case's ability to demonstrate MLP impact or utility to our health partner's staff.
- Cases that do not meet Delta MLP or general Legal Aid priorities may be accepted by pro bono assets participating in the MLPs.

Specific Cases Involving Deviation from General LAA Case Acceptance Priorities

Although any case not falling within general Legal Aid priorities may be accepted in accordance with the general factors listed above, MLP experience has shown us that the following case types merit special consideration in accordance with the accompanying criteria:

- **Guardianship of Minors:** Where (1) there is an ongoing or immediate risk of violence to the child OR the parent/s OR primary physical custodian/s have left the care of the child to a relative; (2) there is clear indication that the guardianship is in the best interests of the child; and (3) proactively seeking guardianship would prevent possible foster care placement or likely denial of education, health care, or other basic necessities (including various types of government benefits).
 - Where possible, clients will be directed to use the pro se forms available on our website with ongoing assistance from Legal Aid staff. Extended representation is more compelling in cases where the potential guardian experiences barriers to

using the pro se forms, which may include limited literacy, recent domestic violence, caring for other minors, or difficulty meeting the law's notice requirements.

- **Denials of Foster Care Board Payments, Guardianship Subsidies, or Adoption Subsidies:** Where (1) benefits may have been available and (2) the potential recipients were either denied benefits or not told about them.
- **Guardianship of Adults (psychiatric reasons):** In cases where there is no immediate danger to the health, welfare, or residence of an incapacitated adult, where (1) a potential ward is homeless, is in danger of being homeless, has been voluntarily or involuntarily hospitalized for psychiatric reasons within the 12 months prior to the date of intake; (2) medical evidence supports a finding that the potential ward is incapacitated; (3) a professional with expertise appropriate for the potential ward's incapacity is willing to support the petition for guardianship; and (4) the potential guardian is likely to act in the best interests of the potential ward.
- **Guardianship of Adults (severely disabled minor reaching adulthood):** In cases where there is no immediate danger to the health, welfare, or residence of an incapacitated adult, where (1) either the potential ward or the potential guardian is a patient of one of our MLP partners; (2) medical evidence supports a finding that the potential ward is incapacitated; (3) a professional with expertise appropriate for the potential ward's incapacity is willing to support the petition for guardianship; (4) the potential guardian is likely to act in the best interests of the potential ward; and (5) there is a likelihood that the potential ward's health status will be negatively affected if a guardianship is not in place in a timely manner.
- **Education:** Where the case (1) has been referred by a health care provider OR presents an opportunity to further explore a potential systemic concern; and (2) involves access to special education services (whether initial eligibility, placement, or discipline), bullying, discipline, retention, or disability-related matters.
 - The UALR Bowen School of Law Special Education Mediation Project and Disability Rights Center will be used as resources where possible.

Augmented Pro Bono Participation

In light of increased knowledge of and interest in the MLPs, Legal Aid of Arkansas and the Friday Firm have received more requests to participate in the Delta MLPs. However, because of limited clinic days, there is not always the opportunity for interested individuals to come and participate meaningfully. A major goal of the Delta MLPs is to develop ways to integrate interested individuals into the work of the MLPs and Legal Aid. Initial ideas include:

- **Saturation Events.** For the past several years, the MLPs have coordinated saturation events involving Southern Bancorp in Helena and Lee County Cooperative Clinic in Marianna. At these events, attorneys assist attendees with the preparation of wills,

powers of attorney, and living wills. The events provide an opportunity for one-time, limited scope participation by volunteer attorney.

- **Research and Briefing.** In the past year, pro bono attorneys agreed to take an unemployment case to the Court of Appeals. The resulting brief was excellent and could augur increased collaboration between Legal Aid and private attorneys on issues of particular interest to them.
- **Co-Counseling.** In the Court of Appeals case mentioned above, the record had already been developed by the time the case was taken by the volunteer attorney. However, there may be cases, particularly those involving Medicaid, where the volunteer attorney and Legal Aid staff can co-counsel from the start of the case.
- **Expanded Clinic Participation.** No volunteer attorneys currently come to ARcare, Lee County Cooperative Clinic or Mid South Health Systems. The barriers to their participation are both scheduling instability and long driving times. If scheduling at these clinics stabilizes, a volunteer attorney may be able to meaningfully participate.
- **Regulation Monitoring.** Pro bono attorneys could choose an area of interest to the MLPs and Legal Aid, learn the regulatory scheme, and then monitor proposed regulations and help develop comments that reflect the proposed regulations' impact on our client community.

St. Vincent Case Acceptance Guidelines

Introduction

Legal Aid will provide certain legal services to Eligible Individuals who become Engaged Individuals of Legal Aid. Legal services will be provided by Legal Aid, in its sole, reasonable discretion, will determine the type of legal cases it will provide.

After a brief consultation, the Legal Aid attorney will decide whether to provide advice or information to the patient or to investigate the case further. Many matters require additional legal or factual research before the Legal Aid attorney can make a final representation decision. For matters accepted beyond an initial consultation, the Legal Aid attorney may provide personalized advice; limited representation service such as negotiation with a third party or document preparation; or administrative or court representation.

General Considerations:

Priority will be given to cases referred by physicians, nurses, therapists, social workers, and others acting in the capacity of health care provider and/or legal screener.

Priority will be given to cases involving a significant nexus with health, which, among other things, may include cases in which the patient's health status, access to healthcare, ability to thrive in a work or school-related environment due to health-related issues, or ability to pay healthcare-related costs are impacted by legal intervention. To guide this determination, Legal Aid staff may consult with appropriate health providers, pursuant to receipt of appropriate authorization from the Engaged Individual.

For clients who are not patients of St. Vincent or St. Vincent-affiliated providers, case acceptance decisions will be consistent with the general Center for Arkansas Legal Services or Legal Aid of Arkansas Case Acceptance Priorities.

Legal Aid will not Provide Legal Services in the Following Matters:

Legal Aid cannot provide representation or legal services for matters that could potentially or will in fact violate state or federal laws, rules, or regulations. Legal Aid attorneys will also decline representation when there is the actual or perceived potential for a conflict of interest between the Eligible Individual and St. Vincent. For example, as part of this project, Legal Aid will not handle any cases against St. Vincent or any individual St. Vincent medical providers, or St. Vincent affiliates.

Legal Services Offered Under the Program to Eligible Individuals:

The following list of services may be offered by Legal Aid under the terms of the Agreement, with certain restrictions outlined below:

- **Advance Planning-** Legal Aid representatives may provide assistance in preparing:
 - Simple wills, where there is no extensive property. Representation on wills and estates where extensive property is present will be determined on a case by case basis.
 - Healthcare proxy/power of attorney/advance directives

- **Child Custody:** Legal Aid representatives will only become involved in a child custody matter where
 - The patient, either parent or child, is experiencing a health impact that legal intervention could help ameliorate or there is an ongoing or immediate risk of violence to the child and/or parent;
 - St. Vincent's providers are willing to support the referred party in the litigation. For purposes of this section, support means providing documentation and/or appearing as a witness when applicable; AND
 - If the client is the father of a child born out of wedlock he must show that he has assumed his responsibilities toward the child/ren by providing care, supervision, protection, and financial support.

- **Child Support:**
 - Custodial parents seeking to begin or enforce child support should contact the Office of Child Support Enforcement at 501-682-8398.
 - Non-custodial parents who need assistance with:
 1. Child support defense cases in which child support is based solely on funds exempt from child support (SSI or Veteran's benefits) may be provided with legal representation.
 2. For other child support cases involving recent release from prison, contempt, and/or modification of child support, pro se forms, or direct representation as appropriate, shall be made available to applicants.

- **Consumer Debt:** Legal Aid may offer assistance in the following consumer finance areas:
 - Bankruptcies may be accepted when staff or partner pro bono resources exist, the debt affects the wages and housing of the client or there is substantial debt that was obtained outside the control of the client and the debt affects the livelihood of the client and his/her family.
 - Debt Collection matters where the debt is arising out of a loss of income due to the patient's health conditions or the debt or debt collection are causing a health impact.
 - Car Repossessions when the underlying contract or repossession are illegal or transportation is required to facilitate medical treatment.

- **Divorce:** Representation may be offered if:

- (1) there is an ongoing or immediate risk of violence to the client or child/ren based on a risk assessment, considering the totality of the circumstances, regardless of the time since the last incident of physical abuse; AND
 - (2) the divorce would help ensure that client would escape abuse, such as providing an economic benefit to client;
- OR
- (1) Engaged Individual's only source of income is Supplemental Security Income from the Social Security Administration; AND
 - (2) there are clear grounds for divorce; AND
 - (3) the divorce would help ensure that the client would access certain benefits or would otherwise improve the patient's health, AND
 - (4) Engaged Individual has no other resources are available to secure private counsel.

- **Domestic Violence:**

- Legal Aid Attorneys may represent victims of domestic violence and/or sexual assault or abuse in obtaining an order of protection or other relief.
- Advice only will be given if it appears that the order of protection is filed on behalf of children and there is a pending or recent child custody case open indicating that the Order of Protection is being used to harass and/or take custody away from the opposing party.
- Order of Protection respondents will be represented only if the individual was referred by the healthcare provider and also appears to be a victim of domestic violence committed by the Petitioner.

- **Education:** Where the case

- (1) has been referred by a health care provider OR presents an opportunity to further explore a potential systemic concern; AND
- (2) involves access to special education services (whether initial eligibility, placement, or discipline); bullying or discipline when connected to the child's disability or health condition; retention, or disability-related matters.

- **Employment:**

- **Discrimination** (Title VII, ADEA, ADA, PDA, etc.), including denials of requests for reasonable accommodations, when connected to Client's health condition.
- **Family Medical Leave Act**– In cases where patients or patient family members are being denied FMLA, Legal Aid staff may provide legal advice, negotiate with employer, assist employee in filing a complaint and refer employee to the U.S. Department of Labor, or represent the patient in the administrative process.
- **Unemployment Insurance:** when connected to patient's health condition. Unemployment claims: denials, terminations, and/or overpayments; o Unemployment denials 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.).
- These services are not available for St Vincent employees or contractors.
 - **Expungements/Criminal Record Sealing:** Legal Aid may assist patients or employees in preparing Petitions to Seal when the conviction falls within a petition to seal statute.
 - **Guardianships (minor):** Where
 - (3) there is an ongoing or immediate risk of violence to the child OR the parent/s OR primary physical custodian/s have left the care of the child to a relative;
 - (4) there is clear indication that the guardianship is in the best interests of the child; AND
 - (5) proactively seeking guardianship would prevent possible foster care placement or likely denial of education, health care, or other basic necessities (including various types of government benefits).
 - Where possible, clients will be directed to use the pro se forms available on our website with ongoing assistance from the Legal Aid staff. Extended representation is more compelling in cases where the potential guardian experiences barriers to using the pro se forms, which may include limited literacy, recent domestic violence, caring for other minors, or difficulty meeting the law’s notice requirements.
 - **Guardianships (adult)-** Representation of a potential guardian obtaining guardianships where:
 - (1) the potential ward is a disabled minor reaching adulthood OR a potential ward is homeless, is in danger of being homeless, has been voluntarily or involuntarily hospitalized for psychiatric reasons within the 12 months prior to the date of intake;
 - (2) Legal Aid will attempt to support the health and welfare of incapacitated persons who are unable to provide for their own medical or financial needs. Cases involving an immediate danger to the health, welfare, or residence of an incapacitated adult, i.e., where there is an urgent medical or financial issue and no alternative to guardianship exists, will be a high priority.
 - (3) Cases where there is not an immediate danger, but an incapacitated adult is unable to provide for his or her own health, welfare, or residence will be accepted if pro bono or other resources are available, or if they can be prosecuted under a contract with an Area Agency on Aging.
 - (4) Defenses to Adult Guardianships will be provided if the facts of the case are meritorious.
 - **Health Insurance** (private health insurance, Medicaid, Medicare): Legal Aid may provide extended representation services in the following cases:
 - Denials, terminations, delays in approving, or reductions of coverage;

- Denials or delays in approving of services, equipment, and/or medications, when prescribed by or deemed medically necessary;
 - 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;
 - Medicaid/Medicare: denials, terminations, or reductions of coverage or eligibility.,
- **Housing:**
 - Eviction & foreclosure prevention
 - Denial, termination, or issues with federal housing assistance
 - 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.
 - Eviction or foreclosure defense cases where eviction or foreclosure is arising out of a loss of income due to the Engaged Individual's health conditions/health impact
 - Fair housing cases, including requests and denials of requests for reasonable accommodations in housing.
 - Utility shut-offs when related to the Engaged Individual's health condition.
- **Immigration Questions:** Legal Aid may provide:
 - Assistance with meritorious U-Visa / T-visa applications, with a preference for making referrals to other service organizations, if practicable
 - Information & referrals to social service agencies for non-eligible immigrant populations.
- **Life Insurance:** Legal Aid may assist in improper denials of life insurance payments for Engaged Individuals.
- **Name changes** Legal Aid may assist in preparing name change petitions only when there is a barrier to accessing health care or other benefits and services.
- **Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI):**
 - At the ALJ hearing stage and during initial or reconsideration phases where
 - (1) the case has merit based on available evidence and
 - (2) a health care provider with a longitudinal view of the client's condition is willing to support the application by writing a letter, completing an evaluation, or offering testimony detailing the client's conditions and limitations.
 When a *pro bono* attorney provides assistance, that attorney may enter into a contingency fee agreement with the client.
 - Where a case is at initial or reconsideration and no health care provider with a longitudinal view of the client's condition is willing to support the application, Legal

- Aid will offer brief services to support clients' applications by orienting them to the process, helping them complete adult function and work history reports, and helping them articulate their limitations for purposes of Consultative Evaluations.
- Assistance with SSA overpayments and reductions may be provided, depending on the amount in controversy and merit of the claim.
 - **State benefits** (TEA, SNAP, childcare, and Work Pays): Legal Aid may assist with denials, terminations, improper calculations, reductions, and/or overpayments.
 - **Tax Controversies:** Legal Aid may be able to provide assistance or referrals to individuals who have outstanding tax controversies or meritorious tax claims.
 - **Veterans' Benefits:** Legal Aid will refer individuals with veterans' benefits issues to the appropriate *pro bono* attorney representative.
 - **Vital records:** *Pro se* forms or direct representation, as appropriate, provided to clients for the correction, amendment, or procurement when the birth certificate or lack of birth certificate prohibits client from receiving benefits, services, or impacts employment.
 - **Other cases:** may be accepted for extended representation through Legal Aid if Eligible Individuals have an identified unmet basic legal need with a significant health nexus and an appropriate legal resource or intervention exists. To guide this determination, Legal Aid will consult appropriate social work and health care providers.

Legal Aid of Arkansas

EQUAL ACCESS *to* JUSTICE PANEL
ARKANSAS VOLUNTEER LAWYERS FOR THE ELDERLY
MEDICAL/LLEGAL PARTNERSHIP

2017

PAI PLAN



Legal Aid of Arkansas
Pro Bono Staff

Heidi Jamison

Certified Paralegal-Equal Access to Justice Panel Coordinator
1200 Henryetta Street
Springdale, AR 72762
hjamison@arlegalaid.org
870-972-9224 ext. 4314

Allison Tank

Arkansas Volunteer Lawyers for the Elderly Coordinator
1200 Henryetta Street
Springdale, AR 72762
atank@arlegalaid.org
870-972-9224 ext. 6301

Jamie Raleigh

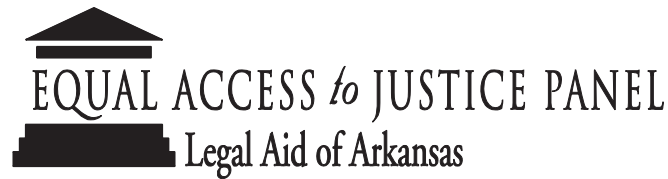
ACH MLP Coordinator
1 Children's Way, Slot 695
Little Rock, AR 72702-3500
jraleigh@arlegalaid.org
870-972-9224 ext. 4310

Briana Panos

Volunteer Recruitment VISTA
1200 Henryetta Street
Springdale, AR 72762
bpanos@arlegalaid.org
870-972-9224

Stefanie Blahut

Modest Means Panel Coordinator
sblahut@arlegalaid.org



Arkansas Volunteer Attorneys for the Elderly
Working for Senior Arkansans



PAI PLAN 2017

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.

§1614.2 General policy.

In 2017 Legal Aid of Arkansas projects that it will spend \$190,178 directly on PAI (13% of Basic Field-General award). We project to close approximately 625 cases, including 550 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 2017.

§1614.4 Range of activities.

- 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 and the Division of Aging and Adult Services to serve the legal needs of clients 60 and older.
- EAJP/AVLE works with the Washington County Bar Association to provide outreach with the Fayetteville Public Schools and low literacy adults.
- EAJP/AVLE works with veteran's advocates and providers to assist, advice, and advocate for programs for servicemen and women and veterans.

- 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 preparation or representation against the IRS.
- EAJP partners with the University Of Arkansas School Of Law Legal Clinic 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.
- EAJP partners with the Walmart Legal Department in a Medical Legal Partnership with Arkansas Children's Hospital.
- EAJP partners with Lee County Cooperative Clinic and Mid Delta Health Systems in a Medical Legal Partnership with Friday, Eldridge & Clark.
- EAJP partners with the Veterans Health Care System of the Ozarks.
- In 2017, volunteer recruitment efforts will be enhanced by a VISTA member and thanks to a grant from the Natural Wonders program, recruitment will focus on providing services to clients at Medical-Legal Partnerships throughout Arkansas.
- EAJP, working closely with the Center for Arkansas Legal Services and Arkansas Access to Justice Commission, supports and advocates for a range of Arkansas Bar activities including:
 - Recruitment drives and events celebrating and recognizing pro bono with the Young Lawyers Section
 - Disaster Legal Assistance
 - The *Arkansas Lawyer* quarterly newsletter and the editorial board and staff
 - Arkansas "Find a Lawyer" program
 - 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.
- Corporate Pro Bono
- EAJP works with FedEx Freight, 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 the Springdale Senior Center to hold a "Wills/End of Life Document Event" for seniors in Springdale, and to host a similar event in Harrison in conjunction with the local senior center during the week. Volunteer attorneys come from the Washington County Bar, the Boone County Bar and Walmart Corporate home office.
- 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.

(3) Systems

(1) Intake and Case Acceptance

Consumers apply for services primarily by calling the HelpLine, walking into an office, or online. They are initially screened for substantive case type, eligibility and conflicts. 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 and Substantive Work Groups receive 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.

(2) Case Assignment

- Facts are clarified on pro bono cases prior to referral so that the volunteer can assess the issues presented.
- Necessary documentation is collected and compiled in a timely fashion 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. In our communication we let the volunteer know if he/she does not respond within 5-7 days, we'll send the case to him/her. We use the "default" method to keep cases moving instead of waiting days to connect to the attorney. The method allows cases to proceed within the time frames established by Legal Aid policies and procedures, which provide for same day or next day contact with the client after intake. We use the tickle system on the Case Management System to alert coordinators of relevant deadlines and to monitor the pending referral. 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.

(3) 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 signed 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 a sufficient sampling of 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 s/he 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.

(b) Support and other activities.

(1) **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. In 2017, 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. At least three CLE-training events will be held in conjunction with PAI volunteer recruitment.

Training: Attorneys train Legal Aid staff and the private bar.

Technical Assistance: Pro bono attorneys provide technical assistance.

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.

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, criminal eviction and the acceleration clause in unemployment compensation.

Other resources: Private firms provide facilities for depositions and client meetings. Pro bono attorneys make their faxes, computers, and phones 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, the Fayetteville and Springdale Libraries as well as the Law School Library provide full LexisNexis research capabilities. Other resources from private attorneys are provided to Legal Aid staff as needed.

(3) **Continuing Legal Education (CLE):** Legal Aid sponsors training for PAI attorneys. At least three are scheduled for 2017.

Technical assistance: EAJP provides volunteer court reporters for depositions and transcripts from trials or hearings. EAJP provides volunteer investigators, volunteer experts, volunteer paralegals, law students and volunteer process servers. EAJP provides nurses who can review medical records for pro bono volunteers or staff.

Research: EAJP's relationship with the Arkansas law schools promote and encourage law students to provide pro bono research for EAJP and AVLE volunteers as needed to assess cases, advise clients and provide representation for pro bono clients.

Use of Legal Aid offices and facilities: 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 has connectivity for technology as needed.

Technology Assistance: EAJP, through the statewide website provides a wide range of pleadings and research resources to volunteers who sign up for the pro bono panel. Pro bono attorneys have a unique user name and password to access the Legal Library at www.arlegalaid.org. Some pleadings are available as automated documents so the pleading can be produced and printed after entering requested facts specific to the client's case.

(4) The Washington County Law Library Committee of the Bar Association provides financial support for Legal Aid to staff a Courthouse Help Desk each week in the Washington County Law Library on the 5th floor of the Courthouse. 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.

(5) Legal Aid hosts several legal clinics each year, 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.

(6) Legal Aid operates a Modest Means project in parts of the service area where eligible consumers with non-priority cases and others up to 250% of poverty are referred to private attorneys participating in the reduced fee panel on a rotating basis. Only costs associated with referral of screened consumers who are qualified and eligible for services shall be counted toward the PAI allocation.

(7) Legal Aid uses law student volunteers to support delivery of legal services and provision of legal information to eligible consumers as appropriate.

(c) Determination of PAI activities

(1) 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.

(2) Effective and economical delivery of legal assistance

This is accomplished by:

- 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.

(3) Linguistic and cultural barriers

We maintain an aggressive recruitment program seeking, among others, African-American, Latino, and female attorneys, lawyers from rural areas, and lawyers from all geographic parts of our service area. We try to refer cases for Spanish speakers to Spanish speaking attorneys. 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 and EAJP/AVLE 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. <http://www.arlegalservices.org/internaldocs> and select LAA Limited English Proficiency Plan - LEP

(4) Conflicts of interest

Initially, a Legal Aid conflict check is automatically performed when the intake is taken. The EAJP/AVLE attorney does not represent someone until s/he has had an opportunity to check the conflicts with his/her office and determine if the case would create a conflict within the firm. A brief synopsis is sent to the attorney first so s/he does not have a lot of information about a case until a conflict check has been done. If necessary, Legal Aid can refer the matter to another attorney.

(5) Substantive and practical expertise

The range of expertise among members of EAJP/AVLE 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, FEMA trailer debacles and land loss. Only attorneys who possess skills adequate to represent clients are invited to join the pro bono panel.

§1614.6 Procedure.

(a) A PAI plan and budget is developed over the course of each year and presented to the Board of Directors for approval at the December board meeting. The plan takes into consideration the following factors:

(1) 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;

(2) The delivery mechanisms potentially available to provide the opportunity for private attorneys, law students, law graduates, or other professionals to meet the established priority legal needs of eligible clients in an economical and effective manner. Current delivery methods available include but are not limited to:

- Volunteers may provide legal representation to referred clients.
- Volunteers may speak to eligible clients about legal topics.
- Volunteers can help Legal Aid and EAJP/AVLE raise money for services for eligible clients.
- Volunteers may serve on Boards or Advisory Panels of groups that work with Legal Aid.
- Volunteers may support EAJP/AVLE through local and State Bar activities.
- Volunteers may support EAJP/AVLE by advocating its message with the Arkansas Trial Lawyers.
- Volunteers may support EAJP/AVLE through the promotion of training and serve on the faculty.
- Volunteers may conduct legal clinics.
- Volunteers may mentor Legal Aid staff.
- Volunteers may provide substantive legal support for nonprofits incorporated through Legal Aid or that exist in the Legal Aid service area.
- Volunteers may partner with Medical-Legal Partnerships.
- Volunteers may provide services to the Low Income Taxpayer Clinic.
- Volunteers may provide services by volunteering for and answering questions on ar.freelegalanswers.org

(3) (b) 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 development of its annual plan and distributes the proposed plan all local bar associations within the service area and summarizes, and where appropriate, incorporates their response within the plan.

§1614.7 Fiscal recordkeeping.

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 the following policies:

- 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).

- Allocation of non-personnel and indirect costs: These are allocated as follows:
 - Non-personnel costs intended solely for the PAI program are charged in their entirety to PAI.
 - The remaining non-personnel costs are allocated to PAI by percentage of those costs based overall cases closed.

§1614.8 Prohibition of revolving litigation funds.

Legal Aid does not maintain a revolving litigation fund. Volunteers may seek reimbursement of expenses provided to clients up to \$50 without prior approval, and beyond that amount with approval. Litigation expenses can be provided using the same process as used for a Legal Aid staff case, with Regional Managers able to approve expenses up to \$100 and the Executive Director being required to approve any expenditure above that amount.

Pro Bono Partnerships

Arkansas Access to Justice Commission

Arkansas Access to Justice Foundation

Arkansas Bar Association

Arkansas Pro Bono Partnership

Arkansas Trial Association

Local Bar Associations

Baxter County Bar Association
Benton County Bar Association
Boone-Newton County Bar Association
Carroll County Bar Association
Craighead County Bar Association
Crittenden County Bar Association
Cross County Bar Association
Greene Clay County Bar Association
Independence County Bar Association
Jackson County Bar Association
Lawrence County Bar Association
Marion County Bar Association
Mississippi County Bar Association
Monroe County Bar Association
Phillips County Bar Association
Poinsett County Bar Association
Randolph County Bar Association
St. Francis County Bar Association

Tri County Bar Association (Fulton, Izard and Sharp Counties)
Washington County Bar Association
Woodruff County Bar Association

Community Partners

Alzheimer Association: Arkansas and Oklahoma Chapter
Area Agency on Aging of Northwest Arkansas
Arkansas Advocates for Children and Families
Arkansas Children's Hospital
Arkansas Support Network
Arkansas Workforce Center
Bancorp South
Bank of Brinkley
Benton County Prosecutor's Office
Boys & Girls Club of Benton County
Children's Advocacy Center of Benton County
Children Safety Center
Circle of Life Hospice
Community Bank in Harrison
Credit Counseling of Arkansas
Disabled Veterans Outreach Program
East Arkansas Area Agency on Aging
EOA of Washington County
Fayetteville Public Library
Fayetteville Vet Center
FICASSO
First Service Bank in Clinton
First Federal Bank in Harrison
Forrest City Bank
Goodwill Industries
Head Start- all areas
Helena National Bank
Internal Revenue Service Stakeholder Liaison
Jacob's Well
Just Communities
North Arkansas College
Northeastern Arkansas Community College
Northwest Arkansas Community College
Northwest Arkansas Family Shelter
Northwest Arkansas Tax Center
Peace at Home Family Shelter
Rogers/Lowell Chamber of Commerce
SARPA-Sexual Assault Recovery & Prevention Agency
7 Hills Homeless Shelter
Sources for Community Independent Living Services, Inc.
Southern Migrant Legal Services
Springdale Chamber of Commerce
Springdale City Attorney's Office
Victim Assistance Coordinator, Benton County Prosecuting Attorney's Office

Washington County Public Defender's Office
Washington Regional Hospice
White River Area Agency on Aging
White River Battered Women's Shelter

Corporate Partners

All Around Storage
FedEx Freight
Tyson Foods, Inc.
Walmart

Law School Partners

Cecil C. Humphreys School of Law
University of Arkansas School of Law
University of Arkansas School of Law Student Bar Association
William H. Bowen School of Law

Limited English Speaking Partners

Arkansas Workforce Center
Carlos Amargos, Rogers High School Community Liaison
Catholic Charities, Immigration Services, Frank Head
Cesar Aguilar, Rogers Activities Center
Consul of the Republic of the Marshall Islands
Court Interpreter: Kevin Harkey, Melisa Laelan
DJ Torrez, Springdale Schools Community Liaison
First Marshallese Assembly of God
Gaps in Services for the Marshallese, Dr. Grace Dovioko
Gane Grupo de Apoyo Para Niños Especiales
Hispanic Women's Organization of Arkansas
Iia-kwe Mart, Janice Rieza
Jake Jebol Eo
Jaluit Community non-profit, Armando Alberttar
John R. Sampson, Cox Communications Public Affairs
Jones Trust
Just Communities
Latino Ministerial Alliance of NWA
League of United Latin American Citizens
LULAC Fayetteville, Springdale, Rogers and Bentonville
MEI, Dr. April Brown
Northwest Arkansas Workers Justice Center
Rogers Activities Center
Rogers-Lowell Area Chamber of Commerce
Rosa Arroyo, Heritage High School Community Liaison
St. Raphael Catholic Church
Seis Puenters, Latino nonprofit in North Little Rock
Springdale Schools Community Liaison
Steve Vera, Nationwide Insurance
Worker's Justice Center

Exhibit 1

Pro Bono Locations within LAA Service Area

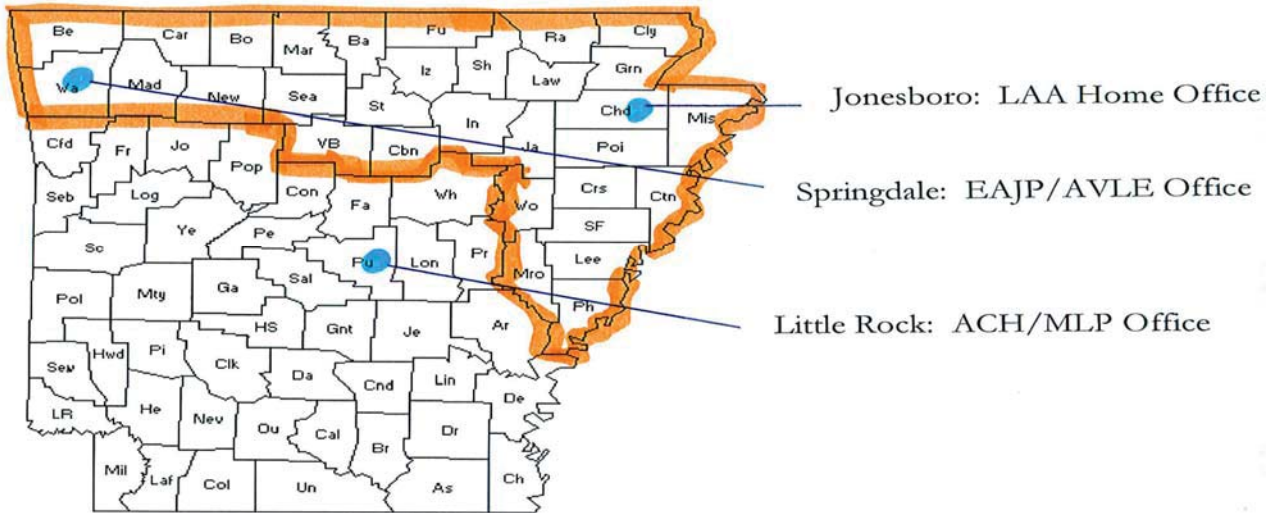
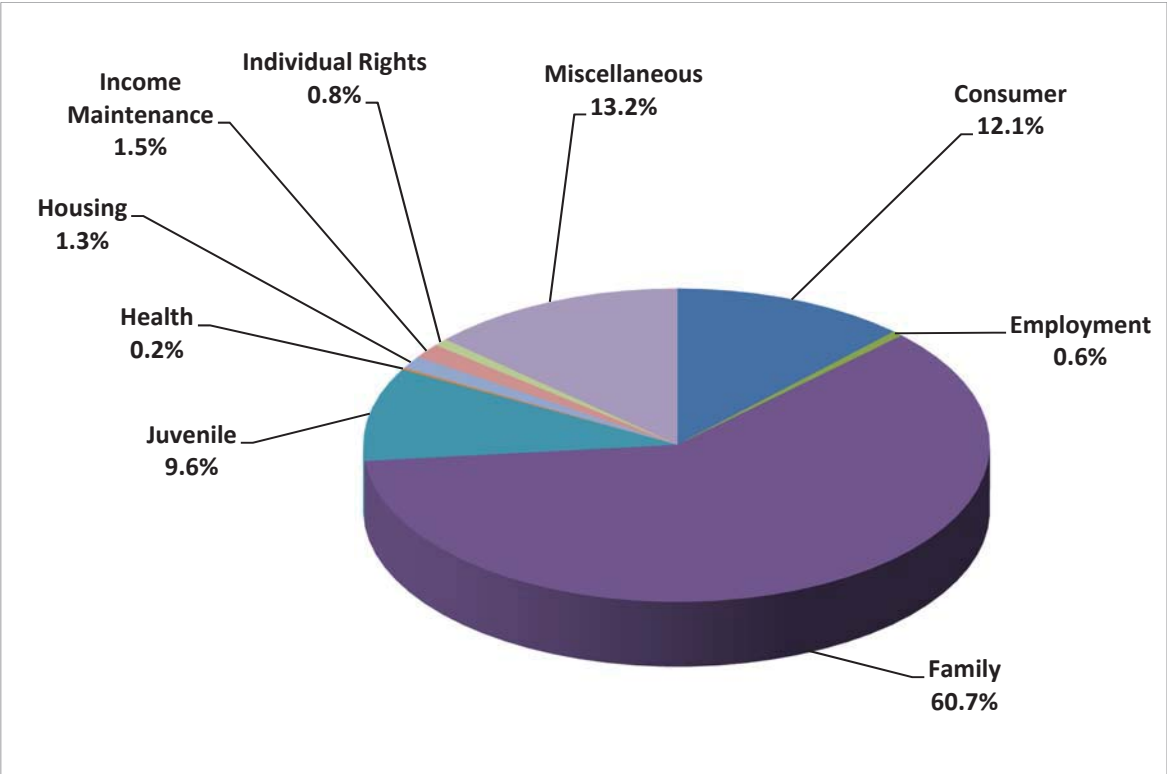


Exhibit 2

Year to date (10-31-2016) Pro Bono Attorney Involvement



| Type of Case | Closed Cases | Percent* |
|--------------------|--------------|-------------|
| Consumer | 64 | 12.1% |
| Education | 0 | 0.0% |
| Employment | 3 | 0.6% |
| Family | 321 | 60.7% |
| Juvenile | 51 | 9.6% |
| Health | 1 | 0.2% |
| Housing | 7 | 1.3% |
| Income Maintenance | 8 | 1.5% |
| Individual Rights | 4 | 0.8% |
| Miscellaneous | 70 | 13.2% |
| TOTAL | 529 | 100% |

* Percentages do not total exactly because of rounding.

October 17, 2016

Delivery of Legal Services Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session meeting on July 18, 2016
3. Review of Delivery of Legal Services Committee Charter
4. Review and discussion of future topics for Committee meetings

Jim Sandman, President

Lynn Jennings, Vice President for Grants Management

Janet LaBella, Director, Office of Program Performance

5. Review of schedule of Program Quality Visits conducted by the Office of Program Performance
Janet LaBella, Director, Office of Program Performance

6. Panel presentation and Committee discussion of development and implementation of grantee priorities and case acceptance guidelines: Performance Area 1, Criteria 2
Ed Marks, Executive Director, New Mexico legal Aid
Lee Richardson, Executive Director, Legal Aid of Arkansas
Rhodia Thomas, Executive Director, MidPenn Legal Services
Janet LaBella, Director, Office of Program Performance (Moderator)

7. Public comment
8. Consider and act on other business
9. Consider and act on motion to adjourn the meeting_____

October 31, 2016

President

James J. Sandman

Board of Directors

John G. Levi
Chicago, IL
Chairman

Martha Minow
Cambridge, MA
Vice Chair

Robert J. Grey, Jr.
Richmond, VA

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Arlington, VA

Harry J. F. Korrell
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Evanston, IL

Fr. Pius Pietrzyk, OP
Zanesville, OH

Julie A. Reiskin
Denver, CO

Gloria Valencia-Weber
Albuquerque, NM

Mr. Lee Richardson
Executive Director
Legal Aid of Arkansas
714 S Main Street
Jonesboro, AR 72401

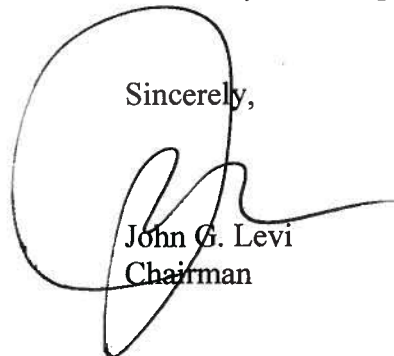
Dear Lee:

On behalf of the Legal Services Corporation Board of Directors, thank you so very much for participating in the panel on Best Practices for Case Acceptance during our national quarterly Board meeting in Albuquerque, New Mexico. The work you and the staff of MidPenn Legal Services are doing is extremely important and must be widely shared at every opportunity.

We so appreciate the time you made in your schedule to travel to New Mexico to be with us again and provide such thoughtful remarks and helpful information as a part of the panel. Your contribution helped make the panel an enormous success, as I am sure you could tell from the response of the Board.

We are truly grateful for the work you do every day to provide greater access to our system of justice for the people you so ably serve. We look forward to having you on more such panels in the future. Many thanks again and all the best.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be "John G. Levi".

John G. Levi
Chairman

DIRECTOR'S REPORT

November 21, 2016

National Developments

Other than having the election behind us, nothing has changed since my September report. The Senate approved an appropriations bill for 2017 giving the Legal Services Corporation \$395 million, \$10 million more than current funding. This would provide an increase of around \$35,000 to Legal Aid. The House appropriations committee approved \$350 million for LSC. If the \$350 million is approved, and the difference is split at reconciliation, then Legal Aid would receive about \$30,000 less than in 2016. This is the worst case scenario we should be planning for.

The Federal government will now be operating under a continuing resolution that will fund operations until March 31, 2017. The new administration asked that no funding bills be acted on until after President Trump takes office. Our LSC funding is on a calendar year starting January 1st. We are advised to plan conservatively by the National Legal Aid and Defender Association as nothing is certain, though the scenario in the previous paragraph still seems most likely.

It's important to remember that Congress continues to operate under the Budget Control Act of 2011, which provides strict limits (sequestration) on discretionary spending -- both domestic and defense-related. LSC has seen increased bipartisan support. The number of Members of Congress who have voted to eliminate funding for LSC has dropped by 1/3 over the past four years. I cannot see this election having either a positive or negative impact on that support.

The 11 member LSC Board of Directors will likely turn over regardless of the election results. By law, the board is bipartisan with no more than six members of the same political party. Board members are appointed by the President and confirmed by the Senate.

I attended the LSC Board Meeting in Albuquerque in October to present to the Delivery of Legal Services Committee on priorities and case acceptance guidelines, along with an executive director from New Mexico and one from Pennsylvania. The committee agenda as published in the Federal Register and a letter from the LSC board chair thanking Legal Aid for allowing me to attend are attached.

LSC has requested that I attend meetings at their expenses in Washington, D.C. in early February regarding disaster legal services preparedness.

Statewide Developments

The Arkansas Access to Justice Commission and Access to Justice Foundation held a joint meeting on October 28-29 in Little Rock. The meeting was preceded by a reception attended by all but one Supreme Court Justice. The meeting agenda along with two meeting packets are attached*. If you will look at page 37 of the business meeting packet you can see the decline of IOLTA income in recent years. It went from a high of \$121,102 in April, 2001 to a low of \$4,209 in September, 2012. Income should end up being around \$120,000 in 2016, but the Foundation Board has determined that there will be no general IOLTA fund grants to Legal Aid in 2017.

*Separate attachment because of size restrictions

As part of a national effort headed by the American Bar Association, the Access to Justice Commission has launched ar.freelegalanswers.org. This website allows users eligible for legal aid to post legal questions, which are then answered by volunteer attorneys. The project is modeled on the Tennessee Online Justice Program. Volunteers are allowed to choose which questions they will answer and can answer as many or as few questions as they want. They are under no obligation to do anything in a case other than answer the questions that they select. A flyer is attached.

The statewide website has completed the transfer from an older software version to one that is friendlier for mobile users. Some resources continue to be missing or hard to find, and broken links are numerous. You can view the website at www.arlegalservices.com. Please notify us if you find a broken link. Legal Aid is prepared to do our part in maintaining this website, where substantive law resources reside, but the Center for Arkansas Legal Services to date has not hired anyone to work with the Legal Aid communications team. We only anticipated providing 41% of the maintenance which is consistent with our percentage of the poverty population. We maintain our own website at www.arlegalaid.org.

Program Developments

As of November 4, 2016, we have closed 5,915 cases in 2016, a 16% increase over the same time period last year. A case statistical report is attached. The attachment also shows the percentage of cases closed by substantive type. The percent of overall cases as family law is the lowest since Legal Aid of Arkansas was formed in 2002, despite us closing over 900 Order of Protection cases already in 2016. I am also attaching a report showing the number of cases closed by county and the number of Order of Protection cases closed by county. We use this information to try and prioritize outreach and education efforts. For example, we find that Izard is the only county where we have not closed an Order of Protection case this year, and we have only one in Woodruff County where we used to average one a month.

We were partially successful in our Federal lawsuit against the Arkansas Department of Human Services regarding how they were administering the ARChoices program. Over 7,000 elderly and disabled Arkansans who count on the program to maintain their independence and dignity will now be afforded reasonable notice and due process prior to having their benefits changed. Attached is the Legal Aid press release issued after the ruling, as well as press stories from the Arkansas Democrat-Gazette, Arkansas Times, and Jonesboro Sun. Orders are also attached.

Our Helena office has been vacant now for over a year. We first listed it for sale with Messina Realty for \$39,900 and received no offers. That listing has expired and we now have a listing agreement with First Delta Realty for \$25,000 to sell the property “as is”. We continue to have one staff member in our offices at 622 Pecan in Helena, with a staff attorney rotating through the office generally on a weekly basis.

Our Arkansas Children’s Hospital office will be relocated in December to the South Campus, Brandon Building at 11 Children’s Way, Little Rock. We will be on the 5th floor with the rest of the Child Advocacy and Children’s Health team. A diagram of the new space is attached.

Our statewide Legal Aid conference was held October 12-14 in North Little Rock at the Wyndham Riverfront. The final training agenda is attached. We presented staff awards in conjunction with the meeting which included:

- Cory Crawford, Staff Attorney 5 Years
- Kevin DeLiban, Economic Justice Workgroup Leader 5 Years
- Jennifer Liguori, Low Income Tax Clinic Director 5 Years
- Teresa Franklin, Delta Regional Manager 10 Years
- Barbara Griffin, Staff Attorney 15 Years
- Kathy Grady, Paralegal Versalee Wyatt Award

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.

Ms. Grady, who has served as a paralegal in our Newport office for 36 years, was selected after a vote by her peers. In addition to an individual award and a \$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 Marshall Prettyman and Margaret Reger.

Case Examples

Economic Justice: Our client suffered a traumatic brain injury from a bullying incident at a school bus stop. He was targeted for being or perceived to be gay. As a result he had to miss school due to his injuries. His mother tried getting him homebound school services but was unsuccessful. With intervention from our Medical Legal Partnership at Arkansas Children’s Hospital, the client was able to get homebound services and a 504 plan put in place. He is currently on homebound since his doctor has not deemed him ready to do school full-time. However, homebound and the 504 plan are allowing client to not fall further behind in his school work.

Housing: The client had entered into a reverse mortgage and the servicer had accelerated loan due to non-payment of property charges. There were breaks in the chain of title, as well as ambiguous language in many of the documents the homeowner had received which had lead him to believe he was entitled to additional payments under the reverse mortgage. Through litigation which ended up in federal court, a settlement was reached which allowed the client, who is battling cancer, to retain the ownership of his home. In addition to the dismissal of the foreclosure action, a settlement was reached to reimburse the client \$9,961 for force placed insurance charges, which was paid on his behalf to reduce his reverse mortgage, and for a removal of \$2,883.46 in fees and assessments.

Housing: A client came to Legal Aid seeking assistance enforcing a land sale contract. The seller was refusing payments and had initiated an eviction lawsuit in an effort to remove the client from the property. Legal Aid was able to work with opposing counsel to reinstate the land-sale contract, preserve the client’s equity, and maintain the client in the residence.

Consumer: Client, a Marshallese man, was unable to live on his own or qualify for better employment because of a felony offense nine years ago. Because he was sentenced under Act 346 Legal Aid was able to dismiss and seal his record and help him clear his record with over 500 background check companies. This allowed him to get an apartment and qualify for a promotion at work.

Domestic Violence: Our client was the mother of a child born out of wedlock. When the child was three months old, she and the child moved out of state. The father filed a paternity/custody action in Arkansas and the mother did the same shortly thereafter in the other state. The father then traveled to that state and took the child, returned to Arkansas, and hid the child from our client. Working with the Legal Aid program in the other state, an order was obtained there and certified in Arkansas. The Judges then conferred and agreed the other state had jurisdiction. The child was finally found and returned to the client, and Legal Aid was able to get the paternity action dismissed at a contested hearing.

Grants/Contracts/Fundraising

Since the last board meeting, we have seen the following developments not listed elsewhere in this report:

The Pro Bono Innovation Fund application to the Legal Services Corporation to fund a statewide pro bono coordinator position focused on Medical-Legal Partnerships for two years was not funded. We made it to the final round of consideration.

We were also not selected for HUD funding to create a Fair Housing Program in Arkansas. We are considering submitting a proposal to the Access to Justice Foundation to fund this program as an “impact project” out of Bank of America Settlement funds discussed below.

The Access to Justice Foundation received \$4,069,286 from the Bank of America Settlement. There is an additional \$416,000 from a 2015 Bank of America disbursement that has yet to be distributed. It appears they will make grants with these funds over five years, replacing the previous settlement money received from the Attorney General’s office that was depleted at the end of September. We have been receiving \$225,000 annually from this source over the past four years and will now receive **\$227,500**. We have been receiving 45% of the first round of settlement funds. That number is being adjusted to reflect the percent of poverty population served statewide, which is slightly less than 41%. We also have created a list of “impact projects” to submit to the foundation for possible funding and hope to receive around \$114,000 in 2017, \$228,000 in 2018 and 2019, and \$114,000 again in 2020. All of this is subject to Access to Justice Foundation final approval and could change. I attended a Foundation meeting regarding this subject by phone on November 21st.

As I stated previously, we will not receive any regular IOLTA funding in 2017 after receiving \$20,000 in 2016. We will, however, receive approximately **\$30,000** in funding from income on the original Bank of America Settlement.

The Access to Justice Foundation will also be providing us **\$11,418.86** in funds from the Campaign for Legal Aid.

We have received **\$47,000** in enhanced Victims of Crime Act funding to represent domestic violence survivors at Order of Protection hearings in Benton, Carroll, Madison and Washington Counties. This is in addition to **\$78,000** in VOCA funding received as a continuation grant, primarily to provide representation at Order of Protection hearings in 17 Delta counties.

Our Medical-Legal Partnership with CHI St. Vincent in Pulaski County now has a full-time attorney thanks to committed funding from St. Vincent's (\$30,000) and Georgetown University School of Law (\$20,000). The MOU with Georgetown and revised contract with CHI St. Vincent are attached.

We received word that Natural Wonders Partnership Council at Arkansas Children's Hospital will be giving us \$30,000 of innovation fund money to facilitate a statewide MLP network.

We continue to work on obtaining funding from ARcare to continue our Medical-Legal Partnership there in 2017. We are not optimistic that the Foundation will fund that position and as a result have left a position open that was in the Harrison office in case the ARcare attorney needs to be reoriented that direction at the end of 2016.

Staff Changes

Two VISTA members began service in November. **Briana Panos**, a graduate of the University of Arkansas with a degree in Political Science, will be focusing on volunteer recruitment. **Cody LaBarber**, a graduate of the University of Arkansas with a degree in Chemical Engineering, will focus on capacity building and coordination collaboration between legal aid providers in Arkansas. Both will be serving out of the Springdale office.

Rachel Pisors is working as a staff attorney in our Springdale office focused on serving survivors of Domestic Violence at Order of Protection hearings. She will also be assisting survivors on the Legal Aid HelpLine and at the Washington County Courthouse HelpDesk. She is fluent in Spanish and has an undergraduate degree from Oral Roberts University and her J.D. from the University of Arkansas.

Brittany Edwards is the staff attorney mentioned above working at the CHI St. Vincent MLP. She will be supported by our staff at Arkansas Children's Hospital. Her undergraduate degree is from Arkansas State University and she has a J.D. from Georgetown.

We have two new AmeriCorps attorneys. **Cathy Baker** will be focused on serving veterans out of our Springdale office. She did her undergraduate work at Arkansas Tech University and obtained her J.D. at the University of Arkansas, where she is currently enrolled in the LLM program. Ms. Baker replaces **Tara Schmutzler**, who left the AmeriCorps program after one day of service. **Ryan Hill** will be working on employment opportunity, primarily sealing criminal records, from our Jonesboro office. He attended Bowen School of Law after obtaining his undergraduate degree from the University of Arkansas.

Robert Ginnaven has resigned as a staff attorney in our Harrison office. After initially being a full-time staff attorney, he had moved to part-time in several months ago. This position is remaining open pending the final determination of 2017 funding.

A current office directory and organizational chart is attached.

Non-priority, non-emergency case types- None



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An Arkansas licensed attorney will respond, for free, at:

ar.freelegalanswers.org

Legal Aid of Arkansas
Case Statistical Report 1-1-16 to 11-4-16

| Legal Problem Code | A - Counsel and Advice | B - Limited Action (Brief Service) | F - Settlement w/out Litigation | G - Negotiated Settlement with Litigation | H - Administrative Agency Decision | IA - Uncontested Court Decision | | IB - Contested Court Decision | | L - Extensive Service | Totals |
|-------------------------------------------------------------|------------------------|------------------------------------|---------------------------------|-------------------------------------------|------------------------------------|---------------------------------|-------------------------------|-------------------------------|----------|-----------------------|--------|
| | | | | | | IA - Uncontested Court Decision | IB - Contested Court Decision | | | | |
| 01 Bankruptcy/Debtor Relief | 125 | 4 | 0 | 0 | 0 | 23 | 0 | 0 | 1 | 153 | |
| 02 Collect/Repo/Def/Garnsh | 160 | 32 | 4 | 10 | 0 | 10 | 12 | 0 | 5 | 233 | |
| 03 Contract/Warranties | 70 | 15 | 4 | 1 | 0 | 1 | 0 | 0 | 3 | 94 | |
| 04 Collection Practices / Creditor Harassment | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | |
| 05 Predatory Lending | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| 01-09 Practices (Not Mortgages) | | | | | | | | | | | |
| Consumer 9% | | | | | | | | | | | |
| 06 Loans/Installment Purchases (Not Collections) | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| 07 Public Utilities | 12 | 3 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 17 | |
| 08 Unfair and Deceptive Sales Practices (Not Real Property) | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | |
| 09 Other Consumer/Finance | 15 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | |
| | 393 | 59 | 11 | 11 | 1 | 34 | 12 | 0 | 9 | 530 | |
| 12 Discipline (Including Expulsion and Suspension) | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | |
| 13 Special Education/Learning Disabilities | 40 | 18 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 60 | |
| 14 Access (Including Bilingual, Residency, Testing) | 2 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | |
| 16 Student Financial Aid | 5 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | |
| 19 Other Education | 70 | 13 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 86 | |
| | 119 | 42 | 2 | 0 | 0 | 0 | 0 | 0 | 4 | 167 | |
| 21 Employment Discrimination | 18 | 3 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 22 | |
| 10-19 Education 2.8% | | | | | | | | | | | |

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|--------------------------------------------------|---------------------------------|------------------------------------------------|--------------------------------------------------------|-------------------------------------------------------|---------------------------------------------|------------------------------------------|---------------------------|----------------------------------------|----------|-----------------|-----------------------------|--------------|
| | | | | | | IA - Court Decision | IB - Court Decision | | | | | |
| 20-29 22 Wage Claims and Other FLSA Issues | 10 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 |
| Employment 3.3% | 1 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 9 |
| 23 EITC (Earned Income Tax Credit) | 20 | 12 | 48 | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 86 |
| 24 Taxes (Not EITC) | 38 | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 |
| 25 Employee Rights | 19 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 23 |
| 29 Other Employment | 106 | 21 | 57 | 7 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 193 |
| 30 Adoption | 16 | 2 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 1 | 23 |
| 31 Custody/Visitation | 367 | 13 | 0 | 8 | 0 | 3 | 8 | 0 | 0 | 0 | 7 | 406 |
| 32 Divorce/Sep./Annul. | 732 | 30 | 1 | 23 | 0 | 154 | 19 | 0 | 0 | 0 | 35 | 994 |
| 33 Adult Guardianship / Conservatorship | 118 | 8 | 0 | 1 | 0 | 33 | 1 | 0 | 0 | 0 | 0 | 161 |
| 34 Name Change | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| 30-39 Family 43.9% | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 3 |
| 35 Parental Rights Termination | 8 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 11 |
| 36 Paternity | 75 | 20 | 12 | 81 | 2 | 321 | 129 | 0 | 0 | 0 | 274 | 914 |
| 37 Domestic Abuse | 44 | 3 | 1 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 51 |
| 38 Support | 22 | 3 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 27 |
| 39 Other Family | 1,388 | 80 | 14 | 113 | 2 | 519 | 159 | 1 | 1 | 318 | 318 | 2,594 |
| 42 Neglected/Abused/Depende nt | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 |
| 40-49 Juvenile 5.7% | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| 43 Emancipation | 214 | 18 | 0 | 3 | 0 | 30 | 8 | 0 | 0 | 0 | 6 | 279 |
| 44 Minor Guardianship / Conservatorship | 36 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 37 |
| 49 Other Juvenile | 270 | 18 | 0 | 3 | 0 | 30 | 9 | 0 | 0 | 0 | 6 | 336 |
| 51 Medicaid | 67 | 45 | 0 | 0 | 29 | 0 | 0 | 0 | 0 | 0 | 1 | 142 |
| 52 Medicare | 13 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 |

Legal Aid of Arkansas
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|------------------------------------------------------------|------------------------|------------------------------------|--------------------------------------------|-------------------------------------------|------------------------------------|---------------------------------|----------|-------------------------------|----------|--------------|-----------------------|------------|
| | | | | | | Decision | Decision | Decision | Decision | | | |
| 54 Home and Community Based Care | 11 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 1 | 1 | 15 |
| 8% | | | | | | | | | | | | |
| 56 Long Term Health Care Facilities | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 57 State and Local Health | 44 | 18 | 0 | 0 | 213 | 0 | 1 | 0 | 0 | 0 | 3 | 279 |
| 59 Other Health | 16 | 4 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 22 |
| | 152 | 70 | 0 | 0 | 246 | 0 | 1 | 1 | 1 | 1 | 5 | 475 |
| 61 Federally Subsidized Housing | 32 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 |
| 62 Homeownership/Real Property (Not Foreclosure) | 67 | 9 | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 85 |
| 63 Private Landlord/Tenant | 359 | 24 | 4 | 11 | 0 | 2 | 4 | 0 | 0 | 0 | 3 | 407 |
| 64 Public Housing | 38 | 3 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 44 |
| 65 Mobile Homes | 4 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| 66 Housing Discrimination | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 7 |
| 67 Mortgage Foreclosures (Not Predatory Lending/Practices) | 36 | 5 | 3 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 46 |
| 68 Mortgage Predatory Lending/Practices | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 69 Other Housing | 31 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 36 |
| | 573 | 51 | 9 | 17 | 1 | 2 | 6 | 1 | 1 | 8 | 8 | 668 |
| 71 TANF | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 72 Social Security (Not SSDI) | 17 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 19 |
| 73 Food Stamps | 81 | 7 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 90 |
| 74 SSDI | 51 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 56 |
| 75 SSI | 160 | 5 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 1 | 176 |
| 6.5% | | | | | | | | | | | | |
| 76 Unemployment Compensation | 26 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 28 |
| 77 Veterans Benefits | 6 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 8 |

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|--------------------------------------------------------------------|---------------------------------|------------------------------------------------|--------------------------------------------------------|-------------------------------------------------------|---------------------------------------------|------------------------------------------|----------------------------------------|-----------------|-----------------------------|--------|
| | | | | | | | | | | |
| 79 Other Income | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| Maintenance | 347 | 16 | 0 | 0 | 17 | 0 | 0 | 1 | 2 | 383 |
| 81 | | | | | | | | | | |
| Immigration/Naturalization | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 80-89 Individual Rights | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| 84 Disability Rights | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 85 Civil Rights | 3 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 4 |
| 89 Other Individual Rights | 213 | 21 | 0 | 0 | 0 | 59 | 5 | 0 | 3 | 301 |
| | 220 | 22 | 0 | 0 | 0 | 59 | 6 | 0 | 3 | 310 |
| 91 Legal Assist. to Non-Profit Org. or Group (Incl. Incorp./Diss.) | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 93 Licenses (Drivers, Occupational, and Others) | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| 94 Torts | 10 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 11 |
| 95 Wills and Estates | 130 | 51 | 0 | 0 | 0 | 3 | 0 | 0 | 4 | 188 |
| 96 Advanced Directives/Powers of Attorney | 13 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 49 |
| 99 Other Miscellaneous | 3 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 6 |
| | 161 | 89 | 0 | 2 | 0 | 3 | 0 | 0 | 4 | 259 |
| Grant Total | 3,729 | 468 | 93 | 153 | 268 | 647 | 193 | 4 | 360 | 5,915 |
| Advice & Limited Services | 71% | | | | | | | | | |
| Extended Services | 29% | | | | | | | | | |

Legal Aid of Arkansas
Cases Closed by County 1-1-16 to 11-4-16

| | 01-09 | | 10-19 | | 20-29 | | 30-39 | | 40-49 | | 50-59 | | 60-69 | | 70-79 | | 80-89 | | Totals |
|--------------------|----------|-----------|-----------|------------|--------|----------|--------|---------|--------|-------------|------------|--------|-------|------|-------|------|--------|--|--------|
| | Consumer | Education | Education | Employment | Family | Juvenile | Health | Housing | Income | Maintenance | Individual | Rights | Misc | Misc | 90-99 | Misc | Totals | | |
| Washington | 120 | 6 | 61 | 303 | 38 | 184 | 158 | 40 | 50 | 39 | 999 | | | | | | | | |
| Benton | 64 | 2 | 30 | 268 | 31 | 48 | 79 | 25 | 11 | 25 | 583 | | | | | | | | |
| Craighead | 59 | 6 | 14 | 259 | 51 | 15 | 78 | 21 | 48 | 27 | 578 | | | | | | | | |
| Crittenden | 43 | 1 | 18 | 158 | 22 | 10 | 62 | 40 | 62 | 12 | 428 | | | | | | | | |
| Pulaski | 8 | 93 | 8 | 27 | 15 | 61 | 60 | 75 | 5 | 6 | 358 | | | | | | | | |
| Boone | 21 | 0 | 7 | 154 | 20 | 5 | 21 | 11 | 8 | 24 | 271 | | | | | | | | |
| Greene | 17 | 6 | 4 | 142 | 10 | 4 | 19 | 8 | 6 | 7 | 223 | | | | | | | | |
| Independence | 12 | 3 | 1 | 151 | 10 | 10 | 14 | 7 | 6 | 4 | 218 | | | | | | | | |
| Mississippi | 26 | 0 | 6 | 101 | 5 | 8 | 19 | 13 | 16 | 4 | 198 | | | | | | | | |
| Jackson | 13 | 1 | 6 | 104 | 7 | 9 | 14 | 13 | 11 | 11 | 189 | | | | | | | | |
| Outside of Service | | | | | | | | | | | | | | | | | | | |
| Area | 9 | 1 | 1 | 84 | 9 | 0 | 14 | 2 | 21 | 12 | 153 | | | | | | | | |
| Saint Francis | 13 | 0 | 8 | 62 | 9 | 3 | 10 | 15 | 20 | 8 | 148 | | | | | | | | |
| Poinsett | 6 | 0 | 2 | 76 | 14 | 3 | 14 | 3 | 5 | 5 | 128 | | | | | | | | |
| Sharp | 4 | 0 | 0 | 92 | 5 | 5 | 2 | 1 | 1 | 2 | 112 | | | | | | | | |
| Baxter | 16 | 0 | 1 | 46 | 6 | 1 | 13 | 8 | 2 | 15 | 108 | | | | | | | | |
| Phillips | 16 | 1 | 3 | 39 | 10 | 1 | 11 | 16 | 3 | 7 | 107 | | | | | | | | |
| Lawrence | 6 | 0 | 0 | 74 | 6 | 6 | 4 | 2 | 2 | 0 | 100 | | | | | | | | |
| Carroll | 15 | 0 | 2 | 29 | 6 | 16 | 10 | 5 | 1 | 7 | 91 | | | | | | | | |
| Clay | 4 | 0 | 0 | 58 | 3 | 1 | 1 | 2 | 0 | 4 | 73 | | | | | | | | |
| Randolph | 6 | 0 | 1 | 41 | 2 | 5 | 3 | 3 | 0 | 3 | 64 | | | | | | | | |
| Cross | 0 | 0 | 0 | 44 | 4 | 0 | 4 | 6 | 4 | 0 | 62 | | | | | | | | |
| Van Buren | 5 | 0 | 1 | 27 | 5 | 5 | 7 | 2 | 4 | 5 | 61 | | | | | | | | |
| Cleburne | 6 | 1 | 0 | 31 | 3 | 4 | 5 | 4 | 1 | 4 | 59 | | | | | | | | |
| Marion | 4 | 0 | 2 | 33 | 5 | 4 | 5 | 1 | 2 | 2 | 58 | | | | | | | | |
| Monroe | 3 | 2 | 0 | 20 | 3 | 8 | 3 | 5 | 1 | 9 | 54 | | | | | | | | |
| Lee | 8 | 0 | 0 | 13 | 3 | 3 | 4 | 5 | 9 | 2 | 47 | | | | | | | | |
| Madison | 5 | 0 | 0 | 23 | 4 | 3 | 3 | 2 | 4 | 3 | 47 | | | | | | | | |
| Searcy | 4 | 0 | 0 | 22 | 3 | 2 | 3 | 2 | 1 | 1 | 38 | | | | | | | | |
| White | 0 | 0 | 2 | 7 | 4 | 16 | 0 | 4 | 0 | 2 | 35 | | | | | | | | |
| Stone | 3 | 2 | 0 | 13 | 6 | 3 | 1 | 4 | 2 | 0 | 34 | | | | | | | | |

Legal Aid of Arkansas
Cases Closed by County 1-1-16 to 11-4-16

| | 01-09 | 10-19 | 20-29 | 30-39 | 40-49 | 50-59 | 60-69 | 70-79 | 80-89 | 90-99 | Totals |
|------------|----------|-----------|------------|--------|----------|--------|---------|--------------------|-------------------|-------|--------|
| | Consumer | Education | Employment | Family | Juvenile | Health | Housing | Income Maintenance | Individual Rights | Misc | |
| Jefferson | 1 | 16 | 1 | 6 | 0 | 0 | 3 | 4 | 0 | 0 | 31 |
| Woodruff | 0 | 0 | 2 | 13 | 2 | 4 | 3 | 5 | 1 | 1 | 31 |
| Izard | 5 | 0 | 0 | 13 | 2 | 1 | 5 | 1 | 0 | 0 | 27 |
| Newton | 3 | 0 | 0 | 15 | 1 | 1 | 5 | 0 | 0 | 2 | 27 |
| Arkansas | 2 | 2 | 0 | 12 | 3 | 0 | 1 | 1 | 1 | 1 | 23 |
| Saline | 0 | 3 | 1 | 3 | 0 | 8 | 3 | 3 | 1 | 0 | 22 |
| Lonoke | 0 | 4 | 1 | 4 | 1 | 6 | 1 | 1 | 0 | 1 | 19 |
| Fulton | 1 | 0 | 1 | 9 | 1 | 3 | 2 | 1 | 0 | 0 | 18 |
| Faulkner | 0 | 1 | 0 | 3 | 2 | 1 | 0 | 2 | 1 | 1 | 11 |
| Johnson | 0 | 5 | 0 | 0 | 1 | 2 | 0 | 2 | 0 | 1 | 11 |
| Sebastian | 1 | 2 | 1 | 4 | 0 | 1 | 0 | 2 | 0 | 0 | 11 |
| Crawford | 0 | 1 | 0 | 3 | 1 | 0 | 0 | 1 | 0 | 0 | 6 |
| Logan | 0 | 0 | 1 | 3 | 0 | 1 | 0 | 1 | 0 | 0 | 6 |
| Ouachita | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 4 | 0 | 0 | 5 |
| Pope | 1 | 0 | 2 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 5 |
| Chicot | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 2 | 0 | 0 | 4 |
| Grant | 0 | 0 | 1 | 0 | 0 | 2 | 0 | 1 | 0 | 0 | 4 |
| Hot Spring | 0 | 0 | 1 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 4 |
| Clark | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 3 |
| Bradley | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 2 |
| Calhoun | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 2 |
| Conway | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 2 |
| Desha | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Miller | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 |
| Union | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 |
| Ashley | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| Cleveland | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Drew | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Franklin | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Garland | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| Hempstead | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

Legal Aid of Arkansas
Cases Closed by County 1-1-16 to 11-4-16

| | 01-09 | 10-19 | 20-29 | 30-39 | 40-49 | 50-59 | 60-69 | 70-79 | 80-89 | 90-99 | Totals |
|-----------------|----------|-----------|------------|--------|----------|--------|---------|--------|------------|-------|--------|
| | Consumer | Education | Employment | Family | Juvenile | Health | Housing | Income | Individual | Misc | |
| | 01-09 | 10-19 | 20-29 | 30-39 | 40-49 | 50-59 | 60-69 | 70-79 | 80-89 | 90-99 | Totals |
| Lincoln | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| Not in Arkansas | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Perry | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| Polk | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Sevier | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| | 530 | 167 | 193 | 2,594 | 336 | 475 | 668 | 383 | 310 | 259 | 5,915 |

Order of Protection Cases
1/1/2016 to 11/7/2016

Legal Aid of Arkansas, Inc.

| | |
|-------------------------|------------|
| Craighead | 107 |
| Independence | 102 |
| Benton | 92 |
| Washington | 84 |
| Boone | 79 |
| Crittenden | 65 |
| Sharp | 58 |
| Greene | 57 |
| Jackson | 54 |
| Lawrence | 37 |
| Mississippi | 35 |
| Clay | 32 |
| Poinsett | 28 |
| Cross | 23 |
| Phillips | 20 |
| Saint Francis | 20 |
| Randolph | 13 |
| Baxter | 12 |
| Monroe | 7 |
| Outside of Service Area | 6 |
| Marion | 5 |
| Cleburne | 4 |
| Lee | 4 |
| Carroll | 3 |
| Madison | 3 |
| Searcy | 3 |
| Stone | 3 |
| Newton | 2 |
| Pulaski | 2 |
| Van Buren | 2 |
| White | 2 |
| Fulton | 1 |
| Saline | 1 |
| Woodruff | 1 |
| | 967 |

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

ETHEL JACOBS, by and through her
son and next friend Louis Welch

PLAINTIFF

v.

No. 3:16-cv-119-DPM

CINDY GILLESPIE, in her official
capacity as Director, Arkansas
Department of Human Services

DEFENDANT

ORDER

Pursuant to Federal Rule of Civil Procedure 65(d) and for the reasons stated on the record at the end of the combined bench trial and final injunction hearing on 28 October 2016, the Court converts its preliminary injunction, *No* 32, into this permanent injunction. The Court orders Director Cindy Gillespie (in her official capacity), the Arkansas Department of Human Services, and all involved DHS employees to maintain Ethel Jacobs's ARChoices benefits, and in particular her attendant care hours, at the 2015 amount. Jacobs's benefits may not be reduced unless and until DHS completes a new assessment and provides notice that satisfies the Due Process Clause and the Medicaid Act. The notice must be in plain and clear terms. The notice must explain why benefits are being reduced. The notice must be accompanied by a copy of the beneficiary's ARPath assessment. The notice

must explain the benefit reduction with specific references (as applicable) to the beneficiary's ARPath assessment, the beneficiary's Resource Utilization Group, and the ARChoices system, including the algorithm. The notice must be as specific as reasonably practicable about the beneficiary's health conditions and reduced benefits. Finally, the notice must alert the beneficiary about any applicable limitations on the presentation of evidence at any later hearing about the benefits decision.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

1 November 2016

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

ETHEL JACOBS, by and through her
son and next friend Louis Welch

PLAINTIFF

v.

No. 3:16-cv-119-DPM

CINDY GILLESPIE, in her official
capacity as Director, Arkansas
Department of Human Services

DEFENDANT

JUDGMENT

1. The Court held a combined bench trial on the merits and final hearing on the request for injunctive relief on October 26-28, 2016 in Helena. For the reasons stated from the bench at the end of the combined proceeding, the Court enters this Judgment on Ethel Jacobs's claims under the Due Process Clause and the Medicaid Act.

2. Cindy Gillespie, the Director of the Arkansas Department of Human Services, prevailed on Jacobs's ascertainable-standards claims; and those claims are dismissed with prejudice. Jacobs prevailed on her notice claims; and the Court enters judgment for Jacobs and against Director Gillespie, in her official capacity, on those claims. The Court has also entered a companion permanent injunction against Director Gillespie to grant complete relief to

Jacobs on the notice claims. Jacobs's hearing-related claims are dismissed without prejudice.

3. As the prevailing party, Jacobs is entitled to a reasonable attorney's fee and costs as allowed by law. FED. R. CIV. P. 54(d)(1); 28 U.S.C. § 1920. Any fee/costs motion is due by 18 November 2016.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

1 November 2016

Federal Judge Orders DHS to Stop Benefit Cuts

TOLL FREE
1-800-967-9224

TELEPHONE/FAX
1-870-972-9224

HELPLINE
1-800-952-9243

www.arlegalaid.org

Arkansas Children's Hospital
1 Children's Way, Slot 695
Little Rock, AR 72202-3500
501-978-6479 – Fax

Harrison
205 West Stephenson
Harrison, AR 72601

Helena-West Helena
622 Pecan
Helena, AR 72342

Jonesboro
714 South Main Street
Jonesboro, AR 72401

Newport
202 Walnut Street
Newport, AR 72112

Springdale
1200 Henryetta
Springdale, AR 72762

West Memphis
310 Mid Continent Plaza
Suite 420
West Memphis, AR 72301

HELENA, Ark. – After months of uncertainty, more than 7,000 elderly and disabled Arkansans can rest easier in their own homes. Federal Judge D. Price Marshall ruled that the in-home care hours that allow them to avoid institutionalization cannot be arbitrarily cut. Judge Marshall ruled that the Arkansas Department of Human Services did not provide adequate notice about changes in the ways hours of care were determined.

Starting January 1, 2016 DHS introduced a new system for setting the number of hours program participants get in the ARChoices program, moving from a method based on nurse discretion to one based on computer algorithms.

Under the new system, plaintiff Ethel Jacobs of West Helena, 90, who has advanced dementia, is bed-ridden and uses a feeding tube, had her care cut from 46 to 35 hours per week. The hours allow aides to bathe, clean, dress, feed her and take care of her other needs while her son works during the day. Jacobs is part of the 47% of ARChoices program participants who had their hours cut under the new system.

Legal Aid of Arkansas filed a lawsuit on behalf of Jacobs and after a three-day trial, Judge Marshall ruled that DHS must restore Jacobs' hours until and unless it explains in writing the specific reasons for the changes.

Although the ruling only applied to this specific case, DHS promised on the record that the agency will fix the problem system-wide. Once ARChoices clients have the missing information, they will know what specifically they must prove to keep their hours in case DHS decides to cut them.

During the trial, Dr. Brant Fries of the University of Michigan, the inventor of the algorithms, found that the software DHS uses to sort program participants into groups is faulty. The software mistakenly placed Jacobs into a category less severe than what she actually should have been placed into.

This is not the first time DHS has had problems with software relating to the assessment system for programs like ARChoices. The agency came under scrutiny from legislators in 2015 for payments made to CH Mack for similar software that did not work.

The ruling ensures that all recipients of ARChoices will know why DHS is reducing their hours so that the cuts can be challenged when appropriate. Any ARChoices participants with questions should call the Legal Aid of Arkansas Helpline at [\(800\) 952-9243](tel:8009529243) on Monday through Thursday from 9 to 11 a.m. and 1 to 3 p.m.

Press inquiries should be directed to Attorney Kevin De Liban at (870) 972-9224 ext. 2206 (office) or [\(901\) 834-0436](tel:9018340436) (cell).

Legal Aid of Arkansas is the frontline non-profit law firm for economically disadvantaged people in North and East Arkansas. It provides legal representation and assistance in civil legal matters from offices in Harrison, Helena, Jonesboro, Newport, Springdale and West Memphis.

Judge: Medicaid cuts inadequately explained

October 29, 2016 Arkansas Democrat-Gazette

Arkansas can't reduce a Helena-West Helena woman's Medicaid benefits until it issues an adequate notice explaining why it plans to do so, a federal judge ruled Friday.

The ruling by U.S. District Judge D. Price Marshall Jr. came after a three-day trial in the Phillips County city over a lawsuit by Jonesboro-based Legal Aid of Arkansas on behalf of 90-year-old Ethel Jacobs, who has Alzheimer's disease.

The lawsuit contends that the state Department of Human Services' use of an assessment tool known as the ArPath has resulted in arbitrary reductions and terminations of home-based Medicaid services for the elderly and disabled.

The department has used the tool since 2013 to determine recipients' eligibility for home-based services, and since January to determine the number of hours of service a recipient can receive.

Through early May, about 47 percent of the 2,600 Medicaid recipients who had been assessed had their hours reduced, according to a court filing by Jacobs' attorney, Kevin De Liban.

Forty-four percent had their hours increased, and the hours for 9 percent didn't change.

De Liban said Marshall ruled Friday that the notice Jacobs received in February didn't contain enough information about how her assessment led to her eligibility for home-based services being reduced from 45 hours per week to 35 hours per week.

A professor with the University of Michigan also testified that a computer program used by the Human Services Department had erred in how it classified Jacobs using the assessment results, De Liban said.

If the classification system had been correctly applied, Jacobs would have continued to be eligible for about 45 hours per week of services, he said.

Marshall found that the lack of information in the notices violated Jacobs' right to due process under the U.S. Constitution and federal Medicaid law and ordered the department to issue a notice containing more information, De Liban said.

Human Services Department spokesman Amy Webb said the department "will look at all options moving forward" in deciding how to respond to the ruling.

A victory for in-home care of elderly, disabled

 arktimes.com/ArkansasBlog/archives/2016/11/01/a-victory-for-in-home-care-of-elderly-disabled

Max Brantley

click to enlarge

Legal Aid of Arkansas is cheering a recent ruling by **federal Judge Price Marshall** that it says will protect in-home care, as opposed to institutionalization, for some 7,000 elderly and disabled people.



Jan. 1, the state **Department of Human Services** began a new system for setting the number of hours of service provided in the **ARChoices** program. Hours were to be determined by a computer algorithm rather than nurse discretion.

In a case tried in Helena-West Helena, lawyers for **Ethel Jacobs**, 90, argued against the cut of her services from 46 to 35 hours a week. The hours cover aides who bathe, clean, dress, feed and care for Jacobs, who has advanced dementia, is bed-ridden and uses a feeding tube, while her son works. She was among 47 percent of program participants who had hours cut.

After a trial, Legal Aid said in a release, Judge Marshall ruled that Jacobs' hours must be restored until it explains in writing specific reasons for the changes.

Legal Aid said the ruling applied specifically only to Jacobs, but it said DHS had promised to fix the system. Clients will know, if given more information, what they must demonstrate to keep existing hours of care.

Said Legal Aid:

During the trial, Dr. Brant Fries of the University of Michigan, the inventor of the algorithms, found that the software DHS uses to sort program participants into groups is faulty. The software mistakenly placed Jacobs into a category less severe than what she actually should have been placed into.

This is not the first time DHS has had problems with software relating to the assessment system for programs like ARChoices. The agency came under scrutiny from legislators in 2015 for payments made to CH Mack for similar software that did not work.

Participants in the program who have questions can call Legal Aid of Arkansas at 800-952-9243 on Monday through Thursday from 9 to 11 a.m. and 1 to 3 p.m.

DHS to make changes to ARChoices after court ruling

JS jonesborosun.com/news/news.php

By Jeff Bricker, Sun Staff Writer, jbricker@jonesborosun.com

JONESBORO — Attorney Kevin De Liban won his federal lawsuit against the Arkansas State Department of Human Services last week, even though the final result wasn't everything he had been seeking.

U.S. Judge D.P. Marshall ruled that DHS had not been providing adequate explanations to Arkansans whose service hours under the ARChoices program have been reduced. However, De Liban was pushing for the court to mandate a more sweeping solution to what he views as a multitude of problems with the program.

In January 2016, DHS introduced a new system for setting the number of hours program participants get in the ARChoices program, moving from a method based on nurse discretion to one based on computer algorithms. Since the implementation of the new assessment, 47 percent of program participants have seen a reduction in service hours.

These allocated hours are used by program participants for home health care needs including nursing, bathing, meal preparation and other essential tasks of everyday life. De Liban's client, Ethel Jacobs, is 90 and suffers from advanced dementia. She's bedridden and uses a feeding tube. Nevertheless, when a DHS nurse came to administer the new assessment to Jacobs earlier this year, her services hours were reduced from 46 to 35 per week.

Marshall ruled that DHS had not properly explained the reasoning behind the reduction of hours for Jacobs and ordered her benefits to be restored immediately to 46 hours per week. However, De Liban was hoping the court would agree that the problems with the assessment are systemic and order DHS to make more universal changes.

"What the judge ruled was pertaining strictly to Ms. Jacobs, but he committed the agency (DHS) in July and again on the record on Friday to apply the changes systemwide," De Liban said.

"What it means essentially is more fairness in the process for beneficiaries," De Liban added. "So up to this point folks haven't known why they've gotten reduced in hours. They didn't know there was a new system in place, and they also didn't know what the new system said about them."

De Liban said with the recent ruling DHS will have to provide an explanation to program beneficiaries when they are receiving a reduction in service hours. These explanations must be detailed with specific medical circumstances that justify the decision, not simply a numeric score on an assessment.

The trial

Marshall pointed out that participants who experience a decrease in allocated hours still have an administrative appeal to exercise.

After the ruling, DHS defended the continued use of the assessment as a necessity.

"Using independent assessments are important as an objective means to ensure clients receive services designed to meet their unique needs," said Craig Cloud, Division of Aging and Adult Services director.

During the trial, the plaintiff called Dr. Brandt Fries as an expert witness. Fries is research professor for the Institute of Gerontology at the University of Michigan. He developed the algorithm used in software purchased by DHS to administer the assessment tool.

Fries was asked by De Liban to use his own formula to manually score Jacob's most recent assessment responses. Fries reached a dramatically different conclusion than that derived when DHS administered the assessment.

According to the trial transcript, Fries told the court it was his opinion that the problem was found in the software and not his algorithm, which was originally developed to assist Medicaid in evaluating nursing home patients. It was a mistake that had significant effects, Fries said, but one that should be able to be corrected by the state's software vendor.

Understanding the tool

De Liban said Fries' testimony was necessary to demonstrate to the court the lack of understanding DHS has over the tool they are administering.

"We had the division director, Craig Cloud of the Division of Aging Services and the assistant director, Stephanie Blocker, testify that they couldn't explain the algorithm," De Liban said. "And that they couldn't identify anybody within the DHS organization that could explain the algorithm. So if they can't even explain it internally, they're not going to be in a position to explain it to the clients who depend on it."

De Liban said this revelation from the trial cannot be overstated.

"If I were a client of this program, I would be horrified that the state started a whole new program without understanding how it works," De Liban said.

DHS said during the trial that Fries testified that "it's likely only a small number of individuals will be affected" by the "translation" error between the algorithm and the software.

"The judge determined the ARPath tool is appropriate, fair and objective when used to determine eligibility for the program and assignment of service hours, and it is permissible and valid for DHS to use this tool for the ARChoices program," a statement noted.

Exclusive Right-to-Sell/Lease Agreement (Commercial)



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FORM SERIAL NUMBER: 077589-700147-6996431

1. **AUTHORITY:** In consideration of the services of First Delta Realty (by and through the Principal Broker or agent thereof assigned by Listing Firm) (hereafter collectively called "Listing Firm") and efforts on its part and at its expense while acting as agent for the real property described in Paragraph 2 hereof (the "Property"), and Legal Services of Northeast Arkansas being the sole owner(s) of the Property (hereafter called "Seller"), agree that Listing Firm shall have the exclusive right to assist in the possible sale, exchange, lease, rental (check all that apply) of the Property for the Listing Period described in Paragraph 4. Seller does hereby certify and represent that Seller has peaceable possession of the Property, including all improvements and fixtures thereon, and the legal authority and capacity to convey the Property by a good and sufficient general warranty deed if sale or exchange or enter into a Lease or Rental Agreement in the case of lease or rental.

2. **ADDRESS AND LEGAL DESCRIPTION OF THE PROPERTY:**

402 Franklin St Helena, AR 72342
PT 305 Old Helena Lot 305
Phillips County Parcel# 704-00633-000

3. **OFFERING:** Seller agrees to refer to Listing Firm all offers and inquiries received directly by Seller regarding the Property during the term of this Exclusive Right-to-Sell/Lease Agreement. Listing Firm agrees to use reasonable effort to solicit offers for the Property as follows:

A. Gross Selling Price: \$ 25,000.00 and terms of As-Is

B. Lease or Rental Rate \$ _____ and terms of _____

Listing Firm will present for Seller's consideration any offer to purchase, lease or rent the Property regardless of choice in Paragraph 10.

4. **LISTING PERIOD:** This listing begins at 12:01 a.m. on (month) October (day) 20, (year) 2016, and expires at 11:59 p.m. on (month) October (day) 20, (year) 2017, unless extended by mutual written agreement of Seller and Listing Firm (the "Listing Period"). April 30, 2017 WXR

5. **CONVEYANCE:** In case of sale or exchange or unless otherwise specified, conveyance of the Property shall be made to any person (hereinafter called "Buyer") submitting an offer that is accepted by Seller and such conveyance shall be made as directed by Buyer, in fee simple absolute by warranty deed. **Unless expressly reserved herein, Listing Firm may represent to the public that the Property is to be sold inclusive of all mineral rights owned by Seller** concerning the Property, if any. Seller warrants and represents to Listing Firm and authorizes Listing Firm to inform prospective buyers that only the signatures set forth below are required to transfer legal title to the Property.

In the case the Property shall be leased or rented to any person (hereinafter called "Tenant") or the property shall be sold or exchanged to any person (hereinafter called "Buyer") submitting an offer that is accepted by Seller, such conveyance shall be made by Seller to Buyer or Tenant (as directed by Buyer or Tenant). A conveyance to Buyer shall be made in fee simple absolute by warranty deed. Unless expressly reserved herein, Listing Firm may represent to the public that the Property is to be sold inclusive of mineral rights owned by Seller concerning the Property, if any. Seller warrants and represents to Listing Firm and authorizes Listing Firm to inform prospective tenant or buyer that only the signatures set forth below are required to lease, rent or convey the property.

6. **ABSTRACT OR TITLE INSURANCE:** In case of sale or exchange, Seller has legal ability to furnish Buyer evidence of good merchantable title by: (i) current and complete abstract of title or (ii) title insurance in the amount of any agreed-upon purchase price.

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Exclusive Right-to-Sell/Lease Agreement (Commercial)



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FORM SERIAL NUMBER: 077589-700147-6996431

7. LISTING FIRM'S FEE: Regardless of the scope of the listing as set forth in Paragraph 1 of this Exclusive Right-to-Sell/Lease Agreement, if said Property is sold, exchanged, leased, rented or otherwise disposed of by Listing Firm or any other person, association, corporation or by Seller during the Listing Period of this Exclusive Right-to-Sell/Lease Agreement, whether on terms set forth in this Exclusive Right-to-Sell/Lease Agreement or on other terms acceptable to Seller, Seller agrees to pay Listing Firm a professional fee of either:

- A. _____ percent (_____ %) of the gross amount of any accepted Real Estate Contract or value of any property exchanged for the Property plus \$ _____ for professional services rendered; or
- B. as specified on Exhibit _____ or in Paragraph 17 ("Special Conditions") of this Exclusive Right-to-Sell/Lease Agreement, based on the gross amount of the sale or of the value at which it may be exchanged for other Property or on the rate at which the Property may be leased or rented for professional services rendered.

If co-brokerage applies, said fee shall be divided:

- (i) _____ % of the Purchase Price plus \$ _____ to Listing Firm and _____ % of the Purchase Price to Selling Firm.
- (ii) Other: ***First Delta Realty fee for service to be \$2,500.***

In consideration for Seller's promise contained within this Paragraph 7, Listing Firm promises to Seller that it will use reasonable effort to market the property and obtain an offer to purchase, lease or rent (whichever applies) the Property with terms and conditions acceptable to Seller, provide additional marketing services as deemed appropriate by Listing Firm and coordinate the closing. Seller agrees that Listing Firm is not required to investigate the financial or other ability of a prospective buyer or tenant to consummate any proposed or accepted Real Estate Contract, Lease or Rental Agreement. Seller will not owe a fee to Listing Firm if a buyer or tenant does not meet all the conditions of the Real Estate Contract, Lease or Rental Agreement and is not contractually obligated to close.

8. EXPIRED LISTING CONDITIONS: Seller agrees to pay the professional fee set forth in Paragraph 7 to Listing Firm if the Property is sold, leased, rented or otherwise disposed of:

- A. during the Listing Period, as defined in Paragraph 4;
- B. during a period of 30 days (the "Post-Term Period") after the Listing Period when information given by or obtained through Listing Firm during the Listing Period resulted in or contributed in any manner to the sale, disposal, lease or rental of the Property, regardless of procuring cause; or
- C. at any time after expiration or termination of this Exclusive Right-to-Sell/Lease Agreement (including termination by Listing Firm as specified in Paragraph 9 below) when information obtained through Listing Firm during the Listing Period was the procuring cause of the sale, disposal, lease or rental of the Property.

However, if Seller employs another real estate firm as exclusive agent for marketing the Property after expiration of this Exclusive Right-to-Sell/Lease Agreement, Seller shall pay only one professional fee, and that to the currently employed real estate firm.

9. CANCELLATION: Seller may cancel this Exclusive Right-to-Sell/Lease Agreement prior to its expiration date without in any manner affecting the indemnities provided by Paragraph 16 and the provisions of Paragraph 8. Such cancellation will be effective only after: 1) Seller has provided written notice to Listing Firm, sent by United States certified mail, return receipt required, and 2) Seven (7) calendar days have elapsed since such written notice was received by Listing Firm. Upon the effective date of cancellation, Seller shall be liable to Listing Firm for a cancellation fee equal to:

- A. the same fee as though a transaction were accomplished upon the authorized terms.
- B. the liquidated sum of \$500.00 it being agreed by Seller and Listing Firm the liquidated sum is not a penalty and is agreed to because damages incurred by Listing Firm resulting from cancellation by Seller will be difficult to ascertain, and the amount set forth in the blank (even if \$0) shall be in addition to and not a limitation of the sums due Listing Firm pursuant to Paragraph 8 (Expired Listing Conditions) of this Exclusive Right-to-Sell/Lease Agreement. Listing Firm may cancel this Exclusive Right-to-Sell/Lease Agreement at any time, with or without cause, by providing written notice to Seller. In the event of cancellation by Listing Firm, Seller shall not be responsible for compensation to Listing Firm unless (i) Seller shall have breached the terms of this Exclusive Right-to-Sell/Lease Agreement or (ii) Listing Firm is entitled to compensation pursuant to Paragraphs 7 and 8.
- C. _____ percent (_____ %) of the Offering Price set forth in Paragraph 3.

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Exclusive Right-to-Sell/Lease Agreement (Commercial)



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Page 3 of 6

FORM SERIAL NUMBER: 077589-700147-6996431

10. TYPES OF AGENCY: Seller fully understands the agency options available below and agrees that Listing Firm will be the agent of Seller and will market the Property utilizing the agency options selected below. However, Listing Firm will present to Seller all offers received regardless of agency options selected.

In addition to Listing Firm marketing the Property to prospective buyers or tenants, Seller chooses to allow Listing Firm to use the following options (Choose as many options as desired to market Property):

- A. SUBAGENCY:** Seller hereby authorizes Listing Firm to offer Subagency to real estate licensees other than Listing Firm and acknowledges that Seller may be responsible for the actions of Listing Firm and any subagents who accept the offer of Subagency. Listing Firm will provide disclosures and information about the Property necessary to assist Listing Firm and any subagents in performing their duties and responsibilities to Seller. Seller authorizes Listing Firm to pay from Listing Firm's fee agreed upon in Paragraph 7 a share deemed competitive. Listing Firm's policy having been explained to and hereby acknowledged by Seller.

NOTE: Seller understands if Subagency is the only option selected any prospective buyers or tenants represented by Listing Firm will not be shown the Property. Seller further understands that real estate licensees other than Listing Firm may forego presenting the Property to their clients.

- B. BUYER OR TENANT AGENCY:** Seller acknowledges Listing Firm is employed by Seller and Selling Firm is employed by Buyer or Tenant. All licensees associated with Selling Firm are employed by, represent, and are responsible to Buyer or Tenant. Seller authorizes Listing Firm to make payment as authorized in Paragraph 7.

- C. AGENT REPRESENTS BOTH:** Seller hereby consents that Listing Firm may represent both Buyer or Tenant and Seller. Should Listing Firm represent both Seller and Buyer or Tenant, Seller agrees to the following:

- (i) Listing/Selling Firm shall not be required to and shall not disclose to either Buyer or Tenant or Seller any personal, financial or other confidential information concerning the other party without the express written consent of that party; however, Seller agrees Listing/Selling Firm shall disclose to Buyer or Tenant information known to Listing/Selling Firm related to defects in the Property and such information shall not be deemed "confidential information." Confidential information shall include but not be limited to any price Seller is willing to accept that is less than the Offering Price or any price Buyer or Tenant is willing to pay that is higher than that offered in writing.
- (ii) By selecting this option 10C, Seller acknowledges that when Listing Firm represents both Seller and Buyer or Tenant, a possible conflict of interest exists, and Seller agrees to waive and forfeit individual rights to receive the undivided loyalty of Listing Firm.
- (iii) Any claim now or hereafter arising out of any conflicts of interest from Listing Firm's representation of both Seller and Buyer or Tenant is waived.

11. EARNEST MONEY: In case of sale or exchange, Seller authorizes and instructs Listing Firm to accept and deposit in Listing Firm's trust account all Earnest Money received. Should a deposit of Earnest Money be forfeited, the money shall be divided as follows: Payment shall first be made of all direct expenses incurred in connection with the contemplated transaction, and the balance shall be divided one-half to Listing Firm and one-half to Seller, but in no event shall Listing Firm receive an amount in excess of the fee that would have been received if the sale had been consummated. If a dispute between Seller and any other person or entity arises concerning the Earnest Money, Seller authorizes Listing Firm to interplead the disputed Earnest Money in a court of law or to an arbitrator and to have Listing Firm's costs and attorney's fees paid from the funds entered for interpleading. Seller acknowledges and understands that Listing Firm is not responsible for obtaining good funds regarding Earnest Money tendered by prospective or actual buyers.

12. FAIR HOUSING: Seller agrees Listing Firm will market the Property to all interested persons without regard to race, color, religion, sex, national origin, handicap, familial status or sexual orientation. Additionally, Seller agrees that Listing Firm and Seller must comply with all state and federal laws while performing this Exclusive Right-to-Sell/Lease Agreement.

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Exclusive Right-to-Sell/Lease Agreement (Commercial)



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FORM SERIAL NUMBER: 077589-700147-6996431

13. MULTI-LIST SERVICE AND INTERNET: Seller warrants, represents and authorizes Listing Firm to offer the Property in a multi-list or co-op brokerage, subject to the options selected in Paragraph 10, and comply with all rules and regulations associated with multi-list or co-op brokerage.

(Choose Option A or B)

- A. Seller elects to allow the transfer of Property information to other Internet websites to be displayed on the Internet.
- Seller elects to allow the address of the Property to be displayed on these Internet websites
 - Seller elects to allow the Property to have an auto valuation on these Internet websites.
 - Seller elects to allow written comments or reviews (blogging) when the Property is displayed on these Internet websites.

(If checking A, check all above that apply.)

- B. Seller elects NOT to allow the transfer of Property information to other Internet websites. Seller understands and acknowledges that consumers who conduct searches for listings on the Internet may not see information about the Property in response to their search.

14. SELLER WARRANTY, REPRESENTATION AND AUTHORIZATION: Seller warrants and represents to Listing Firm that no other exclusive representation or exclusive agency agreement is in force. Seller understands that if the warranty representation contained herein is not true, Seller is strongly encouraged to seek legal advice concerning the possibility of liability for two or more professional fees before signing this Exclusive Right-to-Sell/Lease Agreement. Unless otherwise specified, Seller warrants, represents and authorizes Listing Firm to take the following actions as deemed appropriate by Listing Firm:

- A. divulge, with Seller's approval, the existence of offers on the Property in response to inquiries from potential buyers, tenants, renters or cooperating brokers;
- B. display an offering sign;
- C. use a key for entry when appropriate;
- D. acquire all complete loan, utility, and other financial information reasonably necessary to market the Property;
- E. add or change descriptive information when necessary to market the Property;
- F. use reasonable effort to distribute any disclosure form provided to all prospective buyers in the case of sale or exchange unless contrary wishes are conveyed to Listing Firm by a prospective buyer;
- G. use reasonable effort to discover other information that has a material effect on the value or desirability of the Property (Seller agrees that any disclosure form, if provided, contains all information that has a material effect on the value or desirability of the Property to Seller's knowledge);
- H. advertise the Property when Listing Firm believes it is advantageous in marketing the Property;
- I. photograph, videotape or reproduce the image of the interior and exterior of all Property described herein by any prospective buyer or tenant (including those produced by subagents or agents representing a person or entity other than Seller);
- J. engage, at no cost to Seller, the services of a centralized appointment scheduling service to contact Seller for the purpose of scheduling appointments to view the Property to assist Listing Firm (and subagents thereof) and agents for persons interested in viewing the Property. Seller acknowledges such service will not be performed by licensed real estate agents or persons licensed with or employed by Listing Firm.

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Exclusive Right-to-Sell/Lease Agreement (Commercial)



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FORM SERIAL NUMBER: 077589-700147-6996431

15. SELLER'S STATEMENT: In the case of sale or exchange, Seller warrants that all information furnished to Listing Firm concerning the Property, including without limitation the information set forth in any disclosure form that may be attached hereto and incorporated herein, is complete and accurate to Seller's knowledge and that no material facts have been withheld from Listing Firm. Unless a potential buyer desires not to obtain a copy of a disclosure form (as evidenced by an oral statement or in a Real Estate Contract), Listing Firm is authorized to use reasonable effort to disclose to any member of the public interested in the Property any disclosure form that may be attached hereto, or any other material information known or made known to Listing Firm about the Property, including without limitation any defects relating to the Property. Seller agrees to defend, indemnify, save and hold Listing Firm harmless from all liability or claims arising from Seller's incorrect or undisclosed information. Seller agrees to notify Buyer and Listing Firm in writing of any changes in any disclosure form or otherwise concerning the Property that become known to Seller.

16. LIMITATION OF RESPONSIBILITY: Listing Firm shall not be responsible for the maintenance, repair or condition of the Property or for damage of any nature affecting the Property, unless such responsibility is assumed by Listing Firm by separate agreement. Seller hereby covenants and agrees to indemnify Listing Firm and hold Listing Firm harmless from any and all liability, obligations or demands made by third parties against Listing Firm as a result of Listing Firm's marketing of the Property, including but not limited to damage or injury to Property or persons and reasonable attorney's fees. Listing Firm encourages Seller to maintain insurance coverage to adequately protect the Property and those individuals who may be on the Property. Seller understands Listing Firm does not insure Seller's Property in any way.

17. SPECIAL CONDITIONS:

Sell subject to final approval by the
Legal Services Corporation, 3333 K Street, NW,
Washington, DC 20007

18. GOVERNING LAW: This Exclusive Right-to-Sell Agreement shall be governed by the laws of the State of Arkansas

19. SEVERABILITY: The invalidity or unenforceability of any provisions of this Exclusive Right-to-Sell Agreement shall not affect the validity or enforceability of any other provision of this Exclusive Right-to-Sell Agreement, which shall remain in full force and effect

20. MERGER CLAUSE: This Exclusive Right-to-Sell Agreement, when executed by both Listing Firm and Seller, shall contain the entire understanding and agreement between Listing Firm and Seller with respect to all matters referred to herein and shall supersede all prior or contemporaneous agreements, representations, discussions and understandings, oral or written, with respect to such matters.

21. ATTORNEY'S FEES: Should Listing Firm or Seller initiate any type of administrative proceeding, arbitration, mediation or litigation against the other (or against an agent for the initiating party or agent for the non-initiating party), it is agreed by Listing Firm and Seller (aforementioned agents being third-party beneficiaries of this Paragraph 21) that all prevailing parties shall be entitled to an award of all costs and attorney's fees incurred in defense of such initiated action against the non-prevailing party.

22. ENTIRE AGREEMENT, MODIFICATION LIMITED: This Exclusive Right-to-Sell/Lease Agreement constitutes the entire agreement concerning the subject matter hereof between Seller and Listing Firm and supersedes any previous oral or written agreement or understanding concerning the Property. This Exclusive Right-to-Sell/Lease Agreement may not be modified except in writing executed by both Seller and Listing Firm. Any contract entered into by Seller and Buyer or Tenant shall not affect this Exclusive Right-to-Sell/Lease Agreement.

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Exclusive Right-to-Sell/Lease Agreement (Commercial)



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23. TIME: Seller and Listing Firm agree time is of the essence with regard to all times and dates set forth in this Exclusive Right-to-Sell Agreement. Unless otherwise specified, days as it appears in this Exclusive Right-to-Sell/Lease Agreement shall mean calendar days. Further, all times and dates set forth in this Exclusive Right-to-Sell Agreement refer to Arkansas Central time and date.

24. COUNTERPARTS: This Exclusive Right-to-Sell/Lease Agreement may be executed in multiple counterparts each of which shall be regarded as an original hereof but all of which together shall constitute one in the same.

THIS IS A LEGALLY BINDING ADDENDUM WHEN SIGNED BY THE PARTIES BELOW. READ IT CAREFULLY. YOU MAY EMPLOY AN ATTORNEY TO DRAFT THIS FORM FOR YOU. IF YOU DO NOT UNDERSTAND THE EFFECT OF ANY PART, CONSULT YOUR ATTORNEY BEFORE SIGNING. REAL ESTATE AGENTS CANNOT GIVE YOU LEGAL ADVICE. THE PARTIES SIGNED BELOW WAIVE THEIR RIGHT TO HAVE AN ATTORNEY DRAFT THIS FORM AND HAVE AUTHORIZED THE REAL ESTATE AGENT(S) TO FILL IN THE BLANKS ON THIS FORM.

THIS FORM IS PRODUCED AND COPYRIGHTED BY THE ARKANSAS REALTORS' ASSOCIATION. THE SERIAL NUMBER BELOW IS A UNIQUE NUMBER NOT USED ON ANY OTHER FORM. THE SERIAL NUMBER BELOW SHOULD BE AN ORIGINAL PRINTING, NOT MACHINE COPIED, OTHERWISE THE FORM MAY HAVE BEEN ALTERED. DO NOT SIGN THIS FORM IF IT WAS PREPARED AFTER DECEMBER 31, 2016.

FORM SERIAL NUMBER: 077589-700147-6996431

The above Exclusive Right-to-Sell/Lease Agreement is executed on
(month) October (day) 23 (year) 2016 at 4:52 (a.m.) (p.m.)

Listing Firm First Delta Realty
Signature [Signature]

Printed Name Jack L. Poff
Principal or Executive Broker

Signature [Signature]

Printed Name Jack L. Poff, Jr.
Assigned Agent

Signature [Signature]

Printed Name Lee Richardson
Seller

Signature _____

Printed Name _____
Seller

714 South Main
Seller's Address

Jonesboro, AR 72401
City, State Zip

870-972-9224 ext. 6305
Seller's Phone

lrichardson@arlegalaid.org
Seller's e-mail Address

Seller's e-mail Address

Page 6 of 6

Lead-Based Paint Disclosure (Sales)



Page 1 of 2

DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS DISCLOSURE FOR TARGET HOUSING SALES LEAD WARNING STATEMENT

Address of Property 402 Franklin St. Helena AR 72342

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Seller's Disclosure (initial)

AR (a) Presence of lead-based paint and/or lead-based paint hazards (check one below):

Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

AR (b) Records and reports available to the Seller (check one below):

Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Agent's Acknowledgement (initial)

[Signature] Agent has informed the Seller of the Seller's obligations under 42 S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

Lee Richardson
Seller

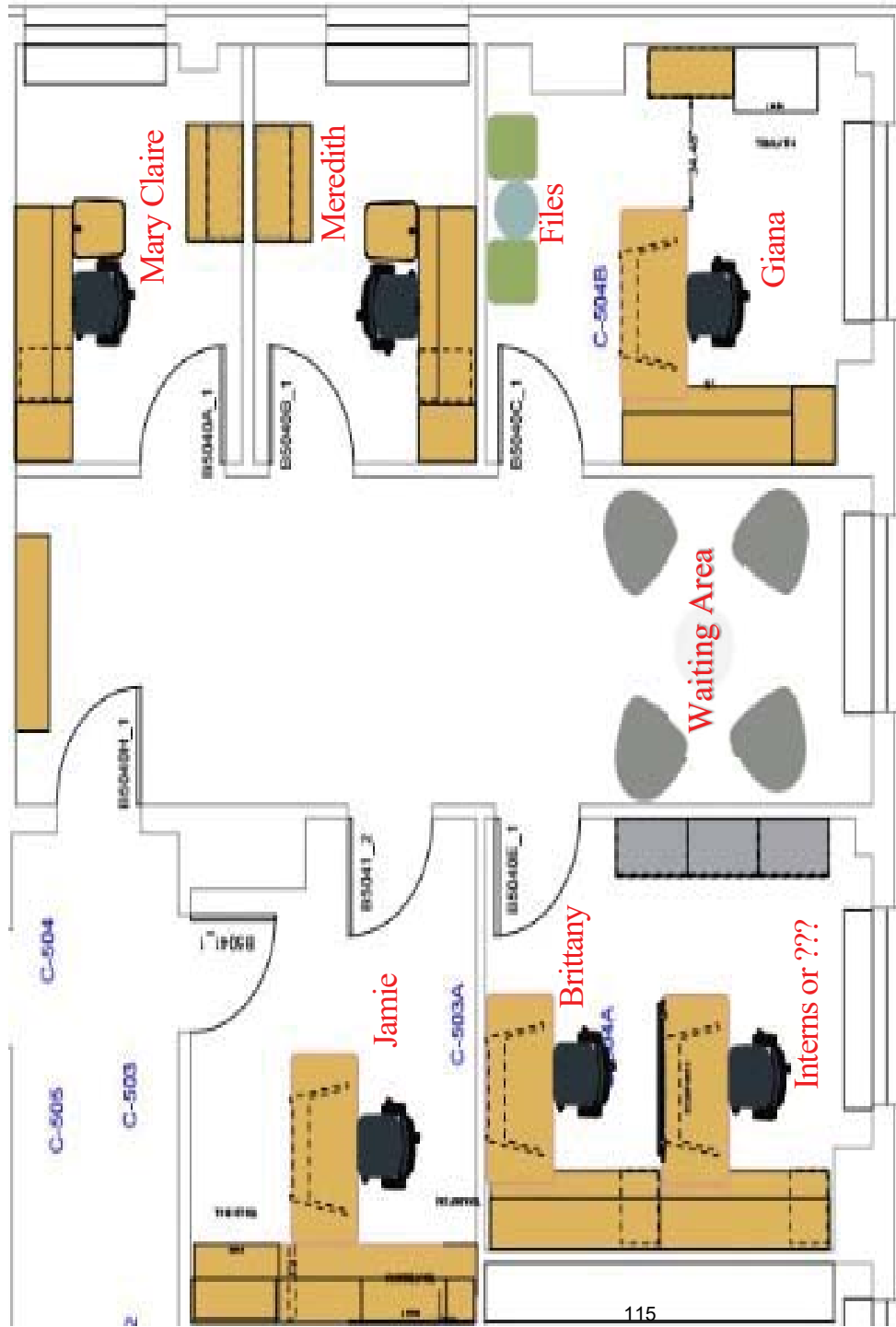
10/23/2016
Date

[Signature]
Seller
Listing Agent

10/24/16
Date

Page 1 of 2

NEW OFFICE SPACE – FIVE OFFICES ONLY 11-2016



2016 Statewide Conference of Legal Aid Providers
Wyndham Riverfront, 2 Riverfront Place, North Little Rock, Arkansas

Wednesday, October 12, 2016

| | | |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| 11:00 a.m. - 01:00 p.m. | Registration Ark. Traveler: <i>Flu Shots</i> , Silver City: <i>Center Program Meeting</i> , Hospitality Room: <i>Photographs</i> | |
| 01:00 p.m. - 01:30 p.m. | Conference Welcome & Program Updates Jean Carter, Executive Director, Center for Arkansas Legal Services Lee Richardson, Executive Director, Legal Aid of Arkansas | |
| 01:30 p.m. - 02:30 p.m. | AATJ: Limited Scope Representation – (1.0 Ethics) Amy Johnson, Executive Director, Arkansas Access to Justice | |
| 02:30 p.m. - 04:00 p.m. | Legal Writing Clinic – (1.5 CLE) George Mader, Assistant Professor of Law, Bowen School of Law | |
| 04:00 p.m. - 04:30 p.m. | Mutual of America Presentation on 403(b) Plans | |
| 04:30 p.m. - 05:30 p.m. | Center Workgroup Meetings <i>Razorback East/West</i> | Legal Aid Workgroup Meeting <i>Arkansas Traveler</i> |
| | Sessions End at 5:30 p.m. | |
| 05:30 p.m. - | Staff Social Event, Wyndham Room 1005 | |

Thursday, October 13, 2016

| | | |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 09:00 a.m. - 10:00 a.m. | MLPs: the Medical Perspective – (1.0 CLE) Giana Messore, Staff Attorney, Legal Aid of Arkansas; Anna Strong, Executive Director of Child Advocacy & Public Health, Ark. Children’s Hospital; Dr. Carrie Brown, Medical Director for Palliative Care Team, Ark. Children’s Hospital | |
| 10:00 a.m. - 10:15 a.m. | BREAK | |
| 10:15 a.m. - 11:15 a.m. | Consumer Protection Updates – (1.0 CLE) Sarah Tacker, Consumer Protection Division Chief, Arkansas Attorney General | |
| 11:15 a.m. - 12:15 p.m. | Looking at the <i>Out of Balance</i> Report – (1.0 CLE) Neil Sealy, Arkansas Community Organizations LaTonya Bynum, Rural Health Senior Analyst, Office of Rural Health and Primary Care | |
| 12:15 p.m. - 12:45 p.m. | LUNCH @ ARKANSAS MUNICIPAL LEAGUE | |
| 12:45 p.m. – 1:45 p.m. | Taking Depositions for Motion Practice – (1.0 CLE) – <i>Arkansas Municipal League</i> John Wilkerson, Staff Attorney, Arkansas Municipal League | |
| 01:45 p.m. - 02:45 p.m. | Sensitivity for Survivors – (1.0 CLE) Beth Goodrich, Executive Director, Arkansas Coalition Against Domestic Violence | |
| 02:45 p.m. - 03:45 p.m. | Elder Law & Abuse – What to Look For – (1.0 CLE) Brad Nye, Assistant Director, DHS Division of Aging and Adult Services Clay Layson, Assistant Director, DHS Division of Aging and Adult Services | |
| 03:45 p.m. - 04:00 p.m. | BREAK | |
| 04:00 p.m. - 05:30 p.m. | Outreach, Community Legal Education & Branding – (1.5 CLE) Lewis Creekmore, Program Counsel, Legal Services Corporation | |
| 05:30 p.m. | Sessions End at 5:30 p.m. | |

Friday, October 14, 2016

| | | |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 09:00 a.m. - 10:00 a.m. | Decriminalizing Poverty: Notes on Advocacy in Georgia – (1.0 CLE) Akiva Freidlin, Southern Center for Human Rights Fellow | |
| 10:00 a.m. - 11:00 a.m. | Check Your Poverty Bias – (1.0 Ethics) Andrea Walker, Deputy Director, Legal Aid of Arkansas | |
| 11:00 a.m. - 11:15 a.m. | BREAK | |
| 11:15 a.m. - 12:15 p.m. | Joint Taskforce Meetings | Joint Taskforce Meetings |
| 12:15 p.m. | Conference Concludes at 12:15 p.m. | |

All sessions are in **Silver City 5 & 6** unless otherwise noted.

Program # OTH55730
General CLE Credit: 10 hrs
Ethics CLE Credit: 2 hrs

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding between the Legal Aid of Arkansas ("LA-AR") and Georgetown University on behalf of its Law Center ("Georgetown Law Center"), memorializes the understanding of the parties regarding the placement of a Fellow, Brittany Edwards in LA-AR's Little Rock, AR office for the period commencing October 31, 2016 and ending on October 30, 2017.

I. Recitals:

- (A) Georgetown University Law Center is a part of Georgetown University, a nonprofit institution of higher education organized as a non-stock corporation under a Congressional charter.
- (B) Legal Aid of Arkansas is a nonprofit charity organized under Section 501(c)(3) of the Internal Revenue Code.
- (C) LA-AR and Georgetown Law Center wish to create opportunities to train recent Georgetown Law Center graduates in public interest lawyering.

II. Undertakings of the Parties:

- (A) The Fellow shall be an employee of LA-AR. The Fellow shall receive salary and such benefits for which he or she is eligible from LA-AR and will be covered by LA-AR's liability insurance plans to the same extent and on the same basis as other similarly situated employees.
- (B) Georgetown Law Center shall pay to LA-AR \$20,000 to be used solely towards the salary paid by LA-AR to the Fellow. LA-AR shall invoice Georgetown Law in this amount in November 2016. Georgetown Law Center agrees to pay LA-AR within 30 days of receipt of the invoice.
- (C) LA-AR shall provide appropriate legal training and supervision of the Fellow.
- (D) Nothing contained herein shall create an employment relationship between Georgetown University or Georgetown Law Center and the Fellow or a joint venture or other partnership agreement or arrangement between LA-AR and either Georgetown University or Georgetown Law Center.
- (E) In listing the Fellow in its annual report, website materials, and staff directories, LA-AR may reference Georgetown University and/or Georgetown Law Center. LA-AR shall not include in any other promotional material any reference to Georgetown University or Georgetown Law Center without express prior written authorization by Georgetown Law Center. Georgetown

University and/or Georgetown Law Center may reference their support of the Fellow in their annual report and website, but may not include in any other promotional material any reference to LA-AR without express prior written authorization of LA-AR.

III. Term and Termination:

- (A) This agreement shall commence on October 31, 2016 and end on October 30, 2017 unless terminated earlier as provided below.
- (B) Either party may terminate this agreement by providing no less than 60 days written notice to the other party. Such notice shall be sent by hand delivery, overnight delivery, or certified U.S. mail, return receipt requested, to the attention of the undersigned. Except as otherwise provided below in subparagraph III.(C), upon termination, LA-AR agrees to refund to Georgetown Law Center a prorated share of the \$20,000 that Georgetown Law Center paid toward the Fellow's salary.
- (C) If the Fellow for any reason does not remain in the Fellowship for the full term of this agreement, the parties agree to make good-faith efforts to replace the Fellow with another Georgetown Law graduate. If they are unable to do so, and the LA-AR Program Director responsible for the Fellowship states in good faith that the Fellow resigned for reasons unrelated to LA-AR, LA-AR shall be under no obligation to refund the funds paid by Georgetown Law Center pursuant to this agreement. Otherwise, LA-AR agrees to refund to Georgetown Law Center a prorated share of the \$20,000 that Georgetown Law Center paid toward the Fellow's salary.

IV. Miscellaneous Provisions:

- (A) LA-AR agrees to indemnify Georgetown Law Center and Georgetown University, its Board of Directors, officers, employees, agents and students from and against any and all costs, losses, damages, liabilities, expenses, demands, and judgments, including court costs and reasonable attorney's fees, which may arise out of the performance of the Fellow or this Agreement.
- (B) LA-AR may not assign, in whole or in part, its rights, duties, obligations, or responsibilities under this Agreement without the express prior written consent of Georgetown Law Center.
- (C) The Fellow shall not have any legal rights arising out of this Agreement or be deemed to be a third party beneficiary of this Agreement.

- (D) This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof and may not be amended except by a written agreement of the parties.
- (E) The terms of this Agreement are severable such that if any term or provision is declared by a court of competent jurisdiction to be illegal, void, or unenforceable, the remainder of the provisions shall continue to be valid and enforceable.
- (F) This Agreement shall be governed by and construed under the laws of the District of Columbia, United States of America, which shall be the forum for any disputes or lawsuits arising from or incident to this agreement.
- (G) This Agreement may be executed in counterparts by the parties.

IN WITNESS WHEREOF, this agreement has been executed by Legal Aid of Arkansas and Georgetown Law Center on the dates indicated below.

For: Legal Aid of Arkansas

By: Lee Richardson

Date: 10/31/2016

Name Lee Richardson
Title Executive Director

For: Georgetown University Law Center

By: Thomas G. Clark

Date: 11/3/16

Name Thomas G. Clark
Title Chief Financial Officer

*DM
11/1/16*

**AMENDED AGREEMENT BETWEEN
LEGAL AID OF ARKANSAS
AND
CHI ST VINCENT**

THIS AMENDED AGREEMENT (the “Agreement”), effective as of _____, 2016 (the Effective Date”), which Amends, Supplements and Updates the agreement entered between the parties on March 1, 2016, is between Legal Aid of Arkansas (“Legal Aid”), an Arkansas non-for-profit Corporation, and CHI St. Vincent Infirmary Medical Center d/b/a CHI St. Vincent, an Arkansas nonprofit corporation (“St. Vincent”),

RECITALS

1. Legal Aid has tax exemption status under Section 501(c)(3) of the Internal Revenue Code (“IRC”) and provides civil legal services to low-income Arkansans. Its mission is to champion equal justice for low-income individuals and communities and to remedy the conditions that burden and marginalize them.
2. St. Vincent has tax exemption status under Section 501(c)(3) of the IRC and provides health services to Arkansans. Its mission is to nurture the healing ministry of the Church, supported by education and research. It emphasizes human dignity and social justice as it creates healthier communities.
3. St. Vincent understands that a certain population of its patients may experience health-harming legal issues and, as a result, St. Vincent desires to provide access to Legal Aid in an effort alleviate such health-harming issues for these individuals.

NOW, THEREFORE, in consideration of the mutual promises hereinafter contained, the parties agree as follows:

AGREEMENT

1. **The Project:** St. Vincent will provide funding for certain legal services (“Legal Services”) that are identified in Attachment A to Eligible Individuals (defined below) who (i) are identified by St. Vincent; (ii) referred by St. Vincent’s physicians and case managers; and (iii) are eligible to receive Legal Services from Legal Aid. Legal Aid will contact and/or attempt to contact Eligible Individuals who are referred to Legal Aid by St. Vincent, St. Vincent’s physicians and case managers. If the legal issues are ones that Legal Aid can provide legal counsel as determined by Legal Aid in its sole discretion, and the Eligible Individuals decides to engage Legal Aid on a mutually agreed basis to provide Legal Services to him or her (“Engaged Individual”), Legal Aid will enter into an engagement agreement with the Engaged Individual. In addition, St. Vincent will make available reasonably space on the St. Vincent campus for Legal Aid to provide legal advice to Eligible Individuals and to provide general education to St. Vincent staff and physicians regarding certain legal issues that may have health-harming effects on patients. This collaborative effort among the parties will be referred to hereafter at “the Project”.

Initially, St. Vincent hospitalists and case managers will be trained by Legal Aid to identify patients who may have a need for Legal Services and case managers will screen patients to determine their eligibility. For purposes of this Agreement, “Eligible Individuals” are patients, immediate family members of St. Vincent patients, and St. Vincent coworkers all of whom (i) have incomes that are at or below 200% of the federal poverty level; and (ii) have need for legal services that provided by Legal Aid pursuant to this Agreement.

2. **Scope of Services:** Legal Aid will provide:
 - (a) **On-Site Attorney:** Legal Aid will provide a full-time Staff Attorney to be located at St. Vincent's main campus, satellite clinics, and locations as mutually agreed by the parties. This Staff attorney will provide services to St. Vincent's clients and staff as required herein consistent with Legal Aid case acceptance priorities, guidelines, and regulations.
 - (b) **On-Site Legal Clinic:** Legal Aid will operate a free-standing legal intake clinic in space provided by St. Vincent. Legal Aid will staff the Legal Clinic at reasonable hours agreed upon by both parties. During such Legal Clinics, Legal Aid staff will provide legal consultations for Eligible Individuals and educate providers and case managers about screening patients for legal needs as requested.
 - (c) brief legal consultations to Eligible Individuals;
 - (d) in-service training for St. Vincent staff physicians and case managers regarding certain Legal Issues as requested by St. Vincent, which may include topics such as Medicare and Medicaid eligibility and other legal issues, as approved by St. Vincent's Legal Services Group;
 - (e) advocacy toolkits to assist providers in educating Eligible Individuals about Legal Services as requested and approved by St. Vincent's Legal Services Group;
 - (f) coordination and staffing for special events, such as an advance planning legal clinic where Eligible Individuals and St. Vincent physicians and staff may receive advance planning or simple estate advice and documents; and
 - (g) direct legal representation for Engaged Individuals; and
 - (h) other services are mutually agreed by the parties.
3. **Case Acceptance:** Legal Aid will represent Engaged Individuals on cases that Legal Aid, in its sole, reasonable discretion, determines may be pursued in good faith on behalf of individuals who qualify for Legal Aid's services and who agree to be represented by Legal Aid. Cases will be accepted pursuant to Legal Aid's case acceptance priorities, attached as Attachment B.
4. **Legal Representation:** Legal Aid warrants and represents that all legal services and legal representation will be conducted by and supervised by an attorney who is duly licensed in the State of Arkansas or is otherwise authorized to provide legal services under the rules of the Arkansas Supreme Court. Legal Aid warrants and represents that it shall not indicate in any manner that St. Vincent provides legal services or legal representation.
5. **Legal Clinic Supervision:** Legal Aid will maintain exclusive control and supervision of the Legal Services, including all legal, professional, and ethical matters. Legal Aid shall be responsible for all aspects of Legal Aid's staff's employment, including hiring, training, supervising, disciplining, evaluating, and paying.

6. **Data Reporting:** Legal Aid will track all (i) encounters Legal Aid has with all referred Eligible Individuals; (ii) St. Vincent physician and staff education sessions; (iii) legal cases and (iv) other services provided to Eligible Individuals and staff. Legal Aid will provide St. Vincent with a written report containing, as permitted under the privacy laws and engagement agreement with Legal Aid, for each calendar month not more than 15 days after the end of the calendar month.
7. **Compensation:** In exchange for the provision of services under this Agreement, St. Vincent agrees to compensate Legal Aid as follows:
 - (a) During the Initial Term, St. Vincent will compensate Legal Aid a Quarterly Fee of \$7,500 as described in Section 8 below, up to \$30,000. This Quarterly Fee is based on the provision of the following fee schedule:
 - (i) For each half-day (minimum four hour) Legal Clinic staffed by Legal Aid: **\$225 per clinic**
 - (ii) For each St. Vincent physician and staff training in-service (up to four hours): **\$675 per training**
 - (iii) For each special event: **\$1,200 per event**
 - (iv) For each advocacy toolkit: **\$2,000 per toolkit**
 - (v) For each legal case where Legal Aid provides Legal Services to an Engaged Individual, ranging from advice to full representation: **\$350 per case**
 - (b) During the Initial Term, if the services provided by Legal Aid that exceed \$30,000 of value (based on the fee schedule in Section 7(a)) during the Initial Term, then St. Vincent will pay Legal Aid the pricing schedule provided in Section 7(a)(i)-(v) for the provision of such services, up to a maximum of \$37,5000 annually.
 - (c) After the Initial Term, St. Vincent will compensate Legal Aid for services according to the fee schedule outlined in Section 7(a)(1)-(v).
8. **Payment:** For the Quarterly Fee, Legal Aid will invoice St. Vincent's **\$7,500** quarterly, with the first invoice being issued immediately for the period November 1, 2016 to January 31, 2017, and each subsequent invoice being submitted during the first month of each new quarter, with the final invoice under the current agreement being submitted in August, 2017. For any services that exceed \$30,000, Legal Aid will invoice St. Vincent on a monthly basis for services provided in the previous month, not to exceed \$37,500. St. Vincent will remit payments for services rendered to David Bowman, Fiscal Officer, Legal Aid of Arkansas, 1200 Henryetta Street, Springdale, AR, 72762, within fourteen (14) days of St. Vincent's receipt of invoices. Legal Aid will submit all invoices to St. Vincent, attention Accounts Payable, 2 St. Vincent Circle, Little Rock, Arkansas 72205.
9. **Office Space:** St. Vincent shall provide Legal Aid with workspace facilities, which includes a private office space suitable for meeting clients, access to the internet, and access to office equipment such as a fax machine and copier. St. Vincent will provide Legal Aid staff and volunteers with access to employee parking lots.
10. **Workplace Rules.** Legal Aid warrants and represents that of its employees, volunteers, contractors, and agents who may provide services under this Agreement at St. Vincent (i) will

conduct themselves in accordance with Legal Aid's applicable rules and policies; (ii) will maintain active and unrestricted Arkansas licensure as applicable; and (iii) comply with all applicable St. Vincent standards and policies.

- 11. Marketing and Communications:** All signs, letterhead, business cards, or other communication promoting the legal clinic will clearly identify Legal Aid as the provider of legal services. Legal Aid shall communicate on a regular basis with St. Vincent concerning Legal Aid's marketing plans, and work collaboratively with St. Vincent in development of those plans. Legal Aid shall submit to St. Vincent for approval samples or copies of all proposed signage, advertising, promotional and display materials created or developed bearing or referring to any St. Vincent trademarks prior to any use, distribution, publication or broadcast of such materials, and St. Vincent shall respond to such request for approval within ten (10) business days of its submission, and in the case of rejection, St. Vincent will provide a written explanation of the grounds for such rejection. In the event St. Vincent does not respond within such ten (10) business day period, St. Vincent's approval shall be conclusively presumed. The parties further acknowledge and agree that in no event will any promotion, materials, or communication misrepresent St. Vincent as a provider of legal counsel or legal services. Without first obtaining St. Vincent's prior written approval, Legal Aid shall use no other markings, legends, and/or notices in connection with use of the St. Vincent trademarks other than as specified herein, and as may from time to time be specified by St. Vincent. Violation of this provision may give rise to immediate termination of this Agreement. Neither party shall use the other party's name, logo, service marks, domain names, trademarks or any other name or mark without the written consent of the other party. All publications, marketing, or advertising materials or goods of Legal Aid that display a St. Vincent trademark shall include designations and notices of registration as approved by St. Vincent.
- 12. Confidential and Proprietary Information:** During the Term of this Agreement, Legal Aid shall have access to St. Vincent's confidential and proprietary information as defined below. Legal Aid recognizes and acknowledges that all of St. Vincent's confidential and proprietary information shall remain confidential and shall remain the sole property of St. Vincent. For purposes of this Agreement, the terms "confidential and proprietary information" shall include, without limitation, St. Vincent's trademarks, service marks, patient lists, patient records (including those generated by Legal Aid for St. Vincent), computer programs, business strategies for developing new patient and new Legal Aid relationships, including Legal Aid recruitment cost data, utilization review techniques, medical management, quality assurance protocols, patents, trade secrets, know-how and other proprietary processes, and such proprietary information included in manuals or memoranda, as they may now exist or may be developed during this Agreement. Legal Aid shall not, during or after this Agreement, in whole or in part, disclose such confidential and proprietary information to any person, firm, corporation, association or other entity for any reason or purpose whatsoever, nor shall Legal Aid make use of any such property for Legal Aid's own purposes or for the benefit of any person, firm, corporation or other entity (except St. Vincent) under any circumstances during or after the Term of this Agreement; provided, however, that after the Term of this Agreement. These restrictions shall not apply to secrets, know-how and processes which are then generally known to the public, (provided that the Legal Aid was not responsible, directly or indirectly, for such secrets, know-how or processes entering the public without St. Vincent's consent).
- 13. Client Confidentiality:** Legal Aid staff is subject to and shall comply with the rules of attorney-client confidentiality and privilege, including the Arkansas Rules of Professional Conduct. Accordingly, Legal Aid staff will provide St. Vincent with information regarding an Engaged Individual's legal case only upon receiving the patient's express authorization. Legal Aid owns and retains the right to exclusive possession of all client legal files.

14. **Patient Privacy and HIPAA:** St. Vincent is a Covered Entity under the Health Insurance Portability and Accountability Act of 1996, as amended, (“HIPAA”) and it, along with its staff, shall comply with all applicable privacy laws, rules, and regulations (including related provisions and St. Vincent policies) with respect to the privacy of protected St. Vincent patient health information. Accordingly, St. Vincent personnel will only provide access to any personally identifiable health information of its patients upon receipt of a proper authorization as required by HIPAA and privacy laws, rules, regulations, or St. Vincent policy.
15. **Project Records Retention:** Legal Aid shall, for four years after furnishing services under this Agreement, either make available to duly-authorized federal or state representatives or deliver to St. Vincent, upon request, any documentation necessary to verify the nature and extent of the costs of Services for which St. Vincent has made payment. If Legal Aid carries out any duties of this Agreement through a subcontract with a value of \$10,000 or more over a twelve-month period, the subcontract shall contain this same paragraph. Nothing in this Agreement will require Legal Aid to provide documents if doing so would be a violation of the Arkansas Rules of Professional Conduct, Arkansas law, or any other applicable law or court order.
16. **Relationship of Parties:** In the performance of the Services, it is mutually understood and agreed that Legal Aid is at all times acting and performing as independent contractors. It is expressly agreed by the parties that no work, act, commission or omission of Legal Aid shall be construed to make or render Legal Aid as the agent, employee or servant of St. Vincent, or shall create any relationship of agency, partnership, employment or joint venture between Legal Aid and St. Vincent. Legal Aid shall be solely responsible for its own benefits, required insurance, workers’ compensation and unemployment insurance and similar items, and shall indemnify and hold St. Vincent harmless from and against all such items, liability and costs (and reasonable attorneys’ fees and other costs of defending against the same) arising from any claim by or on behalf of Legal Aid, any governmental agency, or any other person alleging that Legal Aid is an employee of St. Vincent.
17. **Term:** This Amended Agreement begins on November 1, 2016, and remains in full force and effect for one year to October 31, 2017 (the “Initial Term”).
18. **Renewal:** This Agreement shall renew for successive one year terms by agreement of the parties, subject to reasonable necessary and requested modifications. Such modification request shall be made within sixty days of the end of the current term. Each party may give the other a thirty day written notice not to renew the Agreement.
19. **Termination:** Either party may terminate this contract without cause by providing the other party with a sixty day written notice of intent to terminate the Agreement, unless otherwise provided herein.
20. **Applicable Law:** This Agreement will be governed and interpreted by Arkansas law.
21. **Entire Agreement:** This Agreement and its attachments, including Attachment C contain the entire understanding between the parties.
22. **Severability:** Each provision of this Agreement must be interpreted in a way that is valid under applicable law. If any provision is held invalid, the rest of the Agreement will remain in full effect.

- 23. **Written Modification:** This agreement may be amended or modified only by a writing executed by both parties.
- 24. **Assignments:** A party cannot assign this Agreement or any right or obligation under the Agreement without the prior consent of the other party.
- 25. **Successors and Assigns:** If this Agreement is properly assigned, then it will bind and benefit the successors and assigns of the parties.
- 26. **Survival:** All provisions that logically ought to survive termination of this agreement shall survive.
- 27. **Notices:** All required notices must be in writing and will be considered given when delivered (1) personally, or (2) by registered or certified mail, return receipt requested, addressed as follows (or any other address that is specified in writing by either party):

If to Legal Aid:
 Lee Richardson, Executive Director
 714 S. Main St.
 Jonesboro, AR 72401

If to St. Vincent:
 Attention: Market CEO
 #2 St. Vincent Circle
 Little Rock, AR 72205

28. Indemnification: Legal Aid agrees to indemnify and hold harmless St. Vincent its directors, officers, employees, agents, representatives, successors, assigns, and subcontractors from and against any and all claims, demands, actions, settlements or judgments, including reasonable attorneys’ fees and litigation expenses, based upon or arising out of the activities described in this Agreement, where such claims, demands, actions, settlements or judgments relate to the negligence, actions or omissions of Legal Aid. St. Vincent agrees to indemnify and hold harmless Legal Aid its directors, officers, employees, agents, representatives, successors, assigns, and subcontractors from and against any and all claims, demands, actions, settlements or judgments, including reasonable attorneys’ fees and litigation expenses, based upon or arising out of the activities described in this Agreement, where such claims, demands, actions, settlements or judgments relate to the negligence, actions or omissions of St. Vincent. The duties to indemnify and hold harmless shall survive the termination and expiration of this Agreement.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed on its behalf by its duly authorized officers as of the Effective Date.

Legal Aid of Arkansas

St. Vincent Infirmiry Medical Center

BY: _____
LEE RICHARDSON
ITS: _____

BY: _____
CHAD S. ADUDELLE
ITS: MARKET CEO

**ATTACHMENT A
LEGAL SERVICES**

Legal Aid may provide to Engaged Individuals with Legal Services that include without limitation the following:

- Debt Collectors
- Unfair Car Repossession
- Immigration Questions
- Eviction
- Foreclosure
- Unfair Landlords
- Utility shut-offs
- Disability Insurance
- Social Security Insurance
- Health Insurance
- Food Stamps
- Veterans' Benefits
- Job Discrimination
- Small Claims Court
- Cleaning up a Criminal Record
- Guardianship
- Child Support
- Your Child Being Unfairly Treated at School
- Wills
- Power of Attorney
- Advance Directives
- Stopping Physical, Mental, or Sexual Abuse

ATTACHMENT C ADDITIONAL PROVISIONS

The following sections (“Additional Provisions”) are incorporated by reference into the attached Agreement between Legal Aid of Arkansas and St. Vincent Infirmary Medical Center d/b/a CHI St. Vincent (“Agreement”) and are made fully a part thereof. Any ambiguity or conflict shall be resolved in favor of these Additional Provisions.

1.1 Compliance with CHI Standards of Conduct. Legal Aid recognizes that it is essential to the core values of St. Vincent that all persons and entities employed by or otherwise contracting with St. Vincent at all times conduct themselves in compliance with the highest standards of business ethics and integrity and applicable legal requirements, as reflected in the *Catholic Health Initiatives (“CHI”) Standards of Conduct*, as amended from time to time. As of the Effective Date of the Agreement, the *CHI Standards of Conduct* are set forth in *Our Values & Ethics at Work Reference Guide* (“Reference Guide”), which is available at the following website:

<http://www.catholichealthinitiatives.org/corporate-responsibility>

Legal Aid acknowledges that Legal Aid has electronically accessed, obtained or otherwise received a copy of the Reference Guide and has read and understands the same, and hereby agrees that, so long as the Agreement remains in effect, Legal Aid shall act in a manner consistent with, and shall at all times abide by, such *Standards of Conduct*, to the extent the same are applicable to Legal Aid in the performance of the Agreement.

1.2 Ethical and Religious Directives. Legal Aid agrees that his/her performance under the Agreement shall be in accordance with the *Ethical and Religious Directives for Catholic Health Care Services*, as promulgated by the United States Conference of Catholic Bishops, as amended from time to time, and as interpreted by the local bishop (the “*Directives*”). As of the date of the Agreement, the *Directives* are available at the following website:

<http://www.usccb.org/>

In the event that St. Vincent determines in good faith that Legal Aid has failed to comply with his/her obligations pursuant to Section 1.2 of this Attachment C, Legal Aid shall be considered to be in material breach of the Agreement.

1.3 Excluded Provider and Indemnification. Legal Aid represents and warrants that he/she is not now and at no time has he/she been excluded from participation in any state or federally funded health care program, including Medicare and Medicaid (collectively referred to as “governmental health care program”). Legal Aid further warrants that he/she will not engage in behavior during the Term of this Agreement that leads to his/her exclusion from any governmental health care program. Legal Aid agrees to immediately notify St. Vincent of any threatened, proposed, or actual exclusion of Legal Aid from participation in any governmental health care program during the Term of the Agreement. Notwithstanding anything to the contrary contained herein, in the event that Legal Aid is excluded from participating in any governmental health care program during the Term of the Agreement or, if at any time after the Effective Date of the Agreement, it is determined that Legal Aid is in breach of this Section, the Agreement shall, as of the effective date of such exclusion or breach, automatically terminate. Legal Aid agrees to indemnify and hold St. Vincent harmless against all actions, claims, demands, and liabilities, and against all loss, damage, costs, and expenses, including reasonable attorneys’ fees, arising directly or indirectly out of any violation of this Section by him/her or due to his/her exclusion from a governmental health care program.

1.4 Insurance. St. Vincent shall, at its sole cost and expense, procure, keep, and maintain throughout the Term of the Agreement, insurance coverage in the minimum amounts of: One Million Dollars (\$1,000,000) per occurrence and One Million Dollars (\$1,000,000) annual aggregate for commercial general liability; One Million Dollars (\$1,000,000) per claim and Three Million Dollars (\$3,000,000) annual aggregate for professional liability or the primary professional liability coverage required under any state mandated patient compensation fund and with participation in the excess liability fund thereunder; One Million Dollars (\$1,000,000) per each and every occurrence for automobile liability; and applicable state statutory limits for workers' compensation. In addition to the coverages specifically listed herein, St. Vincent shall maintain any other usual and customary policies of insurance applicable to the work being performed by Legal Aid pursuant to the Agreement. Said policy(ies) shall cover all of Legal Aid's services hereunder. By requiring insurance herein, St. Vincent does not represent that coverage and limits will necessarily be adequate to protect Legal Aid, and such coverage and limits shall not be deemed as a limitation on Legal Aid's liability under the indemnities granted to St. Vincent in the Agreement, including any exhibits.

1.5 Jeopardy. Notwithstanding anything to the contrary herein contained, in the event the performance by either party of any term, covenant, condition or provision of the Agreement jeopardizes the licensure of St. Vincent, its participation in or the payment or reimbursement from, Medicare, Medicaid, Blue Cross or other reimbursement or payment programs, or St. Vincent's full accreditation by The Joint Commission or any other state or nationally recognized accreditation organization, or the tax-exempt status of St. Vincent, any of its property or financing (or the interest income thereon, as applicable), or will prevent or prohibit any Legal Aid, or any other health care professionals or their patients from utilizing St. Vincent or any of its services, or if for any other reason said performance should be in violation of any statute, ordinance, or be otherwise deemed illegal, or be deemed unethical by any recognized body, agency, or association in the medical or hospital fields, St. Vincent may at its option (i) terminate the Agreement immediately; or (ii) initiate negotiations to resolve the matter through amendments to the Agreement and, if the parties are unable to resolve the matter within thirty (30) days thereafter, St. Vincent may, at its option, terminate the Agreement immediately.

1.6 Omitted.

1.7 Governing Law. The Agreement shall be governed by and construed in accordance with the laws of the State of Arkansas, irrespective of such state's choice-of-law principles.

1.8 Partial Invalidity. If any provision of the Agreement is found to be invalid or unenforceable by any court or other lawful forum, such provision shall be ineffective only to the extent that it is in contravention of applicable laws without invalidating the remaining provisions of the Agreement, unless such invalidity or unenforceability would defeat an essential business purpose of the Agreement.

1.9 Waiver. No waiver of or failure by either party to enforce any of the provisions, terms, conditions, or obligations herein shall be construed as a waiver of any subsequent breach of such provision, term, condition, or obligation, or of any other provision, term, condition, or obligation hereunder, whether the same or different in nature. No extension of time for performance of any obligations or acts shall be deemed an extension of the time for performance of any other obligations or acts.

1.10 Amendments. The Agreement may be amended at any time by mutual agreement of the parties without additional consideration, provided that, before any amendment shall become effective, it shall be reduced to writing and signed by each of the parties.

1.11 Survival. Except as otherwise expressly provided in the Agreement, all covenants, agreements, representations and warranties, expressed and implied, shall survive the termination of the Agreement, and

shall remain in effect and binding upon the parties until they have fulfilled all of their obligations hereunder and the statute of limitations shall not commence to run until the time such obligations have been fulfilled.

1.12 Compliance with All Laws, Regulations, and Standards. Legal Aid represents and warrants that his/her performance under the Agreement shall fully comply with all applicable federal, state, and local statutes, rules, regulations, accreditation standards, applicable standards of other professional organizations, and St. Vincent's Requirements as defined below, and that it shall be deemed a material breach of the Agreement by Legal Aid if he/she shall fail to comply with this representation and warranty. If such a breach is not cured in accordance with the Agreement, St. Vincent may immediately terminate the Agreement without penalty and without limiting any other rights and remedies set forth in the Agreement.

Specifically, but not by way of limitation, Legal Aid represents and warrants that his/her performance under the Agreement shall comply with all applicable statutes, rules, regulations, accreditation standards, and other applicable standards of: Medicare; Medicaid; the Administrative Simplification requirements of the Health Insurance Portability and Accountability Act of 1996 and regulations promulgated thereunder, including the Standards for Privacy of Individually Identifiable Health Information and Security Standards for the Protection of Electronic Protected Health Information at 45 C.F.R. Parts 160 and 164; the security and privacy provisions of the American Recovery and Reinvestment Act of 2009, and the regulations promulgated thereunder, as all of these may be amended from time to time; other federal or state health programs; The Joint Commission; the National Committee for Quality Assurance; and any national standards applicable in the hospital or medical fields, as well as the Medical Staff bylaws, policies, and procedures, and all other rules and regulations established by St. Vincent and/or the Medical Staff and applicable to performance under the Agreement (collectively, "St. Vincent's Requirements"); and updates to incorporate any changes to such statutes, rules, regulations, accreditation standards, other applicable standards, and St. Vincent's Requirements.

1.13 Nondiscrimination. Legal Aid shall not discriminate in the provision of services to patients based on race, color, national origin, ancestry, religion, sex, marital status, disability, sexual orientation, age, or any other legally prohibited basis, except as may be medically indicated.

1.14 Omitted.

1.15 Omitted.

1.16 Omitted.

1.17 Omitted.

1.18 General Interpretation; Ambiguities. Ambiguities, if any, in the Agreement shall be reasonably construed in accordance with all relevant circumstances including, without limitation, prevailing practices in the industry of the parties in the place where the contract is to be performed and shall not be construed against either party, irrespective of which party may be deemed to have authored the ambiguous provision.

1.19 Prohibition on Child Labor and Human Trafficking. Each Party warrants and represents that it shall comply with all federal and state labor and employment laws, and executive orders as applicable and specifically those regarding child labor, procuring commercial sex, using forced labor and human trafficking. This includes but is not limited to the Trafficking Protection Act of 2000, Executive Order – *Strengthening Protections Against Trafficking in Persons in Federal Contracts*, Federal Acquisition Regulations (FAR), the provisions of the International Labor Organization's ("ILO") Minimum Age Convention (No. 138), 1973, and any other laws or regulations that prohibit any form of human trafficking, commercial sex, forced labor, child labor or other exploitation of children in the manufacturing, delivery

or provision of products/devices, items or services and as each may be amended from time to time. In addition, in connection with any International Organization for Standardization (“ISO”) certification, the Parties represent and warrant that as applicable each complies with the Social Accountability Guidelines pursuant to which a Party disqualifies any site that uses unacceptable manufacturing practices, such as child labor, forced labor or unsafe or unsanitary working conditions or trafficking of persons as defined by the Trafficking Protocol (United Nations General Assembly, *Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, 15 November 2000, available at <http://www.unhcr.org/refworld/docid/4720706c0.html>). Legal Aid acknowledges CHI’s efforts on human trafficking found at <http://www.catholichealthinit.org/human-trafficking-how-you-can-help> and represents and warrants to CHI that he or she undertakes periodic inspections of his/her practices and staff regarding services hereunder to ensure compliance with the foregoing. Legal Aid agrees upon request to provide CHI with evidence and/or recordkeeping of his/her compliance with this provision.

LEGAL AID OF ARKANSAS OFFICE DIRECTORY
 All Offices 870-972-9224 or 1-800-967-9224

*office point of contact

Arkansas Children's Hospital

Pinnacle House
 1520 West 10th St
 Little Rock, AR 72202-3500
 501-364-1541 – Phone
 501-978-6479 - Fax
Hytt, Mary Claire EJW Attorney 4305
*Messore, Giana** Staff Attorney 4325
Pritchard, Amy Staff Attorney 4325
Raleigh, Jamie Paralegal 4310

Harrison

205 W. Stephenson Avenue
 Harrison, AR 72601
 800-967-9224 – Fax
*Arnold, Makenzie** Dom. Violence WG Leader 5301
Davis, Samantha Legal Secretary 5304
Morato, Valerie EJW Attorney 5302

Helena-West Helena

622 Pecan
 Helena, AR 72342
 870-338-9834 – Fax
Burton, Sheronda Legal Secretary 1301
Attorney-in-Residence 1302

Jonesboro

714 S. Main St.
 Jonesboro, AR 72401
 870-972-9224 – Phone
 870-910-5562 – Fax
Auer, Jason Housing WG Leader 6318
Crawford, Cory Staff Attorney 5305
*Franklin, Teresa** Regional Manager 6310
Hill, Ryan AmeriCorps Attorney 6308
Kipersztok, Melissa Communications VISTA 6315
Morrison, Kesia Communications Director 6306
Richardson, Lee Executive Director 6305
Shoupe, Beth Dom. Violence Paralegal 6307
Thomas, Deedra Intake Paralegal 6312
Thompson, Brooke AmeriCorps Attorney 6309
Walker, Andrea Deputy Director/HelpLine 6303

Modest Means Panel

Blahut, Stefanie Modest Means Coordinator 6302

Newport

202 Walnut St.
 Newport, AR 72112
 870-523-9892 – Fax
Grady, Kathy Economic Justice Paralegal 3301
*Griffin, Barbara** Staff Attorney 3303
Swain, Blane ARCare MLP Attorney 3302

Springdale

1200 Henryetta Street
 Springdale, AR 72762
 479-442-0600 – Phone
 479-751-0002 – Fax
Alden, Gaylynn Housing Paralegal 4315
Baker, Cathy AmeriCorps Attorney 4313
Bien, Molina Marhallese Liason 7303
Bowman, David Fiscal Officer 4308
Ernhart, Mary Staff Attorney 4323
Galvez, Neyra Spanish Interpreter 4317
*Hersh, Heather** Regional Manager 4312
Jamison, Heidi Pro Bono Coordinator 4314
King, Elizabeth Human Resources 4311
Liguori, Jennifer Tax Clinic Director 6304
McCoy, Summer United Way Attorney Fellow 4316
Pisors, Rachel VOCA Attorney 4306
Purtle, Susan Consumer WG Leader 4301
Ramsfield, Kris Staff Attorney 4304
Tank, Allison AVLE Coordinator 6301
Trzcinski, Casey Staff Attorney 4302
Ware, Lynda Intake Paralegal 4307

St. Vincent CHI

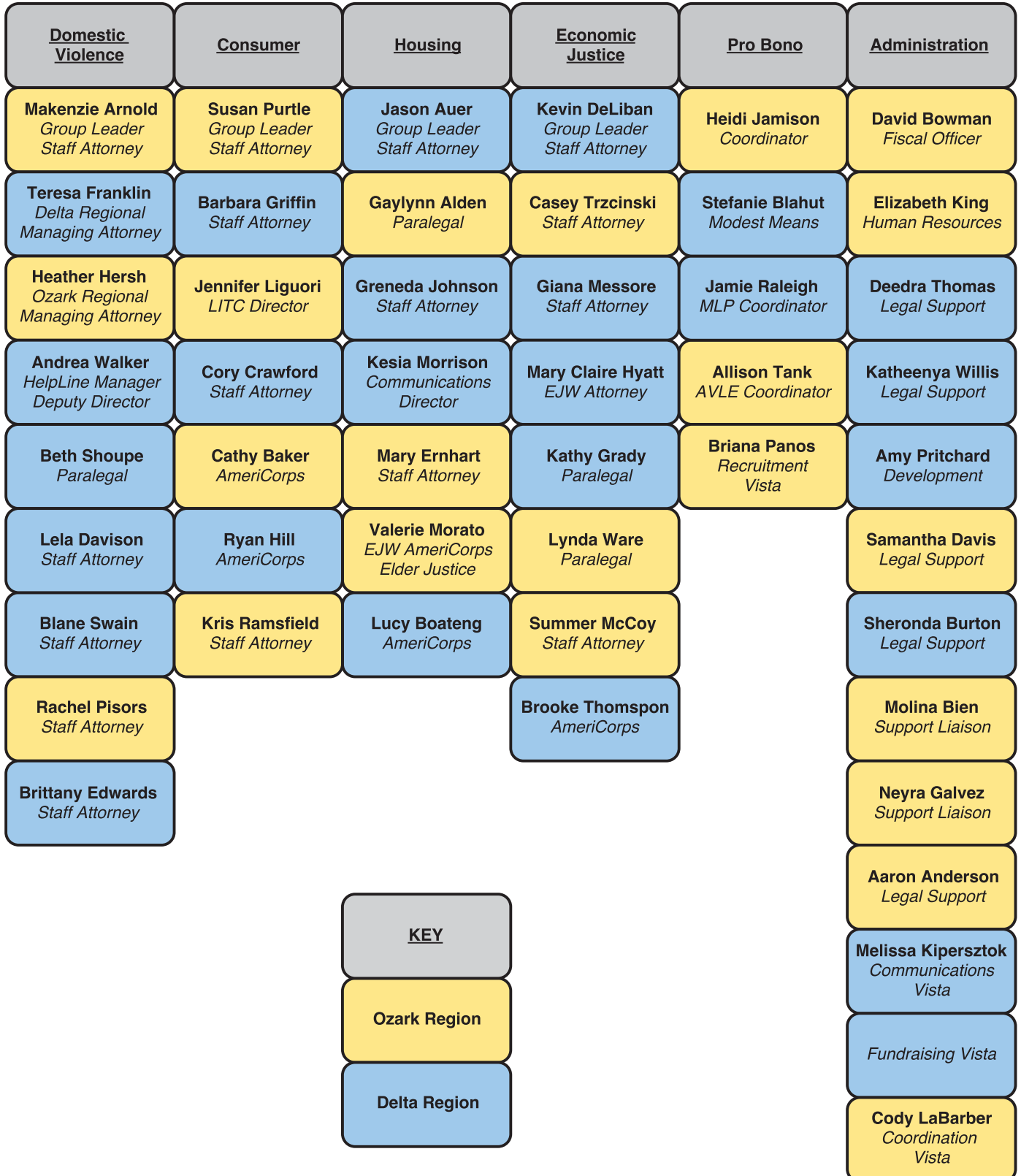
Edwards, Brittany MLP Attorney 4326

West Memphis

310 Mid-Continent Plaza
 Suite 420
 West Memphis, AR 72301
 870-732-6370 – Phone
 870-732-6373 – Fax
Boateng, Lucy AmeriCorps Attorney 2205
*Davison, Lela** Staff Attorney 2207
De Liban, Kevin Economic Justice WG Leader 2206
Johnson, Greneda Staff Attorney 2202
Willis, Katheonya Legal Secretary 2201

Legal Aid of Arkansas
Organizational Chart
 November 2, 2016

Lee Richardson
Executive Director



Legal Aid of Arkansas Consumer Work Group 2016 Summary

Current Attorneys

- Cory Crawford- Jonesboro
- Ryan C. Hill- Reentry, Jonesboro, serving 2d Circuit
- Barbara Griffin- 1/4 time Newport
- Kris Ramsfield- 1/2 time Springdale
- Susan M. Purtle- Springdale
- Cathy Baker- Veterans, Springdale
- Jennifer Liguori- Tax Clinic Director does tax cases all across Arkansas

Emerging Issues in U.S.

- Student Loans
- Arbitration
- Auto Issues
- Financial Exploitation of the Elderly
- Fair Credit which includes wrongful reporting, improper use of background checks and the arbitration requirement for some Fair Credit cases and successful strategies for that process.

Emerging and trending in Arkansas

- Reentry
- Auto Fraud

Emerging Issues for Legal Aid of Arkansas

- Illegal practices and problems surrounding the sale and repossession of autos clients use for work
- Financial exploitation of elderly primarily in the car sale context
- Veterans issues
- Abusive debt collection, suing people who never owed the debt; filing suits with no intention of proving the debt; just hoping for a default (primarily against elderly or working poor
- The need for bankruptcy to stop garnishment
- Disparate treatment of minority groups with regard to medical services and debt; Illegal collection of medical debt by for profit hospitals
- Education for client population regarding using money wisely
- Avoiding tax debt when there is a basis to do so

In 2015 the Consumer Work Group closed 767 cases as of 11-13-2015.

In 2016 the Consumer Work Group closed 938 cases as of 11-14-2016

In 2016 the Consumer Work Group received ___ in attorney fees

Each advocate had one or more compelling cases during 2016.



Arkansas Access to Justice Foundation

Grant Committee Meeting
November 21, 2016
1:30 to 3:00 p.m.

ARKANSAS
ACCESS TO
JUSTICE
REPRESENTING HOPE

Join the meeting: <https://join.me/arkansasjustice>
Join the audio conference: 1.860.970.0010
Access Code 193-842-017#

Committee Members:

Tamra Cochran (phone)
Tyler Ginn (phone)

Alice Hines (phone)
Frank Sewall, *Chair*

Bill Waddell (phone)
Don Hollingsworth

Guests:
Jean Carter
Lee Richardson (phone)

Staff:
Amy Johnson
Erin Jacobson

Meeting Minutes

Mr. Sewall called the meeting to order at 1:33 p.m., acknowledging the presence of a quorum.

Attorney General Settlement Distribution

There was a brief discussion regarding the methodology for dividing the earnings that accrued on the Attorney General Settlement principal. The total amount to be divided is \$75,040.71. At issue was whether the funds should be divided according to the formula used to divide the settlement principal, which was a 55%-45% split, or whether to divide the funds according to poverty population percentage. The consensus was to utilize the same split that had applied to the settlement principal, which would result in a payment of \$41,272.39 to the Center for Arkansas Legal Services and \$33,767.68 for Legal Aid of Arkansas. Ms. Cochran made a motion to that effect. Mr. Ginn seconded the motion, and it was unanimously approved.

Presentation from Jean Carter, Center for Arkansas Legal Services

Ms. Carter thanked the committee for allowing her to speak to her organization's current needs. She expressed concern that Legal Services Corporation would see a funding decrease in 2017 in light of the recent election, with more serious cuts being a possibility in 2018. She added that CALS is facing a \$300,000 deficit even with the incoming Bank of America Settlement funds.

Ms. Carter asked that the Committee consider allocating the two smaller Bank of America Settlement distributions toward the proposed base funding to be made available to the legal aid programs based on poverty population. She also requested that the committee reconsider its position on creating a separate funding category for special projects and instead roll that funding into base funding. She expressed concern that the current proposed funding allocation

for special projects sets up the programs to compete with one another, rather than work cooperatively. Ms. Carter also stated a preference for funding that would lend itself to more stability over a five- to six-year period of time, rather than the three-year special projects cycle proposed. CALS is already moving into new projects and new areas as a result of the Attorney General Settlement funds, and she expects similar work to grow out of the Bank of America Settlement.

Committee members asked Ms. Carter to clarify whether the Center's deficit was the result of funding cuts. Ms. Carter stated that there have been funding decreases over the past few years and that CALS has run a deficit for the last three or four years, but that it has had sufficient reserves to sustain the program during that time. Current reserves are less than three months' operating expenses, and she is concerned that CALS may have to lay off staff.

Ms. Carter concluded her presentation and left the meeting.

Presentation from Lee Richardson, Legal Aid of Arkansas

Mr. Richardson joined the call at 1:59 p.m. Mr. Richardson reported that Congress had just approved a continuing resolution that would keep LSC funding at current levels until March. Based on this and the House and Senate versions of LSC appropriations, he did not project more than a \$30,000(+/-) variation in federal funding for Legal Aid of Arkansas in 2017. The picture could be very different in 2018, with worst case scenario being catastrophic; however, LSC has typically enjoyed better bipartisan support over the years than other federally funded programs.

LAA currently has \$840,000 in the bank, which is the largest reserve that the program has had. The program does project a \$48,000 deficit for the 2017, due primarily to LAA's plans to do a salary scale adjustment. The last such adjustment was in 2012, although salary increases have been given every year.

Mr. Richardson first expressed a desire to see the two smaller Bank of America Settlement distributions added to the grant's base funding. This will help make up for the general support funds from IOLTA revenue that LAA had projected.

Regarding special projects, Mr. Richardson stated he believed it would be easier not to have to apply and compete with the Center for Arkansas Legal Services for funds, but that Legal Aid does have projects in mind that special project funding could help get off the ground. Two or three of the projects that LAA had were previously proposed have already been implemented, so LAA is now looking to pursue a fair housing project. Special project funding would enable LAA to gather the data needed to apply for HUD funding, which could sustain the program after an initial start-up period.

Mr. Richardson concluded his presentation and left the conference call.

Bank of America Settlement Funds – Structuring of Grants

The Committee next turned to a discussion about how to allocate the 2016 distribution of \$416,608 and the recent supplemental distribution of \$4346. Both programs asked for those funds to be included in base funding, and it was the consensus of the Committee that this is where those funds should go.

The Committee next discussed whether it made sense to go with original recommendation for special projects. Members agreed that the funding should be structured to encourage collaboration between the programs if desired, but to eliminate the issue of competition.

Ms. Cochran asked where the idea of setting aside special project funding originated. A number of other states have undertaken large-scale community redevelopment projects with Bank of America Settlement funds, said Ms. Johnson, but in most cases those states have multiple grantees including non-LSC-funded programs. It hadn't made sense for the Arkansas Access to Justice Foundation to go with such an approach, but that the Foundation board had asked the programs to compile and submit project ideas.

Committee members expressed concern about CALS's financial situation and the depletion of the organization's reserves after several successive years of deficits. Special projects could serve as an incentive to be more creative and identify new sources of funding. The consensus was to continue with special projects funding based on poverty split, subject to submission of qualified proposals from the programs. Mr. Sewall suggested that \$50,000 be taken out of special project funding and included in the first distribution of base funding to make up for the lack of IOLTA grants for 2017.

A discussion about grant timing followed. Ms. Johnson suggested a December 1 start date for the base funding. Committee members agreed with this approach and agreed to keep special project funding on a cycle to begin six months after the start of the base funding grants.

Mr. Sewall made a motion (1) to add the \$416,608 and \$4346 Bank of America Settlement distributions in base funding for the legal aid programs; (2) to reduce special project funding by \$50,000 and distribute that amount with the initial semi-annual base funding distribution; and (3) to proceed with special project grants, with funding to be made available to the legal aid programs based on poverty population and subject to submission of qualified proposals in response to an RFP that the Foundation will issue by March 1. Dr. Hines seconded the motion, and it passed unanimously.

Ms. Johnson reviewed the terms of the draft Grant Assurances Agreement and Memorandum of Understanding. The MOU will be revised to reflect the Committee's recommendations. All other terms will remain as proposed. Mr. Ginn moved to approve the documents subject to revision to reflect the terms recommended by the Committee. Dr. Hines seconded the motion, and it was unanimously approved.

The meeting adjourned at 2:55 p.m.

Bank of America Settlement Funds Memorandum of Understanding

This **AGREEMENT** is made and entered into this _____ day of _____, 2016, between the Arkansas Access to Justice Foundation, Inc. (“Foundation”) and the Center for Arkansas Legal Services and Legal Aid of Arkansas (the “Arkansas Legal Aid Programs”).

WHEREAS, the Foundation has received a total of **\$4,490,240** (“Settlement Funds”) in funding from three distributions in connection with the 2014 Bank of America Mortgage Settlement to be used for the purpose of providing funds to legal aid organizations in the State of Arkansas for *foreclosure prevention* legal assistance and *community redevelopment* legal assistance.

WHEREAS, the Foundation and the two Arkansas Legal Aid Programs desire to work together to distribute the Settlement Funds in the most economical and effective manner to carry out the purposes of such funding and to provide legal services to people living in poverty in Arkansas.

THEREFORE, the parties agree as follows:

- 1. Scope of Program:** The two Arkansas Legal Aid Programs shall use the Settlement Funds to provide legal assistance that includes counsel and advice, limited services, pre-foreclosure negotiations and foreclosure representation, and other legal representation to eligible clients. For purposes of this MOU, eligible clients include those whose household income is within 200% of federal poverty guidelines, provided that grantees may exceed that threshold for up to 10% of clients served using the Settlement Funds when, in the judgement of the Arkansas Legal Aid Program, the case is one of extreme need and the managing attorney or workgroup leader and the Program’s executive director approve.

“Foreclosure Prevention Legal Services” shall be defined as “any representation of a homeowner or a member of a household of a homeowner that could materially impact the homeowner’s ability to retain their home.”

Examples of “Foreclosure Prevention Legal Services” shall include, but not be limited to, actions to negotiate mortgage modifications; Chapter 13 bankruptcies to allow a homeowner more time to pay a mortgage; Chapter 7 bankruptcies where the debtor needs to discharge other debts in order to successfully maintain homeownership; challenges to foreclosure proceedings; reverse mortgage assistance; defense of collection actions and other consumer protection cases; defense of tax foreclosure sales and negotiation of tax repayment agreements that would avoid foreclosures; disputes with the Internal Revenue Services or Arkansas Department of Finance and Administration regarding income taxes; Medicaid, SSI, SSDI and Social Security appeals; actions to provide beneficiary deeds for low-income homeowners to allow them to transfer their property to their intended

beneficiaries upon their death; unemployment compensation actions; representation in divorces or child custody actions in which maintenance, child support, or possession of the family home are at issue; sealing criminal records so the homeowner may obtain employment or other economic benefit; and, support for any pro bono efforts in regard to any of the above activities.

“Community Redevelopment Legal Services” shall be defined as “any action to reduce blight; retain or acquire quality, affordable housing; improve business development; or otherwise improve the quality of life in low-income and rural communities.”

Examples of “Community Redevelopment Legal Services” shall include, but not be limited to, evictions; utility shut-offs by landlords; lockouts; housing conditions cases; other disputes with landlords; utility cases; cases to assist individuals in acquiring or maintaining benefits that allow them to support themselves and their families while living in poverty, such as SNAP; representation of low-income small-business owners in transactional matters; representation of non-profit organizations or groups seeking nonprofit status for the purpose of providing housing to low-income communities, abating blight, or otherwise improve the quality of life in low-income and rural communities; work to reduce blight and to re-purpose blighted or other types of housing in low-income and rural communities; actions to provide beneficiary deeds for low-income homeowners to allow them to transfer their property to their intended beneficiaries upon their death; creating wills, clearing title, and other heir property issues; Chapter 7 & 13 bankruptcies to allow individuals to avail themselves of federal consumer legal benefits; defense of debt collection actions; Medicaid, SSI, SSDI and Social Security appeals; unemployment compensation actions; educational sessions on homeowners rights and responsibilities; involvement in planning development districts and zoning; sealing criminal records so that individuals may obtain employment or other economic benefit; representation and community lawyering to preserve housing in gentrifying areas; representation of tenants in fair housing and disparate impact claims; assistance in maintaining eligibility and residence in low-income housing programs; partnering with community programs that job training and placement for low-income workers; workforce development including securing wages and employment benefits; access to municipal/rural services; and support for any pro bono efforts in regard to any of the above activities.

- **Settlement Fund Allocation:** A total of \$3,220,954 (“Base Funding”) shall be granted to the Arkansas Legal Aid Programs for distribution over a period of no less than five (5) years based upon the respective agency’s percentage of poverty population, which is currently as follows, but subject to annual adjustment as new census data is released:

| | |
|------------------------------------|--------|
| Center for Arkansas Legal Services | 59.27% |
| Legal Aid of Arkansas | 40.73% |

An additional \$50,000 of Base Funding will be included in the first semi-annual payment to the Arkansas Legal Aid Programs, which will be divided as provided above.

The remaining \$1,219,286 (“Special Project Funding”) shall be made available to the Arkansas Legal Aid programs for distribution over a period of no less than three years based on a Request for Proposals to be issued by the Foundation by no later than March 1, 2017. Special Project Funding shall be allocated to the Arkansas Legal Aid Programs based on poverty population subject to the submission of qualified proposals.

- **Application Process for Base Funding:** Each Arkansas Legal Aid Program shall submit an initial program budget to receive the Base Funding. The Foundation shall provide a budget form to the programs for this purpose. In addition, the Arkansas Legal Aid Programs shall, by no later than the conclusion of the first Grant Reporting Period, (1) develop and/or agree on a set of substantially similar case outcomes that will be collected and reported using Base Funding and (2) implement collection of case outcome data for services that are more extensive than counsel & advice and brief services.
- **Grant Period:** The Grant Period for Base Funding shall be for a period of five (5) years beginning on December 1, 2016. The Grant Period for Special Project Funding shall be for a period of three years beginning on June 1, 2017.
- **Disbursement Schedule:** Funds will be disbursed semi-annually, beginning on the first day of each six-month Grant Reporting Period.
- **Expenditures:** Generally, grants shall be based upon supporting attorney time, which includes salary, benefits, and all other support, including administrative, secretarial and paralegal support and apportioned overhead expenses related to legal work performed with these funds (e.g. rent, mortgage, utilities, insurance). For purposes of calculating staff time spent, the Arkansas Legal Aid Programs may use an hourly billing rate of \$150 for attorneys and \$75 for non-attorneys.
- **Reporting Requirements:** Each Legal Aid Program will submit grant reports to the Foundation for Base Funding and Special Project Funding every six months for the duration of the Grant Period with reports for the December 1 to May 31 Grant Reporting Period due by June 30 and reports for the June 1 to November 30 Grant Reporting Period due by December 30.
- **Report Contents:** Each Arkansas Legal Aid Program will submit reports which include the items listed below. **All requested data should be cumulative for the applicable grant year.**

Foreclosure Prevention Legal Assistance

- Case statistical reports for all cases handled under the Foreclosure Prevention Legal Assistance Category
- Total number of clients served under this category
- Total number of household members impacted. Within this gross number, how many of those served were:

- Elderly (age 60 or older)
- Children (younger than 18); and
- Veterans
- Number of individuals assisted who own their homes
- Number of foreclosures prevented
- Outcomes for all cases handled under this category involving legal services more extensive than counsel & advice and brief services
- Monetary amounts recovered/avoided by case type
- At least one (1) client story
- A report of all year-to-date grant-related expenditures

Community Redevelopment Legal Assistance

- Case statistical reports for all cases handled under the Community Redevelopment Legal Assistance Category
- Total number of clients served under this category
- Total number of household members impacted. Within this gross number, how many of those served were:
 - Elderly (age 60 or older)
 - Children (younger than 18); and
 - Veterans
- Number of individuals assisted in retaining quality affordable housing
- Number of non-profit organizations assisted, if any
- Number of small businesses assisted, if any
- Number of cases involving reducing blight or improving the quality of life in low-income or rural communities
- Outcomes for all cases handled under this category involving legal services more extensive than counsel & advice and brief services
- Monetary amounts recovered/avoided by case type
- Number of collaborative partnerships with community groups relevant to the goals of the grant created
- Grant funds, if any, used to leverage additional resources
- At least one (1) client story
- A report of all year-to-date grant-related expenditures

Special Project Funding

- Case statistical reports for all cases handled for the project
- Total number of clients served under this category
- Total number of household members impacted. Within this gross number, how many of those served were:
 - Elderly (age 60 or older)
 - Children (younger than 18); and
 - Veterans

- Outcomes for all cases handled for the project involving legal services more extensive than counsel & advice and brief services
 - Monetary amounts recovered/avoided by case type
 - Number of collaborative partnerships with community groups relevant to the goals of the grant created
 - Grant funds, if any, used to leverage additional resources
 - At least one (1) client story
 - A report of all year-to-date grant-related expenditures
- **Final Disbursement:** Upon completion of the Grant Period for Base Funding, any remaining principal shall be delivered in total to the Legal Aid programs in proportion to the respective percentage of poverty level. The Foundation may elect to use any earnings to create an endowment for the benefit of the Arkansas Legal Aid programs.

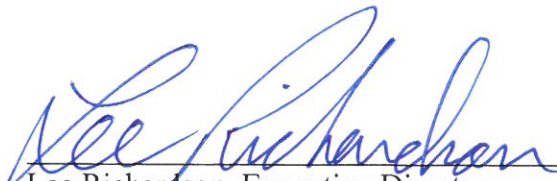
IN WITNESS THEREOF, the undersigned represent that they have the authority to enter into this Agreement for their respective organizations.

 Amy Dunn Johnson, Executive Director
 Arkansas Access to Justice Foundation, Room 113
 1300 West 6th Street
 Little Rock, AR 72201

Date: _____

 Jean Turner Carter, Executive Director
 Center for Arkansas Legal Services
 1300 W. 6th St.
 Little Rock, AR 72201

Date: _____



 Lee Richardson, Executive Director
 Legal Aid of Arkansas
 714 South Main
 Jonesboro, AR 72401

Date: 12/1/2016

ARKANSAS ACCESS TO JUSTICE FOUNDATION, INC.

1300 West 6th Street, Room 113

Little Rock, Arkansas 72201

(501) 682-9415 (direct dial)

(501) 682-9421 (facsimile)

**GRANT ASSURANCES AGREEMENT
BANK OF AMERICA SETTLEMENT FUNDS**

GRANTEE: Legal Aid of Arkansas

AMOUNT: \$1,332,529.56

PURPOSE OF GRANT: To provide housing foreclosure prevention legal services and community redevelopment legal services to low-income Arkansans.

GRANT PERIOD: December 1, 2016 to November 30, 2021

DATE AWARDED: December 1, 2016

SPECIAL TERMS AND CONDITIONS:

1. **Participation in IOLTA Program.** Grantee agrees to enroll all of its eligible client trust accounts in the Arkansas IOLTA program. It agrees to exert good faith efforts to ensure that its eligible client trust accounts earn interest for the IOLTA program.
2. **Use of Grant Funds.** Grantee will restrict the use of Grant Funds and any project-related income (e.g., interest earned on grant funds and attorney fees recovered in project-related cases) to the purposes set forth above, and which purposes are also charitable or educational within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1954. Grantee further agrees that all of the Grant Funds are to be used exclusively for the public, charitable purpose(s) specified in this Agreement.
3. **Grant Period.** Grantee understands and agrees that the Grant Period is for five (5) years, from December 1, 2016, to November 30, 2021. Any unspent Grant Funds for the applicable six-month Grant Reporting Period will be applied against subsequent Grant Reporting Periods.
4. **Payment of Grant Funds.** Subject to the terms and conditions of this Agreement, grant checks will be issued by the Foundation to Grantee semi-annually at the beginning of the applicable Grant Reporting Period.
5. **Material Changes to Grantee's Program.** Grantee agrees to notify the Foundation as soon as possible, but not later than thirty (30) days, of any material changes occurring in Grantee's program during the Grant Period for which this grant is made. Examples of material changes include, but are not limited to:
 - a. Change of contact person, telephone number, or office location.
 - b. Changes in tax status.
 - c. Questions raised in any financial or operational audit conducted in-house or by any governmental agency, including, but not limited to, the IRS and the Legal Services Corporation.
 - d. Changes or additions to the scope of activities of the grantee organization.

- e. Changes in circumstances that substantially impact the delivery of services to be provided under the terms of this grant.
6. **Financial Controls; Recordkeeping.** Grantee will be responsible for the management and fiscal control of all funds. Responsibilities include accounting for receipts and expenditures and maintaining adequate financial records. Grantee will properly account for receipt of funds and the expenditure of funds by category of expenditure (including project income) through the use of funding codes and problem codes, as appropriate. All grant-related records shall be retained for a period of at least three years following submission of the final report for the final Grant Reporting Period in which the Bank of America Settlement Funds are distributed.
7. **Audits.** Grantee will provide copies of audits conducted for the period for which Grant Funds were granted. Grantee further agrees that the Foundation may audit or cause an audit to be conducted of the Grant Funds. Grantee agrees to pay the costs incurred for any such audit.
8. **Data Collection and Evaluation Activities.** Grantee will, upon request, cooperate with all data collection and evaluation activities undertaken by the Arkansas Access to Justice Foundation, and give any authorized representative of the Foundation access to any copies of all financial records, books, papers, or documents, provided that the Foundation shall not have access to any reports, records, or information subject to the attorney-client privilege.
9. **Reports.** Grantee will submit semi-annual grant reports as provided in the MOU between the Foundation and Grantee, which is attached hereto as Appendix A and incorporated herein by reference. Financial reports will provide an accounting of all grant-related expenditures for the applicable reporting period.
10. **Grant Submission Materials.** Grantee understands and agrees that the application submitted for the grant awarded is the property of the Foundation, and any or all of the ideas or information contained therein may be used by the Foundation. Grantee further understands that all grant applications are considered public information and will be released upon request. Reasonable costs incurred to provide copies of applications may be assessed against the person requesting the copies.
11. **Partisan Political Activities.** No funds provided by the Foundation shall be used for any political campaign or to support attempts to influence legislation of any governmental body.
12. **Discrimination Prohibited.** Grantee will not discriminate on the basis of race, color, religion, sex, age, handicap, or national origin against (1) any person applying for employment or employed by the applicant with respect to any personnel action proposed or taken concerning the applicant or employee; or (2) any person seeking participation in, or the benefits or proceeds of, the program or projects supported in whole or part by this grant.


I am authorized to sign this Agreement on behalf of Grantee and to obligate Grantee to comply with the terms and conditions contained herein. I have read these assurances and understand that payment of grant funds will be subject to the terms and conditions set forth in this Agreement, and that Grantee will comply with such terms and conditions. I understand that sanctions that may be levied against my program if these conditions and restrictions are violated. Sanctions may include a refund of the grant amount or a portion thereof, forfeiture of future award payments, and/or ineligibility for future grant awards.

ARKANSAS ACCESS TO JUSTICE
FOUNDATION

By: _____
Bill Waddell, President

Date: _____

LEGAL AID OF ARKANSAS, INC:

By:  _____
Niki Cung, Chair

Date: 12-1-2016

ARKANSAS ACCESS TO JUSTICE FOUNDATION
FINANCIAL BUDGET FORM-BANK OF AMERICA SETTLEMENT BASE LEVEL FUNDING
Program Name: Legal Aid of Arkansas, Inc.

| | Staff | AATJF Funds | Total Budget (Less AATJF Funds) |
|--|--------------|--------------------|--------------------------------------------|
|--|--------------|--------------------|--------------------------------------------|

| | | | |
|------------------------------|----|------------------|--------------------|
| Professional Staff | 27 | \$220,000 | \$1,088,622 |
| Support Staff | 15 | \$39,970 | \$486,981 |
| Others | 0 | \$0 | \$142,663 |
| Salary Subtotal | 42 | \$259,970 | \$1,718,266 |
| Employee Benefits | | 0 | \$360,781 |
| Total Personnel Costs | | \$259,970 | \$2,079,047 |

| | | | |
|----------------------------------|--|------------------|--------------------|
| Space/Parking | | \$0 | \$56,099 |
| Equipment Rental | | \$0 | \$14,310 |
| Supplies | | \$0 | \$53,350 |
| Telephone | | \$3,874 | \$58,366 |
| Travel | | \$5,700 | \$55,800 |
| Training | | \$4,500 | \$34,000 |
| Library | | \$1,000 | \$13,000 |
| Insurance | | \$0 | \$37,164 |
| Dues and Fees | | \$1,200 | \$15,300 |
| Audit | | \$1,500 | \$13,500 |
| Litigation | | \$5,000 | \$15,000 |
| Capital Additions | | \$0 | \$15,000 |
| Contract Services & Sub-Grants | | \$0 | \$0 |
| Other | | \$0 | \$36,034 |
| Total Non-Personnel Costs | | \$22,774 | \$416,923 |
| | | | |
| TOTAL EXPENSES | | \$282,744 | \$2,495,970 |

| | |
|-----------------------|--------------------|
| Total Expenses | \$2,778,714 |
|-----------------------|--------------------|

ARKANSAS IOLTA FOUNDATION
2017 SOURCES OF PUBLIC AND PRIVATE FUNDS

Program Name: Legal Aid of Arkansas, Inc.

| | | |
|------------|----------------------------|-------------|
| Government | Legal Services Corporation | \$1,480,844 |
| | Area Agency on Aging | \$68,790 |
| | Public Legal Aid Fund | \$250,214 |
| | VOCA | \$118,125 |
| | Internal Revenue Service | \$60,000 |
| | AmeriCorps | \$123,498 |

| | | |
|------------|-----------------------|-----------|
| United Way | Six Agencies Combined | \$112,867 |
|------------|-----------------------|-----------|

| | | |
|-------------|---------------------------|-----------|
| Foundations | Arkansas IOLTA Foundation | \$282,744 |
|-------------|---------------------------|-----------|

| | | |
|-----------|-------------------------------|----------|
| Bar-Other | Washington County Law Library | \$12,500 |
| | Georgetown University | \$16,668 |
| | Arkansas Children's Hospital | \$80,000 |
| | CHI St. Vincent | \$30,000 |
| | Interest | \$2,500 |
| | Equal Justice Works | \$66,000 |

| | | |
|------------|--|---------|
| Att'y Fees | | \$4,000 |
|------------|--|---------|

| | | |
|---------------------------------------|--|----------|
| Individual and Law Firm Contributions | | \$85,000 |
|---------------------------------------|--|----------|

| | | |
|---------------------|--|-------------|
| Total Contributions | | \$2,793,750 |
|---------------------|--|-------------|