



Legal Aid of Arkansas
Board of Directors Meeting
Saturday, March 13, 2021
9:00 A.M.

Zoom Meeting

<https://zoom.us/j/91681030820>

**Legal Aid of Arkansas Board
of Directors Meeting**

March 13, 2021-9:00 a.m.

<https://zoom.us/j/91681030820>

AGENDA

1. Call to Order (Board Chair or Designee)
2. Search, Appointments, Nominations Committee (Ms. Thacker)
 - i. [Acceptance of Appointments](#)
 - ii. [Election of Officers](#)
 - iii. [Chart of Positions](#)
3. [Approval of Minutes](#) of December 12, 2020 Meeting (Board Chair or Designee)
4. Financial Report/Budget Update (Mr. Bowman)
 - a. [December Final](#)
 - b. [February YTD](#)
5. [2021 Financial Eligibility Guidelines](#) (Mr. Richardson)
6. Fair Housing/Housing Group Update (Mr. Auer)
 - a. [Housing Update](#)
 - b. [Housing Compared](#)
7. [Beyond Opioids Project Update](#) (Ms. Norman, Ms. Gratil)
8. Litigation Update from Director of Advocacy
 - a. [Murguia v. Childers Complaint](#)
 - b. [Murguia v. Childers Order](#)
 - c. [Arkansas Democrat-Gazette article](#)
9. Directors Report
 - a. [LSC Grant Award Terms and Conditions](#)
 - b. [CSR 2020 All Cases](#)
 - c. [Covid Intake by County](#)
 - d. [Amounts Avoided-Recovered 2020](#)
 - e. [Office Directory](#)
 - f. [Organization Chart](#)
10. Executive Session
11. Personnel Committee Report (Mr. Price)
12. Old/New Business
13. Adjournment

SEARCH/APPOINTMENTS/NOMINATIONS COMMITTEE
MEETING MINUTES
January 20, 2021

The Search/Appointments/Nominations Committee of the Legal Aid of Arkansas Board of Directors met by video call at 2:00 p.m. Wednesday, January 20, 2021. Participating in the conference call were Pamela Haun, Niki Cung, Ashlie Thacker, Lee Richardson and Elizabeth King.

Ms. Thacker called the meeting to order.

Mr. Richardson shared the findings of the diversity report. This report compares the diversity of the board, staff, and our clients in comparison to the client eligible population. He noted most findings were consistent and relative to the client eligible population. He drew attention to the lower percentage of Latino clients represented. He states we are aware of this and trying to adjust accordingly. Mr. Richardson suggests this is in part due to the prevalence of blended families, with some members being undocumented residents, and the fear of entering a legal office. He stated we do not see this phenomenon with the Marshallese population as they do not have the same fear of deportation. He reports the staff diversity reflects a higher representation of Caucasian staff members. He speculates this is reflective of the law graduates in Arkansas. Mr. Richardson would like to present this full report to the board in their March meeting.

Mr. Richardson reviewed six open positions for the board. At the past meeting, five of the six members were present, Fuller Bumpers was not present. Board member, Steve Davis verbalized his desire to continue serving. Annie Smith returned her letter confirming reappointment. Mr. Richardson could not recall exact responses from memory but gathers that the remaining four members wish to continue serving. He states almost all board members have served this board well and have been reliable and attentive. He noted that Mr. Bumpers only attended one meeting last year and has reached out to Mr. Bumpers to inquire if he would rather be reappointed or have us find another attorney in the sixteenth judicial district.

Mr. Richardson noted there is currently one vacancy in the Personnel Client Grievance committee. At the past board meeting, he raised the opportunity to be considered for this committee, but no one stepped forward. He noted that two members of this committee represent Jonesboro and suggests this last position be either West or North Central, which is limiting.

Ms. Cung stated she has served on this committee in the past and is willing to serve again if needed. Mr. Richardson thanked Ms. Cung.

Mr. Richardson reviewed the proposed slate of officers. All officers have agreed to continue serving. No term limits have been reached.

A motion was made by Niki Cung seconded by Ashlie Thacker to recommend the current slate of officers to the board. The motion carried.

Mr. Richardson reviewed the attendance for 2020. The following members had perfect attendance: Ms. Cung, Ms. Haun, Ms. Chumbler, Mr. Price, Mr. Walker, Ms. Ward and Mr. Wilson. He praised their attendance especially in light of the pandemic.

Hearing no other business, Ms. Thacker adjourned the meeting.

Legal Aid of Arkansas
2021 Board Diversity

Race	Male	Female	Total	Percent
White	9	5	14	66.6
African American	2	3	5	23.8
Hispanic	0	1	1	4.8
Other	0	1	1	4.8
Percent	52.4	47.6	21	100

Legal Aid of Arkansas
2020 Client Served Diversity

Race	Male	Female	Trans	Total	Percent	Client Eligible Pop %
White	1121	3781	5	4907	65.8	65.7
African American	418	1203	0	1621	21.8	18.9
Hispanic	84	213	0	297	4	12.8
Other	290	336	1	627	8.4	2.6
Percent	25.7	74.2	.1	7452	100	100

Legal Aid of Arkansas
1-19-2021 Staff Diversity

Race	Male	Female	Total	Percent
White	11	36	47	78.3
African American	0	8	8	13.3
Hispanic	0	3	3	5
Other	1	1	2	3.3
Percent	20	80	60	100

BOONE-NEWTON BAR ASSOCIATION

212 North Main, Suite B

PO Box 298

Harrison, AR 72601

February 22, 2021

Mr. Lee Richardson
Executive Director
Legal Aid of Arkansas
1200 West Walnut, Suite 3101
Rogers, Arkansas 72758

RE: Board Appointment

Dear Mr. Richardson,

The Boone County Bar Association is pleased to once again appoint Mr. Steve Davis to serve on the Board of Directors of Legal Aid of Arkansas. We understand that this is a 3-year appointment beginning in January 2021.

Please call if I can be of any further assistance.

With kindest personal regards, I am,

Sincerely yours,



Brad Brown, President
Boone County Bar Assoc.

cc: Steve Davis, Attorney at Law



President

PAUL W. KEITH

February 23, 2021

Mr. William A. Waddell, Jr.
400 W Capitol Ave Ste 2000
Little Rock, AR 72201-3493

RE: Arkansas Bar Association's Appointment to the
Legal Aid of Arkansas Board of Directors

Dear Mr. Waddell:

Pursuant to the request of Mr. Lee Richardson, Executive Director of Legal Aid of Arkansas, I am happy to appoint you to a three-year term as the representative of the Arkansas Bar Association on the Board of Directors of Legal Aid of Arkansas. Your contact with the First Judicial Circuit and your participation with Legal Aid in that district make you a perfect fit. I appreciate your commitment to the delivery of legal services and access to justice in our state. Thank you for your continued service.

Sincerely,

A handwritten signature in blue ink that reads "Paul W. Keith".

Paul W. Keith

PWK/mg

cc: Ms. Karen Hutchins
Mr. Lee Richardson

RACHAEL R. VAUGHN, P.A., INC.
ATTORNEY AT LAW

317 Trigg Drive, Marion, AR 72364
TELEPHONE: (870) 739-5718 FACSIMILE: (870) 739-5719
EMAIL: rachaelrvaughn@gmail.com

January 28, 2021

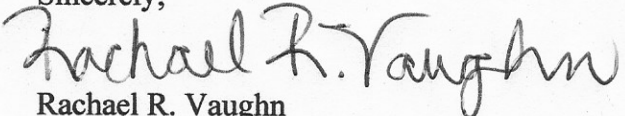
Lee Richardson, Executive Director
Legal Aid of Arkansas
lrichardson@arlegalaid.org

RE: Appointment of Attorney Ron Wilson to Board

Dear Mr. Richardson:

I am the current, elected president of the Crittenden County Bar Association. It is my understanding that one of our members, attorney Ron Wilson, is seeking reappointment to the board of Legal Aid. Please accept this letter as approval of the appointment of attorney Ron Wilson to the board. I am certain he will continue to serve honorably in that capacity.

If you need any further information, I will be happy to provide it.

Sincerely,

Rachael R. Vaughn

RRV
Encl.



December 17, 2020

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

Dear Lee:

Thank you for the continued opportunity to appoint a member of the Legal Aid of Arkansas Board of Directors. We are very pleased with Annie Smith's service and would like to extend her appointment by an additional term. I know she will continue to do an outstanding job in this capacity.

If there are additional matters to discuss, please let me know. You are doing an excellent job as Executive Director and we value the opportunity to collaborate.

Sincerely,

Margaret Sova McCabe
Dean and Professor

**Expiring Board
Terms**

Vilma Asencio

(Workers Justice Center)
Appointing Agency
Defunct. Does not want
to be reappointed.
Seeking an alternative.

Fuller Bumpers

(Independence County Bar
Association)
Request for appointment sent to
Barrett Moore, President of
Independence County Bar

Steve Davis

(Boone-Newton County Bar
Association)
Reappointed

Annie Smith

(University of Arkansas School
of Law)
Reappointed

Curtis Walker

(Arkansas Bar Association)
No longer a member of
Arkansas Bar, appointing
agency, replace by Bill
Waddell

Ron Wilson

(Crittenden County Bar
Association)
Reappointed

Current Officers

Pam Haun, Chair
Annie Smith, Vice Chair
Demetre Walker,
Treasurer
Ashlie Thacker,
Secretary

Executive Committee

Pam Haun
Annie Smith
Demetre Walker
Ashlie Thacker
Lori Chumbler
Ron Wilson

**Personnel/Client
Grievance Committee**

Val Price (Chair)
Pam Haun
Demetre Walker
(Vacant)

**Search/Appointments
/Nominations
Committee**

Ashlie Thacker (Chair)
Niki Cung
Pam Haun
Helen Jenkins

**Client Advisory
Group**

Mihailo Albertson
Vacant
Ashlie Thacker
Helen Jenkins
Demetre Walker
Rene Ward

**Audit/Finance
Committee**

Pam Haun (Chair)
Helen Jenkins
Annie Smith
Lori Chumbler

**Standing Delivery of
Legal Services/
Litigation Committee**

Lori Chumbler
Pam Haun
Steve Davis
Annie Smith
Staff as assigned

Safety Committee

Pam Haun
Annie Smith (Chair)
Val Price
Ashlie Thacker
Steve Davis
Ron Wilson
Staff as assigned

**Current Board Membership
March 2021**

Position No.	Potential Appointing Organizations	Appointing Organization	Location	Client Population	Board Member	Term Expires
1	Lee, Monroe or Phillips County Bar Association	Phillips County Bar	1st Judicial District	Lee, Monroe and Phillips counties	Kyle Stoner	12/31/2023
2	Cross, St. Francis or Woodruff County Bar Associations		1st Judicial District	Cross, St. Francis and Woodruff counties	Kevin Watts	12/31/2021
3	Crittenden County or Osceola Bar Associations	Crittenden County Bar	2nd Judicial District	Crittenden and Mississippi (South) counties	Ron Wilson	12/31/2023
4	Clay or Greene County or Blytheville Bar Associations	Greene County Bar	2nd Judicial District	Clay, Greene and Mississippi (North) counties	Neal Burns	12/31/2021
5	Craighead or Poinsett County Bar Association	Craighead County Bar	2nd Judicial District	Craighead and Poinsett counties	Val Price	12/31/2021
6	Jackson, Lawrence, Randolph or Sharp County Bar Associations	Jackson County Bar	3rd Judicial District	Jackson, Lawrence, Randolph and Sharp counties	Tim Watson, Jr.	12/31/2022*
7	Cleburne, Fulton, Independence, Izard or Stone County Bar Associations	Independence County Bar	16th Judicial District	Cleburne, Fulton, Independence, Izard and Stone counties	Fuller Bumpers	12/31/2020
8	Madison or Washington County Bar Associations	Washington County Bar	4th Judicial District	Madison and Washington counties	Niki Cung	12/31/2022
9	Benton County Bar Association	Benton County Bar	19th (East) Judicial District	Benton County	Lori Chumbler	12/31/2021
10	Boone-Newton or Carroll County Bar Associations	Boone County Bar	14th and 19th (East) Judicial Districts	Boone, Carroll and Newton counties	Steve Davis	12/31/2023
11	Baxter, Marion, Searcy or Van Buren County Bar Associations	Van Buren County Bar	14th and 20th Judicial Districts	Baxter, Marion, Searcy and Van Buren counties	Donna Price	12/31/2022*
12	University of Arkansas School of Law at Fayetteville	U of A School of Law	At Large	At Large	Annie B. Smith	12/31/2023

**Current Board Membership
March 2021**

13	Arkansas Bar Association	Arkansas Bar	At Large	At Large	Bill Waddell	12/31/2023
14	Domestic Violence Service Community	NEA Family Crisis Center	At Large	Victims of Domestic Violence	Ashlie Thacker	12/31/2021
15	Area Agencies on Aging	East Arkansas Area Agency on Aging	At Large	Elderly	Rene Ward	12/31/2022
16	Community Action Programs	NADC	At Large	Program Clients	Mihailo Albertson	12/31/2021
17	Mental Health/Disability	Arkansas Support Network	At Large	Mentally Ill/Disabled	Demetre Walker	12/31/2022
18	Faith Based Service Organization	Breaking Bonds Ministries	At Large	Program Clients	Matt Cook	12/31/2022
19	United Way Agency	Healing in the Hood	At Large	Agency Clients	Helen Jenkins	12/31/2022
20	Misc Organization Serving Low-Income Clients – Workers Justice		At Large	Program Clients	VACANT	12/31/2023
21	Wild Card	Craighead County Bar	At Large	At Large	Pamela Haun	12/31/2022

**LEGAL AID OF ARKANSAS
BOARD OF DIRECTOR'S MEETING
December 12, 2020**

The Board of Directors of Legal Aid of Arkansas met via video/conference call at 9:00 a.m. Saturday, December 12, 2020.

The formal agenda was as follows:

1. Call to Order (Ms. Haun)
2. Minutes of September 19, 2020 Meeting (Ms. Haun)
3. Financial Report (Mr. Bowman)
 - a. Year to Date
 - b. Balance Sheet
 - c. Projections
4. Audit/Finance Committee Report (Ms. Smith)
 - a. Proposed 2021 Budget (with Mr. Bowman)
 - b. Audit Agreement for 2020 Financial Year (with Mr. Richardson)
 - c. Salary Scale Update (with Mr. Richardson)
5. Financial Accounts Update (Ms. King)
6. Health Insurance Contribution/Eligibility Date (Mr. Richardson, Ms. King)
7. Expiring Board Terms and 2021 Officers (Mr. Richardson)
8. Locations and Dates of 2021 Board Meetings (Mr. Richardson)
9. Certification of Objective Integrity and Independence (Mr. Richardson)
10. Case Acceptance Priorities 2021 (Mr. Richardson)
 - a. Preamble and Special Projects (Mr. Richardson)
 - b. Consumer (Ms. Sanders)
 - c. Domestic Justice (Ms. Walker/Ms. Goff)
 - d. Economic Justice (Mr. Hawkins)
 - e. Housing (Mr. Auer)
11. Pro Bono Activities and 2021 Private Attorney Involvement Plan (Ms. Johnson, Ms. Foster)
12. Medical Legal Partnership at Arkansas Children's Hospital (Mr. Richardson)
13. Litigation Update from Director of Advocacy (Mr. DeLiban)
14. Director's Report (Mr. Richardson)
15. Old/New Business (Ms. Haun)
16. Adjournment (Ms. Haun)

Present via conference call were Mihailo Albertson, Vilma Asencio, Lori Chumbler, Niki Cung, Steve Davis, Pamela Haun, Helen Jenkins, Val Price, Annie Smith, Curtis Walker, Rene Ward, Kevin Watts and Ron Wilson. Legal Aid staff in attendance included: Lee Richardson, Executive Director; David Bowman, Fiscal Officer; Elizabeth King, HR Manager/Admin Asst; Andrea Walker, Deputy Director; Kevin De Liban, Director of Advocacy; Margaret Foster, Pro Bono Coordinator; Jason Auer, Housing Project Director, Greneda Johnson, Pro Bono Director, Mallory Sanders, Consumer Work Group Leader, Mary Goff, Domestic Justice Work Group Leader and Hannah Roe, Supervising Attorney.

Ms. Haun called the meeting to order. She welcomed everyone and moved to item two on the agenda, Minutes of September 19, 2020 Meeting.

Ms. Haun called for a Motion to Approve the Minutes. A Motion was made by Val Price and seconded by Kevin Watts. The motion carried with none opposed and the Minutes were approved.

Ms. Haun moved to item number three on the agenda, Financial Report by Mr. Bowman. Mr. Bowman started out with our actual revenue and expenditures for January through October. We ended with revenue at \$3,651,000, and we had payroll expenses of \$2,666,000 and non-personnel expenses of \$400,000. That left us with revenue over expenses of \$585,000. We did receive the Small Business Loan, the LSC telework for the Covid 19, and the State of Arkansas Ready for Business grants. Some of our expenditures are low, such as travel, since we haven't done any travel most of this year, and training. Our detail balance sheet shows our total cash at \$2,037,000, and under liabilities, we have our note to First Security of \$25,300, which is the balance due on that account, with revenue over expenditures of \$585,472. In November, our revenue ended at \$3,857,000 with expenditures at \$3,380,000, with our revenue over expenditures of \$478,178. We did have an increase in staff payroll over the past few months. Looking at the detailed balance sheet, we can see that the cash has dropped down to \$1,850,000. Due to timing on the Springdale office building, it shows that we did not make any payments, but we actually did make a payment around December 2. Again, the revenue over expenditures is \$478,000.

Mr. Richardson added that we are still counting the Paycheck Protection Program money as revenue, but right now it's a loan until it's forgiven, and hopefully most if not all will be forgiven, and then it's really revenue. And for right now, it is technically a loan, but if you took that out, we would be in the red by around \$10,000 as opposed to being in the black. Mr. Richardson stated that he felt that most, if not all of that would be forgiven.

Ms. Haun called for a Motion to approve the financial report presented by Mr. Bowman with Mr. Richardson's assistance. A Motion was made by Lori Chumbler and seconded by Niki Cung. The motion carried with none opposed and the report was approved.

Ms. Haun moved to item number four on the agenda: Audit/Finance Committee Report. Mr. Richardson stated he wanted to move forward to projection C. He stated that the projections are showing that we'll be \$412,583 to the good at the end of the year, again assuming the Paycheck Protection Program loan becomes cash that's not repayable. The purpose of this exercise is the 2021 projections, which would segue into the Audit/Finance Committee Report, because that is the 2021 Budget. Ms. Smith deferred to the last minutes from mid-November and passed her report on the Audit/Finance Committee Report to Mr. Richardson. He stated that the point of the exercise is to go over the 2020 financials and bring the Board up to date on the 2021 projections, which are the proposed budget for 2021. Right now, there is some uncertainty. We are looking at the LSC grant, for example, we have projected a worst case scenario there, which is a small increase passed by the Senate Appropriations Committee, the House passed a larger increase, they will probably meet somewhere in the middle, but right now we have projected an increase of \$32,000. The Administration of Justice Fund has gone down to about \$60,000 a year. Someone at the Department of Finance & Administration or the Administrative of the Courts has identified a problem that is taking significant money out of the fund that may be corrected in the upcoming legislative session. If that gets resolved in the first quarter of 2021, then we project that we at least get back up to our \$154,000 annual allocation that we have projected for earlier this year for 2020. We project 2021 at \$138,900, and that's because we think it will take some part of the first quarter to get back up to that amount.

Most things are self-explanatory. IOLTA, Interest on Lawyers' Trust Account for the Access for Justice Foundation, the Director of the Foundation told me she did not think they would make grants in 2021, because of the reduction in interest rates and collections. That is a substantial hit of \$130,000 down to zero. Any other fluctuations, they are not significant until you get down to the opioid grant (Opioid Response Planning Grant). As of September, we had two grants running simultaneously until the end of November, and now it is an implementation grant, which is \$333,333 a year, so that's a substantial increase. Then, our Fair Housing Project got an Education Initiative and an Outreach grant through sometime in 2022, and at least, at this point, they are two 1-year grants running consecutively. So, you can see an increase there.

Our biggest funding sources at this point, other than LSC, are the opioid grant of \$333,000, the HUD grant of a little over \$400,000 and the VOCA grant of nearly \$300,000. So, whenever you see some emphasis on those projects that is because that is where our primary funding is coming from. As far as projections for 2021 income, that could change at a moment's notice. For example, there is an award that we just got Thursday from the Arkansas Community Foundation of \$50,000 to do eviction defense because of the pandemic. Then, we have the King Foundation, and we are certain they are going to add \$35,000, so we'll have \$85,000 there that is not reflected. And then we'll hire a Housing attorney, which will pretty much make that budget neutral.

On projected expenses, personnel costs are up significantly, and part of this is because the pay increase of 1.3% based upon the Consumer Price Index, and most of that is just on hiring new attorneys and other staff to work on the projects that we are getting funding for. That is why those projections are higher. We have 62 or 63 staff members now, which is the most we have ever had.

Ms. Smith on behalf of the Audit/Finance Committee moved to approve the Report and the budget for 2021, and the Motion was seconded by Curtis Walker. The motion carried with none opposed and the report was approved.

Mr. Richardson continued with reporting on the audit for this year. It is coming up in either 2021 or 2022 where we solicit auditors. We do that every 5 years. We usually get several bids, and our current auditor has always consistently come in with the lower bid, because most of the people are out of state and it would cost them more to come in and conduct the audit. That is probably the reason that our current auditor has not raised the price for approximately 10 years. They have been audited by the Legal Services Corporation at least 5 times during that period of time, and they have always done well on those audits. We have the auditors scheduled to come into the Rogers office on Monday and Tuesday of next week. Going forward, we will try to present this at the September meeting, because the Audit/Finance Committee went ahead and approved the Audit Agreement Engagement Letter for this year. Because of timing, it has already been signed and sent in, and they are already scheduled to be here. However, this is being submitted by the Audit/Finance Committee to the full Board for approval that we engage the firm of Yoacum, Lovell & Company to do the 2020 audit. Ms. King injected that the next RFP (Request for Proposal) would be in 2023. That can be done sooner at the behest of the Board if it decides it is something we need to do, and that is something that can be done as soon as 2021.

Mr. Richardson continued with the Salary Scale Update. At the meeting last year in March, the Board adopted a new salary scale. As part of that salary scale, they included the language that the scale would increase each year based upon the Consumer Price Index increase, which is a cost of living increase

basically and then this year the Social Security Administration benefit increased, was 1.3%, so that's the measure what we were using. You can see updated salary scales that have applied this 1.3% increase. For example, you can see that the starting attorney's salary was \$45,000, and as of this increase, it will be \$45,585. This was a new scale as of March 2020, and that would be an increase to the administrative, to legal support, attorneys and paralegals, an increase of 1.3%. We would make that effective for our staff starting with the payroll of December 26th, 2020.

Mr. Richardson said we might revisit the salary scale in 2021 to catch up with the State and other legal aid programs. For example, the Center for Arkansas Legal Services increased their salary scale 3 times in the last 12 months. Now, their attorneys start at \$50,000. That is our sister organization in the State, so that's the one we have to compare with as far as a non-profit.

Ms. Haun moved to item number five on the agenda: Financial Accounts Update by Ms. King. Ms. King stated that we just have a few staff changes. We need to remove Morgan O'Neil as a check signor and add Valerie Spaink as a check signor on our First Security account.

Ms. Haun called for a Motion to approve the financial accounts updates presented by Ms. King. A Motion was made by Lori Chumbler and seconded by Val Price. The motion carried with none opposed and the report was approved.

Ms. Haun then moved to item six on the agenda: Health Insurance Contribution/Eligibility Date by Ms. King. Ms. King stated that in 2021 we wanted to help our employees out a little more, so instead of the 80% premium for the employee, we are going to start paying 90% in January. That means the employee will be responsible for 10% of their premium. The employees will still be responsible for 100% of spouse/family coverage. The other change we want to make is their hire effective date. Right now, our policy states that they are eligible for benefits the first of the month following 30 days of full-time employment, but we are changing that to the first of month following their date of hire to be able to get them on benefits quicker. That will be for all benefits. The 90% will be just for health insurance.

Ms. Haun called for a Motion to approve the changes to the personnel manual related to the Health Insurance Contribution/Eligibility Date by Ms. King. A Motion was made by Steve Davis and seconded by Niki Cung. The motion carried with none opposed and the report was approved.

Ms. Haun then moved to item seven on the agenda: Expiring Board Terms and 2021 Officers by Mr. Richardson. Mr. Richardson stated that 6 terms were expiring this year. Five of the six are present. He stated that the Board members that are present can affirm if they wish to continue on the Board and seek reappointment letters now or they can contact him or Ms. King after the fact to let us know if you do want to continue. Vilma, Steve, Annie, Curtis and Ron – all present today and all consistently good Board members. We are hoping that you will continue, and then we can contact Mr. Bumpers to gauge his wishes. Those are the six that are expiring. We will have search appointments and nominations committee meeting sometime in January to go over this after we get the commitment or information from the members whose terms are expiring. If there are positions that need to be filled from the outside, then we can discuss that at that time, and we will also at that time go over the slate of officers. Mr. Richardson stated that he believed that at this time there were not any officers are term limited at this time. Ms. King confirmed. So, the current officers can continue to serve if it is their pleasure and the pleasure of the Board, another year, assuming Ms. Smith is reappointed to the Board, and the same with the Executive Committee. The one place on all these committees that we have a void is the

personnel client grievance committee. We would like to have a fourth Board member on that committee, and hopefully that member is from the central part of the service area since Ms. Price and Ms. Haun are both in Jonesboro. This is also something that we can discuss at the search appointments and nominations committee meeting. Mr. Richardson asked that if anyone is interested in that position, please contact us after this meeting. Mr. Richardson reported that Mr. Kyle Stoner has been appointed by the Phillips County Bar Association to assume the Board position that Ms. Faye Reed held before she became a part time employee and had to resign. Mr. Stoner is a private attorney in the Helena/West Helena area, and his term will expire in 2023.

Ms. Haun confirmed that a motion is not needed on this report, as it is informational at this point. Mr. Steve Davis stated that he would like to continue another term as a Board member.

Ms. Haun then moved to item eight on the agenda: Locations and Dates of 2021 Board Meetings by Mr. Richardson. Mr. Richardson stated that he would like to meet in person again since the last time was December of last year. Based upon the projections right now, the March meeting will be virtual. Then by June, we will hopefully be able to resume meeting in person. But since our service area is so large, you can participate by video, by zoom, by phone or in person. He said we would like to meet in person in June in Marion. We have not been to Crittenden County in a while. We have never actually had a meeting in Marion. They have always been in West Memphis. Mr. Richardson put the Hampton Inn as the venue, which may or may not work out. September 25th would be in Rogers at the Center for Non-Profit. December 11th would be in Jonesboro at the Embassy Suites. Mr. Richardson stated that he would be happy to entertain any suggested changes. None were made.

Ms. Haun called for a Motion to approve the proposed Locations and Dates of 2021 Board Meetings by Mr. Richardson. A Motion was made by Niki Cung and seconded by Rene Ward. The motion carried with none opposed and the proposed locations and dates were approved.

Ms. Haun moved to item number nine on the agenda: Certification of Objective Integrity and Independence by Mr. Richardson. He stated that LSC regulations requires us each year to certify with the Legal Services Corporation that we are basically not doing restricted work. This arises from back in the 90's whenever a lot of regulations were passed and some legal aid programs fled, and some of them would share office space and go through one door and they are doing restrictive work on one side and not doing restrictive work on the other. Mr. Richardson stated that we are not in that situation and you can see his certification in the packet. That is something we will send in when we can get Ms. Haun to sign it. We don't have a sister organization within our offices that is doing the restrictive work while we were doing the unrestrictive work. We are not engaging in any restrictive activity and we are not subsidizing anyone that is. Mr. Richardson injected that one change needed to be made to the certification. Number 2 on the certification should read "December 7, 2019" and not "December 8, 2018." He changed it in number 3, but failed to change number 2, so that will need to be corrected before Ms. Haun's signature.

Ms. Haun called for a Motion to Approve the Certification of Objective Integrity and Independence with the date modifications by Mr. Richardson. A Motion was made by Lori Chumbler and seconded by Steve Davis. The motion carried with none opposed and the certification was approved.

Ms. Haun moved to item number ten on the agenda: Case Acceptance Priorities 2021 by Mr. Richardson. Mr. Richardson stated that the most important thing that he and Board do is to make sure

that the money is here to do the work. The Board also sets the Case Acceptance Priorities, which drives the work. There are 8 or 9 thousand calls a year from people looking for our help. We apply these case acceptance priorities to their facts and that's how we make our determination as to the level of service provided. This is one of the most important thing that we do each year is to analyze the cases that come in and the community needs. Right now, we are doing a legal needs assessment for 2021 that will help inform our new strategic plan that we will also present to the Board in 2021. That will form these case acceptance priorities next year. This year we have used all of the available information that we have. Each work group has come up with the priorities. Mr. Richardson then discussed the Preamble and Special Projects. He stated that the preamble has not changed a whole lot. There are 7 items that we look at any time that we are evaluating a case for extended representation. Those are based on the likelihood of success, the amount of resources required, the availability of resources, the vulnerability of the applicant, the availability of other community and pro bono resources, the seriousness of the legal matter, and the impact on the applicant as well as the rest of the community, and the long term benefit of the representation. So, we always consider those as well as placing something pro bono, even though it may not be necessarily a case that we believe would need to handle on staff. And then we have targeted projects for 2021 which may include medical/legal partnerships, victims of adverse childhood experiences in targeted areas, low income taxpayer clinic, fair housing issues, individuals and families impacted by substance abuse disorder, including opioid use disorder, and racial equity. Right now, we don't have a specific racial equality project going, and in 2021, we may not, but we always want to be considering that as we move forward with any of these other categories. Covid 19 is something new that we've inserted this year acknowledging the existence of the pandemic and the possible legal issues arising out of that that may not necessarily be within our regular priorities, but there are things that come forward without a lot of notice that we may need to address. After the Board adopts a priority, the case handlers review the priorities and sign off on them. And then, we try not to take on any cases that are not within our priorities throughout the year. They are broad enough that most cases fall within the priorities.

Mr. Richardson then presented Mallory Sanders as the new Consumer Work Group Leader. Ms. Sanders gave her report on the consumer law priorities.

Ms. Haun asked if there were any questions. Having no questions, Mr. Richardson moved to the Domestic Justice report by Ms. Walker and Ms. Goff. Mr. Richardson added that alot of our cases are from the Domestic Justice group, which can sometimes go as high as to 50% of our cases, so this impacts more callers coming into the legal aid help line than any of our other priorities.

Mr. Richardson asked if there were any questions. Having no questions, Mr. Richardson moved to the Economic Justice report by Mr. DeLiban on the group leader Trevor Hawkins' behalf.

Mr. Richardson asked if there were any questions. Having no questions, Mr. Richardson moved to the Housing group by Mr. Auer.

Mr. Richardson asked if there were any questions. Having no questions, Mr. Richardson moved to the Medical Legal Partnership at Arkansas Children's Hospital report by Ms. Hannah Roe.

Mr. Richardson stated that if there were no questions, we needed a motion to approve the priority reports presented by the work group leaders. Having no questions, Val Price made a motion to approve

the priorities presented by the work group leaders, the motion was seconded by Helen Jenkins. The motion carried with none opposed and the case acceptance priorities as stated were approved.

Ms. Haun stated that the next item on the agenda was the Pro Bono Activities and 2021 Private Attorney Involvement Plan by Ms. Johnson and Ms. Foster. Mr. Johnson and Ms. Foster gave the report and presented the plan.

Ms. Haun called for a motion to approve the 2021 Pro Bono Plan. A Motion was made by Curtis Walker and seconded by Niki Cung. The motion carried with none opposed and the plan was approved.

Ms. Haun moved to item twelve on the agenda: Medical Legal Partnership at Arkansas Children's Hospital by Mr. Richardson and Ms. Roe. Discussion centered on continued involvement at the MLP and possibly engaging the Center for Arkansas Legal Services more, as lead partner at the site since their main office is just a few blocks away from that office. The general consensus was that Legal Aid should move forward with discussions in this vein.

Ms. Haun moved to item thirteen on the agenda: Litigation Update from Director of Advocacy by Kevin De Liban. Mr. De Liban gave an update about ongoing litigation, including several case examples.

Ms. Haun moved to item fourteen on the agenda: Director's Report by Mr. Richardson.

Mr. Richardson started with the Covid 19 update. He stated that we started working remotely on March 16, and right now we are working remotely as a preference by default at least until January 4. If staff needs to go in, they go in, and we make exceptions. We just tell them to be careful and follow the proper protocols of mask wearing and social distancing and cleaning up after themselves. We have had seven Covid cases on staff, and thankfully everyone has recovered well with no serious lasting impact for any of those people. We continue to take this very seriously. We have seen an increase in cases with a Covid nexus. We have asked that question on intake, and it has hovered around 17% for most of this year, but in the past 30 days, it has risen to about 1 in every 4 cases or 25% that come in the door have a Covid nexus of some type. The majority of these cases in the last 30 days are landlord/tenant. We've seen a substantial increase in landlord/tenant cases over the past couple and months, and we expect that to substantially increase in the new year with the Center for Disease Control protection expiring. In anticipation of that, we are advertising for a housing attorney to do defense eviction work, and we're going to put that attorney in Little Rock so they can serve all 31 counties. The King Foundation part of the money will go primarily to the First and Second Judicial District plus Jackson county, and will be around \$35,000. The Arkansas Community Foundation money will go to the balance of the service area. So, that will be in addition to the 3 housing attorneys we already have working in our 31 counties and with the 3 housing attorneys we have in the Fair Housing Office in Little Rock. It will give us 7 housing attorneys, plus an investigator and a paralegal, which is a robust as that group has ever been and hopefully we will be able to meet the challenge. We also have some meetings coming up with a consortium of concerned individuals here in the state. There is a meeting on Monday where we will be discussing how to get more pro bono and law students involved to help meet some of the anticipated needs.

Mr. Richardson then addressed the Continuing Resolution that passed yesterday to extend 2020 federal funding levels through next Friday, and then we will see what happens. Mr. Richardson stated that he does not expect a shutdown, but if there is one, it would not necessarily impact the Legal Services Corporation funding or our funding initially. If it lasted awhile, maybe it would, but it would be business as usual for us. But it could have a significant impact on those we serve.

Mr. Richardson then stated that the only other thing on the national level that is significantly important is that we had a Budget Control Act in 2011 that lasted 10 years, and that will expire in 2021. So, LSC budget request for 2022 is over a billion dollars, and that is double current request levels, and there may be significant support for that because Legal Services Corporation funding is one of the few remaining things out there that has strong bi-partisan support. There are very few domestic spending programs that have support any longer, but we still do apparently.

Statewide, Mr. Richardson stated that we've launched the Beyond Opioids Project, and we are serving rural substance use disorder survivors and their families as they try to recover and that have civil legal issues that have an impact on their ability to recover or the family's ability to continue to function during their recovery. We probably have 50 ongoing cases already under that grant. In fact, we've been screening people in the last year, and there was 853 people in the last year that have done an intake that actually indicated that substance use disorder was a factor in their household, which is over 10% of the clients coming into Legal Aid of Arkansas.

The other thing is that the Access to Justice Commission is looking for a new executive director. Amy Johnson has been there for the past 11 years, and she has done an outstanding job supporting Legal Aid and the Center for Arkansas Legal Services and Access to Justice in general in Arkansas. She has been elected as Circuit Judge for the Sixth Judicial District for Pulaski and Perry Counties, and she takes office on January 1. The Supreme Court Administrative Office of the Courts are fast tracking trying to hire a replacement for her.

Mr. Richardson stated that we have already covered our grants and fund raising, and there has not been any significant developments there. We had a Giving Tuesday Campaign again to support our eviction defense project. We received 62 donations totaling \$3,765... probably 52 individual donors and 30 of those were external individuals. We had 15 staff members that gave, and we had 7 alumni that gave.

Mr. Richardson continued that we have a lot of staff changes, most of which is related to new money and new positions. Susan Duell will be moving from our Economic Justice Group to our Domestic Justice Group, and we are now advertising for an Economic Justice attorney in Northwest Arkansas, as well as an eviction defense attorney in Little Rock. We have a new Communications Specialist, Kimberly Marquez. We've hired several new staff attorneys since the last Board meeting. Bryce Moore is a staff attorney in our Newport office. Katherine Manuel will be going to our Harrison office, so we will have a full-time presence there.

After Mr. Richardson provided his update, Ms. Haun moved to item fourteen on the agenda: Old/New Business by Ms. Haun. There was no new or old business to discuss, and Ms. Haun adjourned the meeting.

LEGAL AID OF ARKANSAS
 ACTUAL REVENUE & EXPENDITURES
 FOR THE PERIOD JANUARY 1 THRU DECEMBER 31, 2020

Line#	Revenue:	2020 Apprd Budget	DEC 2020 Actual
1	LSC BASIC GRANT	\$1,564,261.00	\$1,564,261.08
2	Ark Adm Justice Funds	\$153,978.00	\$116,501.74
3	STOP/VAWA/VOCA	\$292,196.00	\$279,463.81
4	HUD	\$281,396.00	\$318,176.85
5	IOLTA	\$100,100.00	\$130,000.00
6	IOLTA-Housing Foreclosure	\$250,000.00	\$248,657.64
7	AATJF-Fair Housing Special Grant - 2020/2021	\$42,208.00	\$0.00
8	IRS-LITC	\$64,000.00	\$64,000.00
9	National Health Law Program	\$50,000.00	\$50,000.00
10	MLP-EJW&ACH	\$137,250.00	\$199,441.63
12	Equal Justice Works-CVJC (2018-2020)	\$24,205.00	\$7,044.38
14	AAA-White River	\$2,500.00	\$2,237.50
15	AAA-East Arkansas	\$35,000.00	\$40,000.00
16	AAA NWA	\$10,118.00	\$10,200.00
17	UW-Boone Cnty	\$2,000.00	\$2,000.00
18	UW-Bly	\$3,000.00	\$3,000.00
19	UW-NW Ark	\$50,000.00	\$50,000.00
20	UW-NE Ark	\$13,125.00	\$13,125.00
21	UW-NCA (Independence Cnty) \$5,000 for 2018-2019	\$4,000.00	\$5,800.00
22	UW-Mid South	\$4,781.00	\$4,890.00
23	Washington County Law Library	\$14,400.00	\$18,000.00
24	Other-	\$32,000.00	\$37,927.00
25	Donations	\$100,000.00	\$114,914.97
26	Interest income	\$20,000.00	\$16,961.53
27	Attorney fees	\$7,500.00	\$36,491.97
29	LSC - Midwest Legal Disaster - Coordination Project	\$64,400.00	\$64,400.00
30	LSC - Private Attorney Involvement Innovation	\$120,656.00	\$96,524.80
31	Rural Communities Opioid Response (Planning)	\$75,000.00	\$138,037.66
32	Small Business Loan - Paycheck Protection Program	\$0.00	\$521,600.00
33	LSC-Telework (Covid-19)	\$0.00	\$154,783.12
34	State of Arkansas - Arkansas Ready for Business	\$0.00	\$46,500.00
35	Revenue (excludes carryOver)	\$3,518,074.00	\$4,354,940.68

LEGAL AID OF ARKANSAS, INC (LEGFND)

Detailed Balance Sheet

As of: 12/31/2020

3/9/2021 6:16:29 AM

All Funds

Page 1

Assets

10-00-100 CASH - BANK OF FAYETTEVILLE	1,390,448.61	
10-00-103 FIRST SECURITY BANK MM	130,066.04	Total Cash - \$1,744,855.13
10-00-105 CASH-IN-BANK - B.O.F. LITC	20.00	
10-00-110 CLIENTS TRUST BANK ACCTS	6,995.35	
10-00-111 CASH-FIRST SECURITY BANK-GENERAL	286,411.11	
10-00-121 ACCOUNTS RECEIVABLE	224,320.48	Revenue recorded in 2020-to be paid in 2021
10-00-140 PREPAID EXPENSES	44,051.22	2021 Expenses Paid in 2020
10-00-150 LAND	8,000.00	
10-00-151 BUILDINGS	443,268.98	
10-00-155 FURNITURE & EQUIPMENT	122,201.89	
10-00-170 LEASEHOLD IMPROVEMENTS	134,854.50	
10-00-180 ACCUMULATED DEPRECIATION	(425,064.18)	

Total Assets

\$2,365,574.00
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Liabilities

10-00-200 ACCOUNTS PAYABLE	16,643.17	
10-00-204 CLIENTS TRUST	6,995.35	
10-00-205 ACCRUED PAYROLL	46,031.42	
10-00-213 GROUP INS. W/H & PAYABLE	1,455.47	
10-00-220 ACCRUED LEAVE	126,884.24	
10-00-240 DEFERRED SUPPORT	196,107.35	
10-00-245 NOTE PAYABLE-FIRST SECURITY	7,333.36	Remaining balance on Springdale Office

Total Liabilities

\$401,450.36

Net Assets

10-00-301 NET ASSETS - LSC	31,112.86
10-00-303 Net Assets-Property Restricted	38,376.83
10-00-304 NET ASSETS-DONATIONS RESERVE	175,000.00
10-00-305 NET ASSETS-DONATIONS-Unrestricted	591,035.03
10-00-306 Net Assets-Property Unrestricted	184,343.06
10-00-320 NET ASSETS- ARK FILING FEES	331,446.24
10-00-321 NET ASSETS-OTHER "AATJF"	13,709.10
Excess Revenues Over Expenses	599,100.52

Total Net Assets

\$1,964,123.64

Total Liabilities and Net Worth

\$2,365,574.00
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LEGAL AID OF ARKANSAS
 ACTUAL REVENUE & EXPENDITURES
 FOR THE PERIOD JANUARY 1 THRU FEBRUARY 31, 2021

Line#	Revenue:	2021 Apprd Budget	FEB 2021 Actual
1	LSC BASIC GRANT	\$1,586,261.00	\$275,470.00
2	Ark Adm Justice Funds	\$138,987.28	\$10,672.58
3	STOP/VAWA/VOCA	\$292,196.00	\$21,835.14
4	HUD	\$295,349.00	\$0.00
5	IOLTA	\$0.00	\$0.00
6	IOLTA-Housing Foreclosure	\$250,000.00	\$103,607.35
8	IRS-LITC	\$70,000.00	\$0.00
9	National Health Law Program	\$0.00	\$0.00
10	MLP-EJW&ACH	\$196,860.00	\$9,100.00
14	AAA-White River	\$2,500.00	\$0.00
15	AAA-East Arkansas	\$35,000.00	\$0.00
16	AAA NWA	\$10,118.00	\$0.00
17	UW-Boone Cnty	\$2,000.00	\$500.00
18	UW-Bly	\$3,000.00	\$900.00
19	UW-NW Ark	\$50,000.00	\$8,334.00
20	UW-NE Ark	\$13,125.00	\$1,715.28
21	UW-NCA (Independence Cnty)	\$4,000.00	\$0.00
22	UW-Mid South	\$4,781.00	\$800.00
23	Washington County Law Library	\$18,000.00	\$0.00
24	Other-	\$32,000.00	\$0.00
25	Donations	\$100,000.00	\$4,062.20
26	Interest income	\$9,500.00	\$2,213.51
27	Attorney fees	\$7,500.00	\$40.00
29	LSC - Midwest Legal Disaster - Coordination Project	\$64,400.00	\$0.00
30	LSC - Private Attorney Involvement Innovation	\$120,656.00	\$0.00
31	Rural Communities Opioid Response (Planning)	\$333,333.00	\$0.00
32	Small Business Loan - Paycheck Protection Program	\$125,000.00	\$0.00
33	LSC-Telework (Covid-19)	\$0.00	\$0.00
32	State of Arkansas - Arkansas Ready for Business	\$0.00	\$0.00
33	Arkansas Community Foundation	\$0.00	\$50,000.00
34	The King Foundation	\$0.00	\$35,000.00
35	Revenue (excludes carryOver)	\$3,764,566.28	\$524,250.06

LEGAL AID OF ARKANSAS
 ACTUAL REVENUE & EXPENDITURES
 FOR THE PERIOD JANUARY 1 THRU FEBRUARY 31, 2021

Expenses:

	2021 Apprd Budget	FEB 2021 Actual
36 Total-Attny(excludes AMC&EJW; Includes ACH/EJW-MLP)	\$2,129,184.72	\$292,960.11
37 Total-Paralegals	\$435,727.85	\$54,059.13
38 Total-Other	\$521,344.00	\$75,560.04
39 Total-EJW (Living Allow&Suppl Benefits)	\$0.00	\$0.00
40 Benefits Budgeted (includes Americorp & EJW benefits)	\$749,047.76	\$91,282.13
41 Grand Total of All Payroll	\$3,835,304.33	\$513,861.41
42 Space Rent (HA \$675/\$725, WM\$600, Helena \$275/470)	\$58,151.44	\$13,772.11
43 Space Other Expenses	\$30,500.00	\$4,517.89
44 Equipment Rental&Maint	\$19,500.00	\$1,592.28
45 Office Supplies	\$76,500.00	\$4,502.09
46 Postage /Printing	\$15,000.00	\$823.40
47 Communication Expense	\$62,500.00	\$19,057.55
48 Travel Board Members & Mtg Supplies	\$2,500.00	\$0.00
49 Travel Staff & Others	\$88,000.00	\$2,675.16
50 Training-Board Members	\$1,500.00	\$0.00
51 Training-Staff & Other	\$78,000.00	\$1,255.00
52 Library	\$16,000.00	\$2,033.76
53 Insurance-Prof Liab, Prop & Gen Liab	\$33,000.00	\$20,117.90
54 Dues & fees	\$19,000.00	\$12,063.00
55 Audit	\$15,000.00	\$0.00
56 Litigation	\$10,000.00	\$1,259.83
57 Advertising	\$4,500.00	\$256.95
58 Property Acquisition (Springdale-A/C, Jonesboro-roof/windows)	\$15,000.00	\$0.00
59 Depreciation (no affect on Cash)	\$15,825.00	\$0.00
60 Other (Contract Labor)	\$27,700.00	\$4,693.85
61 RACE-NEA LawDay	\$0.00	\$0.00
62 TIG(Ben&Wages included above in Payroll Exp)		
63 SPG Bldg Loan Pmts (interest Exp)	\$5,238.96	\$39.69
64 Total Non-Personnel Exp	\$593,415.40	\$88,660.46
65 TOTAL EXPENSES	\$4,428,719.73	\$602,521.87
66 Revenues over(under)Exp(excluding carryover)	(\$664,153.45)	(\$78,271.81)
67 Net Assets Beginning of Year (includes PROPERTY & Carryover/Reserves)	1,946,313.23	1,946,313.23
68 Net Assets at End of Year(includes PROPERTY&carryover/Reserves)	1,282,159.78	1,868,041.42
69 Monthly Average Expenses >>>>>>>>>	\$369,059.98	\$301,260.94
70 Average Monthly Exp in Unrestricted CarryOver(Reserves)	1.03	3.96

Reconciliation to Cougar:		
Excess Revenue Over (under) Exp - per this Rpt	(\$664,153.45)	(\$78,271.81)
Cash used for Non-Exp Item- Prin Loan Pmts-Spg Bld - Less Depr Exp	0.00	0.00
Reconciliation Amt-Excess Rev Over (Under) Exp	(\$664,153.45)	(\$78,271.81)
From Cougar Mnt Software Rpt		(78,271.81)
Reconciled to Cougar Mntn or Difference Amt>>>>		(\$0.00)

Board Approved 12/20/2020 (2021)

LEGAL AID OF ARKANSAS, INC (LEGFND)

Detailed Balance Sheet

As of: 2/28/2021

3/8/2021 3:37:44 PM

All Funds

Page 1

Assets

10-00-100 CASH - BANK OF FAYETTEVILLE	1,284,897.03	
10-00-103 FIRST SECURITY BANK MM	130,209.60	Total Cash - \$1,761,206.13
10-00-105 CASH-IN-BANK - B.O.F. LITC	20.00	
10-00-110 CLIENTS TRUST BANK ACCTS	4,903.25	
10-00-111 CASH-FIRST SECURITY BANK-GENERAL	346,079.50	
10-00-121 ACCOUNTS RECEIVABLE	70,349.00	Total 2020 A/R \$224,320.48 / HUD Balance
10-00-140 PREPAID EXPENSES	5,192.00	
10-00-150 LAND	8,000.00	
10-00-151 BUILDINGS	443,268.98	
10-00-155 FURNITURE & EQUIPMENT	122,201.89	
10-00-170 LEASEHOLD IMPROVEMENTS	134,854.50	
10-00-180 ACCUMULATED DEPRECIATION	(425,064.18)	

Total Assets

\$2,124,911.57
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Liabilities

10-00-200 ACCOUNTS PAYABLE	217.91	
10-00-204 CLIENTS TRUST	4,903.25	
10-00-210 UNITED WAY W/H	657.00	
10-00-213 GROUP INS. W/H & PAYABLE	(31,337.66)	
10-00-220 ACCRUED LEAVE	126,884.24	
10-00-240 DEFERRED SUPPORT	137,735.00	LSC November Payment rec'd in January Springdale Office has been paid in full

Total Liabilities

\$239,059.74

Net Assets

10-00-301 NET ASSETS - LSC	630,213.38
10-00-303 Net Assets-Property Restricted	38,376.83
10-00-304 NET ASSETS-DONATIONS RESERVE	175,000.00
10-00-305 NET ASSETS-DONATIONS-Unrestricted	591,035.03
10-00-306 Net Assets-Property Unrestricted	184,343.06
10-00-320 NET ASSETS- ARK FILING FEES	331,446.24
10-00-321 NET ASSETS-OTHER "AATJF"	13,709.10
Excess Revenues Over Expenses	(78,271.81)

Total Net Assets

\$1,885,851.83

Total Liabilities and Net Worth

\$2,124,911.57
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LEGAL AID OF ARKANSAS
2021 FINANCIAL ELIGIBILITY GUIDELINES

INTRODUCTION

All applications accepted for legal assistance and funded by Legal Services Corporation (LSC) annual grant awards or by other sources requiring a financial eligibility determination “means-test” must be screened for total household income and assets. Only those individuals and groups determined to be financially eligible may receive legal assistance supported with LSC funds. Applicants whose total household income and/or assets exceed the limits set forth by LSC or funding sources requiring a “means-test” can be accepted for legal assistance, but only in certain situations. These include the existence of an alternative funding source which doesn’t require a financial eligibility determination and the applicant meets specific conditions set forth by the funding source, e.g., cases funded by Area Agencies on Aging using Title III funds require the applicant to be 60 years of age or older.

INCOME

The Board of Directors reviews and adopts income eligibility guidelines for applicants. These guidelines are based on the Federal Poverty Income Guidelines, published each year in the Federal Register. Pursuant to 45 CFR §1611.3, an applicant whose total household income is at or below 125% of the guidelines, or national eligibility level, is “income-eligible” and can be provided legal assistance if other requisites for case acceptance, such as priority, case type and citizenship or legal alien status, are met. When new Income Guidelines are published in the Federal Register, they are immediately effective in determining eligibility and shall be presented to the LAA board at the next regular scheduled meeting.

Total household income is considered when determining the eligibility of an applicant for services and will include only the income of persons who are resident members of, and contribute to, the support of a family unit. Legal Aid, for the purpose of eligibility, defines family unit as persons who live together and have a legal obligation of support for one another; or who live together and function as though there is a legal obligation of support, such as unmarried partners. In addition, an applicant for assistance may choose to count as a member of the family unit any other person(s) residing in the same household who is claimed by a member of the family unit as a tax dependent. A temporary guest or person who has been displaced by trafficking or domestic violence will not be considered a member of a family unit.

The opposing party’s income and assets, or jointly held assets, shall not be considered for eligibility purposes, even if the opposing party would otherwise be considered a household member.

Exceptions are authorized by 45 CFR §1611.5 so long as gross income does not exceed 200% of the Federal Poverty Income Guidelines and the applicant meets the appropriate asset ceiling for the household size or the asset ceiling has been waived. However, one or more of the following factors must be present in order to consider granting a waiver:

**LEGAL AID OF ARKANSAS
2021 FINANCIAL ELIGIBILITY GUIDELINES**

1. The applicant is seeking legal assistance to obtain governmental benefits for low income individuals and families;
2. The applicant is seeking legal assistance to obtain or maintain governmental benefits for persons with disabilities;
3. Current income prospects, taking into account seasonal variations in income;
4. Unreimbursed medical expenses and medical insurance premiums;
5. Fixed debts and obligations;
6. Expenses such as dependent care, transportation, clothing and equipment expenses necessary for employment, job training or educational activities in preparation for employment;
7. Non-medical expenses associated with age or disability;
8. Current taxes; or
9. Other significant factors that the recipient has determined affect the applicant's ability to afford legal assistance.

If the total household income of the applicant, based on household size, is over 200% of the national eligibility level, the applicant is not considered for a waiver and not eligible for services using LSC funds.

WAIVER OF INCOME LIMIT

The decision to grant a waiver must be made by the Executive Director or designee. The determination that a waiver has been made must be noted on the client file in the case management system and the waiver determination must be on the standard waiver form contained in the CMS, citing which factor or factors listed above was used.

WHAT IS CONSIDERED "INCOME"

The definition of income is found in 45 CFR §1611.2(i). All sources of income are to be used in determining eligibility, with these exceptions:

1. SNAP benefits
2. Housing vouchers, food or rent in lieu of wages
3. Tax refunds
4. Funds withdrawn from a bank account
5. Gifts
6. Compensation and/or one-time insurance payments for injuries sustained
7. Any other non-cash benefit
8. Up to \$2,000 per year of funds received by individual Native Americans that is derived from Indian trust income or other distributions exempt by statute.

GROUP REPRESENTATION

LEGAL AID OF ARKANSAS
2021 FINANCIAL ELIGIBILITY GUIDELINES

Legal Aid may provide legal assistance to a group, corporation or association, if it is primarily composed of persons eligible for legal assistance under 45 CFR Part §1611.6(A)(1); or under (A)(2) has as a principal activity the delivery of services to those persons in the community who would be financially eligible for LSC-funded legal assistance and the legal assistance sought relates to such activity, and information is provided that shows the group, corporation or association lacks, and has no practical means of obtaining, funds to retain private counsel.

DOMESTIC VIOLENCE

Notwithstanding any other provision of this policy, in assessing the income or assets of an applicant who is a victim of domestic violence, Legal Aid shall consider only the assets and income of the applicant and members of the applicant's household other than those of the alleged perpetrator of the domestic violence and shall not include any assets held by the alleged perpetrator of the domestic violence, jointly held by the applicant with the alleged perpetrator of the domestic violence, or assets jointly held by any member of the applicant's household with the alleged perpetrator of the domestic violence.

VERIFICATION OF INCOME

In certain circumstances, the previous year's income tax returns, bank statements, etc., can be requested, if necessary, to verify an applicant's total household income.

ASSETS

Consistent with 45 CFR §1611.3(d)(1) Legal Aid has established guidelines for the determination of the total amount of assets applicants can hold seeking legal assistance and be eligible for services using LSC funding. These asset limits are subject to review on a yearly basis in conjunction with the review of income guidelines. Assets are cash or other resources of the applicant or members of the applicant's household that are readily convertible to cash, which are currently and actually available to the applicant. When setting asset limits, specific factors are taken into consideration, e.g., economy of the service area and the relative cost-of-living of low-income persons, to ensure the availability of services to those in the greatest economic and legal need. Also, special consideration shall be given to the legal needs of the elderly, the institutionalized, and the disabled.

Specific exclusions to an applicant's assets for determining eligibility include:

1. Principal residence of the applicant;
2. Reasonable equity value in work-related equipment, which is essential to the employment or self-employment of an applicant or member of the family unit, as long as the owner is attempting to produce income consistent with its fair market value;
3. The value of one automobile that is used for transportation per each adult member of the household, and one automobile that is used for transportation for each

LEGAL AID OF ARKANSAS
2021 FINANCIAL ELIGIBILITY GUIDELINES

- minor member of the household if the automobile is used for transportation by the minor to school or work;
4. Up to \$2,000 (\$3,250 if age 60 or older or disabled) in assets for an individual and \$3,000 (\$5,000 if at least one person in the household is age 60 or older or disabled) for a household, with assets meaning cash or other resources of the applicant or members of the applicant's household that are readily convertible to cash, which are currently and actually available to the applicant;
 5. Other assets which are exempt from attachment under state and federal law.

WAIVER OF ASSETS LIMIT

In certain unusual or extremely meritorious circumstances, consistent with 45 CFR §1611.3(d)(2), the Executive Director or designee may waive the assets limit. The waiver must be documented on the client intake form and copies of the waiver determination citing the circumstances included in the determination must be kept in both the hard-copy file and in a file maintained virtually and in the HelpLine manager's office.

CHANGE IN FINANCIAL ELIGIBILITY STATUS

Consistent with 45 CFR §1611.8, if after making a determination of financial eligibility and accepting a client for service, Legal Aid becomes aware that a client has become financially ineligible through a change in circumstances, Legal Aid shall discontinue representation supported with LSC funds if the change in circumstances is sufficient, and is likely to continue, to enable the client to afford private legal assistance, and discontinuation is not inconsistent with applicable rules of professional responsibility. Additionally, if Legal Aid, after making a determination of financial eligibility and accepting a client for service, determines that the client is financially ineligible on the basis of later discovered or disclosed information, Legal Aid shall discontinue representation supported with LSC funds if the discontinuation is not inconsistent with the applicable rules of professional responsibility.

LEGAL AID OF ARKANSAS
2021 FINANCIAL ELIGIBILITY GUIDELINES

Size of Family Unit	National Eligibility Level*	Maximum Income Level**
1	16,100	25,700
2	21,775	34,840
3	27,450	43,920
4	33,125	53,000
5	38,800	62,080
6	44,475	71,160
7	50,150	80,240
8	55,825	89,320

The figures in the column labeled **National Eligibility Level** represent 125% of the Federal Poverty Guidelines, as determined by the Department of Health and Human Services. The figures in the column labeled **Maximum Income Level** represent 200% of the Federal Poverty Guidelines. Applicants whose total household income falls below the **National Eligibility Level** are income-eligible for legal assistance. Applicants whose total household income does not exceed the **Maximum Income Level** are income-eligible for legal assistance if certain specific factors are present that would allow the income between the two levels to be waived. Under no circumstances will applicants whose total household income exceeds the **Maximum Income Level** be considered income-eligible for legal assistance using LSC funds, though assistance may be provided using alternate funds, where permitted by that funding source.

*For each additional family member, add \$5,675

**For each additional family member, add \$9,080

Each eligibility level is determined using **gross** income.

Housing Workgroup/Fair Housing Project Report

March 9, 2021

COVID-19 and the Eviction Crisis

On January 20, 2021, President Biden issued an executive order directing the CDC to extend its moratorium on certain evictions. The CDC responded by extending the moratorium order until March 31, 2021. The CDC's moratorium is an imperfect solution. While it is useful to many tenants in delaying evictions, it does nothing to stop the accrual of unpaid rent and late fees. As a result, many tenants, while perhaps still housed, are facing the prospect of financial ruin. At this point it is unknown whether the CDC's order will be extended beyond March 31st.

Due to economic factors arising from the COVID-19 pandemic, eviction cases are on the rise in Arkansas. This has led to a higher demand for civil legal services to assist with landlord/tenant cases. Legal Aid of Arkansas has seen a significant (30%) increase in landlord tenant cases compared to pre-pandemic levels. *See Attached Case Report*. A majority of new applications are for eviction defense, assistance in complying with the CDC's order, or assistance in accessing emergency rental assistance.

To meet this demand, Legal Aid has focused on resource development. In December, we drafted a successful funding proposal to the King Foundation and the Arkansas Community Foundation that allowed us to hire an additional eviction defense attorney. This idea of this proposal was that the new attorney would handle pandemic-related eviction cases. The new attorney, Emily Matteson, began working in January, and she has done excellent work. Unfortunately, her addition has largely been offset by the fact that our Jonesboro staff attorney was transferred to another workgroup.

In addition to the grant, we have sought to expand our pro bono panel by presenting an eviction/fair housing CLE in partnership with the Center for Arkansas Legal Services and the Arkansas Access to Justice Commission. The presentation was well attended (over 400 attendees) and resulted in numerous attorneys expressing interest in taking eviction cases. However, getting the private bar to take eviction cases has proven more difficult, and only a handful of cases have been successfully placed.

Fair Housing Project

Legal Aid currently receives \$425,000 per year from HUD to enforce the Fair Housing Act and to provide fair housing education across Arkansas. The HUD grants fund three attorneys and two investigative staff. Case results have been very good. Some interesting ongoing cases include:

Hughes v. Russell, 4:20-cv-01160-JM (E.D. Ark) – Our client, a woman in her 30s, was repeatedly sexually harassed by her neighbor. Despite filing criminal charges, obtaining a no contact order, and repeatedly asking her landlord to evict the neighbor, nothing was done. The harassment culminated when the neighbor attacked our client with acid causing serious injuries. Legal Aid assisted the woman in filing a federal case against both the neighbor and her landlord. The case has survived a motion to dismiss and is proceeding to discovery.

Stormont v. White River Regional Housing Authority, HUD Case No. 06-20-8762-8 – Case filed with HUD on behalf of a Section 8 voucher applicant after the Section 8 voucher coordinator at WRRHA asked her for sexually explicit pictures in exchange for moving her up the Section 8 waiting list.

Deans v. Strayhorn, Washington County Circuit, Case No.72CV-19-91, Case filed on behalf of a tenant after her landlord requested sexual acts in exchange for a waiver of late fees. The landlord also exposed himself to the tenant. The case is pending a jury trial.

Arkansas Fair Housing Commission v. Braig Enterprises, LLC, Washington County Circuit, Case No.72CV-21-340 – Legal Aid represents the aggrieved party, a woman denied housing because a prospective landlord was afraid her portable oxygen machine would blow up and damage the apartment.

Arkansas Fair Housing Commission v. Fast Investments, INC, Boone County Circuit Case No. 05CV-21-29 – this case originated from Legal Aid's testing program and deals with an apartment complex in Harrison that has a discriminatory policy regarding assistance animals.

Cases Closed
3-1-2020 to 2-28-2021

Legal Aid of Arkansas Housing Workgroup
 Landlord/Tenant Related cases

Cases Closed
3-1-2019 to 2-28-2020

County of Residence	Federally Subsidized Housing	Private Landlord Tenant	Public Housing	Totals	County of Residence	Federally Subsidized Housing	Private Landlord Tenant	Public Housing	Totals
Washington	8	221	17	246	Washington	10	149	4	163
Craighead	11	132	13	156	Craighead	16	101	6	123
Benton	1	107	4	112	Crittenden	13	71	2	86
Crittenden	8	69	8	85	Benton	4	65	3	72
Mississippi	5	28	2	35	Mississippi	4	19	4	27
Boone	1	23	0	24	Boone	2	18	1	21
Carroll	1	17	3	21	Baxter	2	15	1	18
Baxter	2	15	0	17	Greene	2	13	1	16
Marion	1	11	4	16	Carroll	1	11	2	14
Pulaski	2	10	2	14	Poinsett	3	8	1	12
Poinsett	0	12	0	12	Pulaski	1	10	1	12
Sharp	0	12	0	12	Cleburne	0	11	0	11
Greene	0	11	0	11	Saint Francis	2	8	0	10
Saint Francis	1	8	2	11	Phillips	2	5	2	9
Independence	1	8	1	10	Jackson	1	5	1	7
Cleburne	1	6	2	9	Not in Arkansas	1	6	0	7
Jackson	1	5	3	9	Independence	1	5	0	6
Lawrence	2	6	1	9	Lawrence	1	5	0	6
Arkansas	1	6	0	7	Fulton	0	5	0	5
Cross	1	5	0	6	Marion	0	4	0	4
Clay	2	3	0	5	Clay	1	2	0	3
Phillips	1	2	2	5	Izard	0	3	0	3
Randolph	0	5	0	5	Madison	0	3	0	3
Van Buren	0	5	0	5	Searcy	1	2	0	3
Madison	0	3	1	4	Stone	0	3	0	3
Monroe	2	2	0	4	Van Buren	1	2	0	3
Not in Arkansas	1	3	0	4	Woodruff	1	2	0	3
Searcy	1	3	0	4	Lee	1	1	0	2
Woodruff	1	2	1	4	Lonoke	0	2	0	2
Fulton	2	1	0	3	Monroe	1	1	0	2
Lee	1	1	1	3	Randolph	0	2	0	2

Cases Closed
3-1-2020 to 2-28-2021

Legal Aid of Arkansas Housing Workgroup
 Landlord/Tenant Related cases

Cases Closed
3-1-2019 to 2-28-2020

County of Residence	Federally Subsidized Housing	Private Landlord Tenant	Public Housing	Totals		County of Residence	Federally Subsidized Housing	Private Landlord Tenant	Public Housing	Totals
Lonoke	0	3	0	3		Sharp	0	2	0	2
Newton	0	2	0	2		Arkansas	0	1	0	1
Stone	0	2	0	2		Cross	0	1	0	1
Desha	0	1	0	1		Faulkner	0	1	0	1
Faulkner	0	1	0	1		Jefferson	0	0	1	1
Garland	0	1	0	1		Miller	0	0	1	1
Jefferson	0	1	0	1		Newton	0	1	0	1
Logan	1	0	0	1		Pope	0	1	0	1
	60	753	67	880		Saline	0	1	0	1
						Sebastian	0	1	0	1
						White	0	1	0	1
							72	567	31	670

31.3% increase in cases over previous year.
30.5% increase in cases pending over previous year.



Legal Aid of Arkansas Board Meeting

—
13 March 2021



HRSA and RCORP Implementation Grant

- What is the **Health Resources and Services Administration (HRSA)**?
- What is the purpose of the **Rural Communities Opioids Response Program (RCORP)** Implementation grant? Amount? Duration?



RCORP Funding and Legal Aid of Arkansas

- Legal Aid first received the RCORP Planning grant of **\$200K** in 2019 for a five-county service area
- Legal Aid then pursued the RCORP Implementation grant in collaboration with CALS to allow for statewide coverage
 - HRSA granted both organizations **\$1 million each**



Staffing Plan

- Project Director – CALS at 1FTE
- Data Collector – Legal Aid at 1FTE
- Administrative support
 - AmeriCorps VISTA – Beyond Opioids (1FTE)
 - AmeriCorps VISTA – Communications (0.5FTE)
- Communications support
 - Communication Specialist – CALS (0.1FTE)
 - Communication Specialist – Legal Aid (as needed)
- Sustainability support
 - Development Specialist – Legal Aid (as needed)
- Direct services
 - Attorneys
 - Legal Aid – 2.75FTE
 - CALS – 1.25FTE



Partners

- Formal partners
- Growth and Future Development
 - Arkansas Public Defender Commission
 - State of Arkansas, Office of the Drug Director
 - Arkansas Foundation for Medical Care (AFMC)

Direct Services



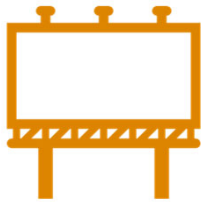
- 523 OUD/SUD intakes since 9-1-2020 (13.6% of total intake)
- Beyond Opioids funding used on 179 cases
- 81% Domestic Justice, 7.5% Housing
- At least one case opened in all 31 counties
- Case story

County	% Intake OUD/SUD
Cleburne	34.8
Fulton	33.3
Stone	30.4
Randolph	26.0
Baxter	24.3
Boone	24.1
Jackson	21.7
Lawrence	21.4
Searcy	21.1
Carroll	21.0



Say This,
Not That

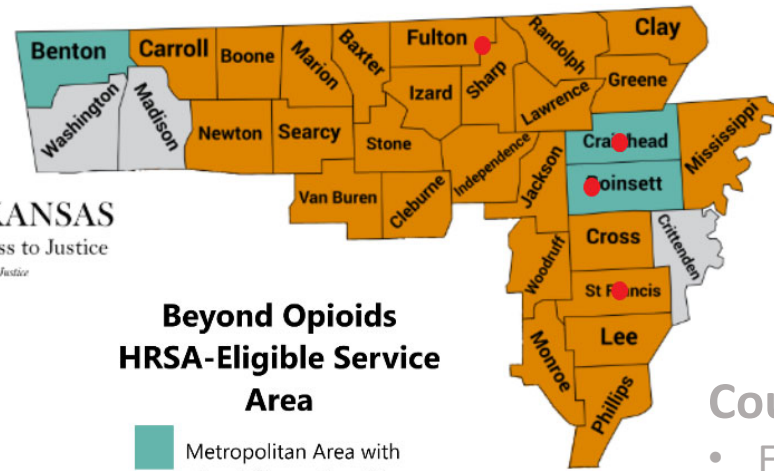
- **Anti-stigma campaign** that focuses on specific stigmatizing language related to substance use disorder
- **Project details:**
 - Distribution and launch schedule
 - Campaign survey for partners



Billboards and Case Tracking

- 9 billboards posted across the state of Arkansas
- Tracking cases in the counties and neighboring counties where the billboards are located

Billboard Locations



Beyond Opioids HRSA-Eligible Service Area

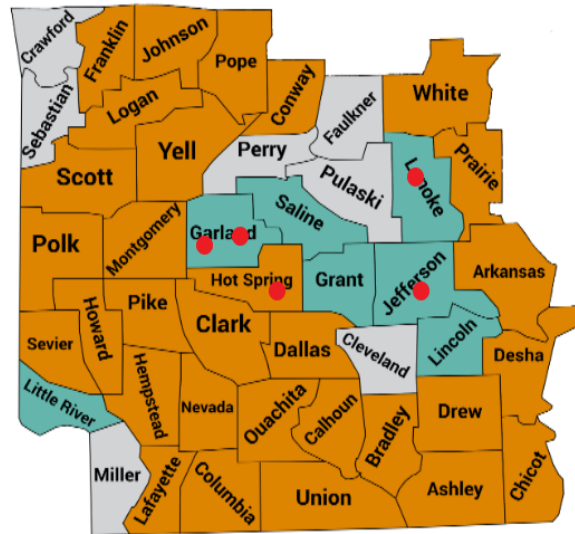
- Metropolitan Area with Rural Census Tract(s)
- Metropolitan Area
- Rural County

Counties:

- Fulton/Sharp
- Craighead
- Poinsett
- St Francis

Counties:

- Garland
- Hot Spring
- Lonoke
- Jefferson



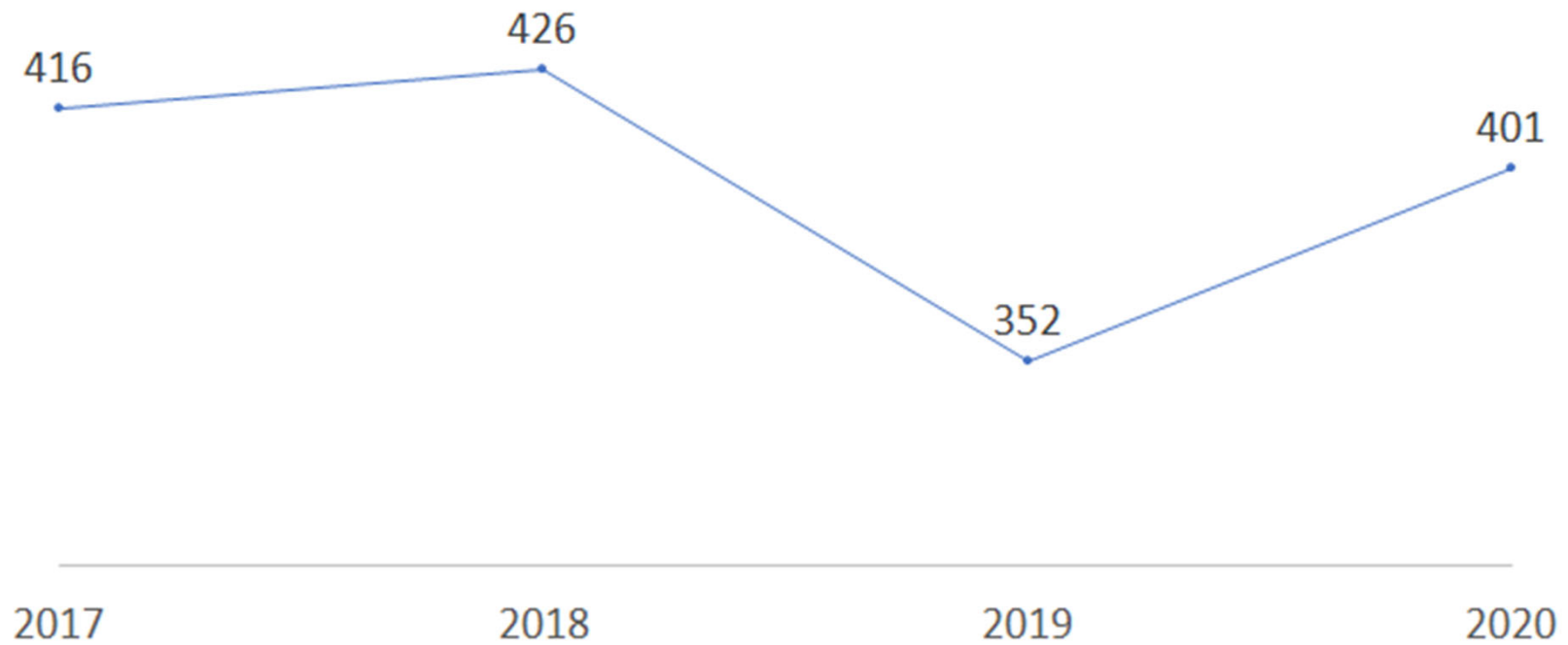
CENTER FOR ARKANSAS
LEGAL SERVICES
— Equal Justice for All —



Future Development 2021

- Arkansas Lawyer
- Annual bar meeting presentation
- Goals
 - Receive 600-700 B.O.P. cases
 - Integrate referrals to SUD supportive services
 - Establish legal aid as an integral part of the state's response to SUD and the opioid crisis
 - Encourage private bar engagement

Overdose Deaths in Arkansas





Board Engagement

- Voice overs for future social media campaigns
- Community partner expansion
- Monthly meeting participation
- Board ideas

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

MARIA MURGUÍA

PLAINTIFF

v.

Case No. 5:20-cv-05221 TLB

**CHARISSE CHILDERS, Director,
Arkansas Division of Workforce Services,
in her official capacity**

DEFENDANT

COMPLAINT FOR DECLARATORY RELIEF, INJUNCTIVE RELIEF, and DAMAGES

Plaintiff Maria Murguía, through her attorneys at Legal Aid of Arkansas, states the following in support of her complaint:

I. Preliminary Statement

1. Plaintiff Maria Murguía has worked as a housekeeper and cleaner for around 15 years. Like many other low-wage workers, she was hit hard by the COVID-19 pandemic. She was laid off from her job at Holiday Inn in March 2020 after working there for about four months. This layoff left her without any significant income.

2. Soon after, Ms. Murguía applied for Unemployment Insurance (“UI”) through the Division of Workforce Services (“DWS”). Because her English proficiency is limited and DWS provided no interpreters or information in Spanish, she had to rely on her 20-year-old daughter to translate for her. Ms. Murguía provided DWS information showing that she meets all the eligibility requirements for UI and still has not received a proper determination on her claim.

3. In the nine months since applying, Ms. Murguía has been trapped in a bureaucratic maze with no apparent exit. She has made her claim for UI three times. She has been asked to provide the same information multiple times. She has been given false information. She has been subject to a determination that DWS admits was erroneous. DWS made the process worse by

failing to provide meaningful access to Spanish-language services for the first two claims: no interpreters, no offers of interpreters, no information letting her know that interpreters are available, and no letters with substantive information in Spanish. In addition, due to her limited English abilities and national origin—she is an immigrant from Mexico—DWS workers treated her derisively.

4. Ms. Murguía was able to speak with someone in Spanish only after Legal Aid communicated with DWS on her behalf. Since then, however, her claim has been waiting nearly three months. Throughout, DWS has been diverging from its own policies, waiting months on a past employer to provide information that must ordinarily be provided in 10 days and failing to act on the information Ms. Murguía promptly provided demonstrating her eligibility.

5. What is more, DWS delayed its determination because of Ms. Murguía's status as a Latina immigrant and the stereotype that Latino workers are undocumented, which she has proved to DWS that she is not. Just last week, DWS asked Ms. Murguía about the immigration status of her former co-workers. After Ms. Murguía declined to answer these questions irrelevant to her claim, DWS told her that her case would be closed.

6. DWS's delays and discrimination have deprived Ms. Murguía of benefits for nine months with predictably painful results. Ms. Murguía's owes around \$2,000 in back rent and has been threatened twice with eviction from the home where she resides with her 13-year-old son.

7. Without other recourse, Ms. Murguía now turns to this Court for relief, alleging that DWS has violated Title VI of the Civil Rights Act, violated the Due Process Clause of the Fourteenth Amendment, and acted arbitrarily and capriciously in violation of state law. She seeks injunctive relief, a declaratory judgment, and, for the Title VI claim, compensatory damages.

II. The Parties

8. Plaintiff Maria Murguía is a resident of Washington County, Arkansas. She resides and receives mail at 1475 N Carlsbad Terrace, Fayetteville, Arkansas, 72704.

9. The Division of Workforce Services is the state agency that administers the Unemployment Insurance and Pandemic Unemployment Assistance programs. The central office is located at #2 Capitol Mall, Little Rock, Arkansas, 72201. DWS operates offices throughout the state, including in Washington County.

10. Dr. Charisse Childers is the director of DWS. She is sued in her official capacity only. Her mailing address in her official capacity is P.O. Box 2981, Little Rock, Arkansas, 72203. The director of DWS is “the agent for service of process for all legal actions arising under this chapter or to which the division shall be named a party.” Ark. Code Ann. § 11-10-301(d).

III. Jurisdiction and Venue

11. This action arises under 42 U.S.C. § 1983, Title VI of the Civil Rights Act, and the Due Process Clause of Amend. XIV of the United States Constitution. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3) and (4).

12. This Court has jurisdiction to issue declaratory relief and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202 and Fed. R. Civ. Pro. 65.

13. Pursuant to 28 U.S.C. § 1367(a), the Court has supplemental jurisdiction over the state law claim for injunctive relief because it is based on the same essential facts about the administration of the UI program and DWS’s treatment of the Plaintiff’s claim for benefits.

14. The venue of this action is appropriately in the Western District of Arkansas pursuant to 28 U.S.C. § 1391(b), as a substantial part of the events that gave rise to these claims occurred through the Plaintiff’s interactions with the DWS office in Fayetteville.

IV. Background on Federal Laws Governing Unemployment Insurance

15. The federal government provides partial funding to states to implement an Unemployment Insurance program. 42 U.S.C. § 501; 42 U.S.C. § 1101(c)(1)(A). The United States Department of Labor is the entity that oversees each state's implementation. *See generally* 42 U.S.C. § 501 *et seq.*; 20 C.F.R. § 601 *et seq.* In addition to administering applicable statutes and regulations, the Department of Labor provides policy guidance to states through Unemployment Insurance Program Letters.

16. The implementing state's laws must provide for “[s]uch methods of administration...as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation *when due.*” 42 U.S.C. § 503(a)(1) (emphasis added). The Secretary of Labor interprets this provision “to require that a State law provide for such methods of administration as will reasonably ensure the *prompt and full payment* of unemployment benefits to eligible claimants.” 20 C.F.R. § 602.11 (emphasis added).

17. Federal law provides that, “as a condition of eligibility for regular compensation for any week, a claimant must be able to work, available to work, and actively seeking work.” 42 U.S.C. § 503(a)(12). *See also* 20 C.F.R. § 604.1 *et seq.* Within these parameters, states have discretion to prescribe eligibility requirements.

18. The Secretary monitors the timeliness and accuracy with which states make eligibility determinations by requiring reports from the states. *See* 42 U.S.C. § 503(a)(6); 20 C.F.R. §§ 602.1, 602.11(b); 602.21(c).

19. The Secretary determines that a payment of UI benefits is prompt if it occurs within 14 days of the week ending date of the first compensable week. 20 C.F.R. § 640.5. While promptness is measured in terms of payment, “adequate performance is contingent upon the

prompt determination of eligibility by the State as a condition for the payment or denial of benefits.” 20 C.F.R. § 640.1(a)(2) (emphasis added).

20. The Secretary has determined that an eligibility determination is prompt if it occurs within 21 days of the date that DWS has relevant information regarding the circumstances of the claimant’s separation from their last employment (e.g. information suggesting the claimant voluntary quit or was discharged for misconduct). *See* U.S. Department of Labor, Office of Unemployment Insurance, UI Core Measures and Acceptable Levels of Performance.¹

21. In response to the COVID-19 pandemic, Congress created the Pandemic Unemployment Assistance (“PUA”) program. 15 U.S.C. § 9021. PUA provides financial assistance to people not covered by traditional UI, including workers in the gig economy, people who are self-employed, part-time workers whose earnings are too low to qualify, and full-time workers who did not work at their job long enough to qualify.

22. Eligibility for PUA is restricted to a person who “is not eligible for regular compensation or extended benefits under State or Federal law...” 15 U.S.C. § 9021(a)(3)(A). This includes claimants who are ineligible for traditional UI due to disqualifications. *See id.*; U.S. Department of Labor, Wage and Hour Division, Unemployment Insurance Program Letter 16-20 (“UIPL 16-20”), Attachment I, p. 9;² UIPL 16-20, Change I, Attachment I, p. 8, Question 31.

23. In addition to being ineligible for traditional UI, a claimant’s lack of employment must have a nexus with the COVID-19 pandemic. Such a nexus may include, but is not limited to, being diagnosed with COVID, being advised or ordered to quarantine, having a household member

¹ Available at https://oui.doleta.gov/unemploy/pdf/Core_Measures.pdf

² Available at https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4628

diagnosed with COVID, school or childcare facility closures, workplace closures or layoffs, or rescinded job offers. *See* 15 U.S.C. § 9021(a)(3)(A)(ii)(I).

24. PUA is effective for periods of qualifying unemployment between January 27 and December 31, 2020. *See* 15 U.S.C. § 9021(c)(1).

25. The cost of PUA is fully covered by the federal government. *See* 15 U.S.C. § 9021(f)(2).

26. The same state agency that administers traditional UI also administers PUA and makes eligibility decisions. *See* 15 U.S.C. § 9021(f)(1). The terms and conditions of state laws that apply to claims for and payment of UI also apply to PUA. *See* 15 U.S.C. § 9021(h); UIPL 16-20, Attachment I, p. 9.

27. From January 27, 2020, to December 31, 2020, a state must review regular UI claims that have been denied and identify individuals who are potentially eligible for PUA. The state must provide each identified individual with “appropriate written notification of their potential eligibility, including filing instructions.” UIPL 16-20, Change I, Attachment I, p. 2, Question 5.

V. Arkansas’s Implementation of Unemployment Programs

28. The Arkansas Division of Workforce Services administers Arkansas’s UI program. *See* Ark. Code Ann. § 11-10-306. In fulfilling this role, the Director “shall cooperate with the United States Department of Labor to the fullest extent consistent with the provisions of this chapter and shall take such action, through the adoption of such appropriate rules, administrative methods, and standards as may be necessary to secure to this state and its citizens all advantages available under the provisions of the Social Security Act that relate to unemployment compensation....” Ark. Code Ann. § 11-10-312.

29. For purposes relevant to the present case, a claimant must meet the following requirements under Ark. Code Ann. § 11-10-507 to be eligible for UI:

- a. Have sufficient qualifying wages from the “base period,” *see also* Ark. Code Ann. § 11-10-312;
- b. Be “unemployed,” *see also* Ark. Code Ann. § 11-10-214;
- c. Have made a claim for benefits for the week in question;
- d. Be physically and mentally able to perform suitable work; and
- e. Be available for work.

30. A claimant who meets the requirements in Paragraph 29 can nonetheless be disqualified if they voluntarily left their job without good cause or if they were discharged for misconduct in connection with the work. *See* Ark. Code Ann. §§ 11-10-513, 11-10-514.

31. Upon receiving a claimant’s application, DWS sends a notice to the claimant’s last employer and all base period employers to obtain information relevant to determinations about the claimant’s monetary and non-monetary eligibility for benefits. *See* Ark. Code Ann. §§ 11-10-505, 11-10-521. If the last employer fails to respond to the notice within 10 calendar days or other base period employers fail to respond to the notice within 15 calendar days, the employer is deemed to have waived the right to respond. Ark. Code Ann. §§ 11-10-505, 11-10-521. *See also* Division of Workforce Services Regulation 15(A), (B).³

32. No statement from the employer is required for DWS to make an eligibility decision. The DWS director “may accept the statement given by the claimant as his or her reason for separation... and may base his or her determination on the statement given by the claimant.” Ark. Code Ann. §§ 11-10-505(a)(2)(B); 11-10-521(b)(2)(B).

³ Available at <https://www.dws.arkansas.gov/news-info/workforce-service-regulations/adws-workforce-services-regulations/>

33. If DWS requires additional information from the claimant, the agency sends notice to the claimant. The claimant must provide the requested information within 10 days of the date DWS mails the notice. *See* Division of Workforce Services Regulation 14(b)(B).

34. Arkansas's UI laws do not prescribe a specific timeframe within which DWS must make prompt eligibility decisions or payment to eligible claimants. *See* Ark. Code Ann. § 11-10-101 *et seq.* However, a state statute requires that benefits be paid "promptly in accordance with an initial determination...that the benefits are due." Ark. Code Ann. § 11-10-531(a).

35. Similarly, notice of determinations "shall be promptly given to the claimant." Ark. Code Ann. § 11-10-522(d).

36. From the time of application, a claimant must call a DWS phone number every week to make a claim for benefits for that week. This is required even if DWS has not made an eligibility determination.

37. The amount of UI benefits an eligible claimant receives depends upon their past earnings, with a minimum weekly benefit amount of \$81 and maximum of \$451. *See* Ark. Code Ann. § 11-10-502.

38. DWS's determination regarding eligibility for UI also affects a claimant's eligibility for PUA. Specifically, DWS requires a decision that a claimant is ineligible for traditional UI before considering eligibility for PUA.

39. As a policy or practice, DWS fails to obey the federal directive to provide individuals denied UI with "appropriate written notification of their potential eligibility [for PUA], including filing instructions." *See* Paragraph 27; UIPL 16-20, Change I, Attachment I, p. 2, Question 5. DWS sends no such notification.

40. DWS requires an application for PUA that is distinct from the application for UI. DWS began accepting PUA applications around May 4, 2020.

41. As a policy or practice, DWS discourages claimants from filing a PUA application while a UI application is pending. On information and belief subject to confirmation after a reasonable opportunity for discovery, DWS refuses to accept a PUA application from a claimant who has a pending UI application.

42. Upon a determination that a claimant is eligible for PUA, DWS will authorize payment of benefits retroactive to the first week of the qualifying period of unemployment.

43. The amount of PUA benefits an eligible claimant receives depends on past earnings, with a minimum weekly benefit amount of \$133 and a maximum of \$451. *See* Division of Workforce Services News Release, “Pandemic Unemployment Assistance now available to Arkansans” (May 4, 2020).⁴

44. Any claimant eligible for UI or PUA from the period of April 4 to July 25, 2020, is eligible for an additional \$600 per week of eligibility through the Federal Pandemic Unemployment Compensation (“FPUC”) program. *See* Division of Workforce Services News Release, “Pandemic Unemployment Assistance now available to Arkansans” (May 4, 2020); 15 U.S.C. § 9023. On information and belief subject to confirmation after a reasonable opportunity for discovery, DWS will authorize payment of retroactive FPUC benefits for any qualifying weeks of unemployment during April 4 to July 25, 2020.

45. After the FPUC program eligibility window ended, Arkansas instituted the Lost Wages Assistance (“LWA”) program to supplement the weekly benefit amount of all PUA

⁴ Available at

[https://www.dws.arkansas.gov/src/files/News_Release_Pandemic_Unemployment_Assistance_\(PUA\)_May_4,_2020.pdf](https://www.dws.arkansas.gov/src/files/News_Release_Pandemic_Unemployment_Assistance_(PUA)_May_4,_2020.pdf)

claimants and certain UI claimants. All PUA claimants and those UI claimants with weekly benefit amounts of at least \$100 were eligible to receive an additional \$300 per week for any week between roughly August 1 and September 15, 2020, during which they were eligible for UI or PUA. *See* Division of Workforce Services Public Notice, “Lost Wages Assistance Program Approved for Arkansas” (September 8, 2020);⁵ Max Brantley, Arkansas Times, “Hutchinson administration decides after all to pay three more weeks of \$300 federal unemployment benefit” (October 6, 2020).⁶

46. Presently, DWS will not authorize payment of retroactive LWA benefits because it claims the funds are exhausted.

VI. Ms. Murguía’s Facts

47. Maria Murguía is 50 years old. She immigrated to the United States from Mexico, her country of birth, and is a lawful permanent resident. She has been in Arkansas for about 15 years. During that time, she has earned her living doing cleaning and housekeeping work. She does not speak English fluently.

48. The Plaintiff began work as a housekeeper for Holiday Inn in Bentonville, Arkansas around November 13, 2019. She earned \$10.00 per hour and worked full time. The Plaintiff reported to a manager she knew as Lupe (last name unknown), who was the head of housekeeping and spoke Spanish. Since no other hotel manager spoke Spanish, Lupe was the Plaintiff’s only point of contact with supervisory authority.

⁵ Available at https://www.dws.arkansas.gov/src/files/LWA_Press_Release_0908.pdf

⁶ Available at <https://arktimes.com/arkansas-blog/2020/10/06/hutchinson-administrates-decides-after-all-to-pay-three-more-weeks-of-300-federal-unemployment-benefit>

49. Around March 12, 2020, Lupe told the Plaintiff that she would be laid off because the COVID-19 pandemic reduced the hotel's staffing needs. The Plaintiff has not been called back to work since then.

50. The Plaintiff did not resign verbally or in writing and was not discharged due to misconduct. Holiday Inn did not provide the Plaintiff with written notice of the layoff.

51. Around March 19, 2020, the Plaintiff went to the Fayetteville DWS office to apply for UI benefits. She was accompanied by her 20-year-old daughter, Alejandra, to help with translation. On her application, she noted that she was last employed at Holiday Inn, had worked there for four months, and had been laid off.

52. At that time of her application, the Plaintiff provided proof of immigration status necessary for UI eligibility.

53. At the Fayetteville DWS office on the day she applied, she did not see any signs informing her of the ability to receive services or documents in Spanish. Though it was clear that the Plaintiff did not speak English, no DWS employee offered interpretation services, asked the Plaintiff if she wanted an interpreter, offered to have documents provided in Spanish, or asked if she wanted documents provided in Spanish. Relying on Alejandra, no DWS employee had any way of knowing whether the information given to the Plaintiff was being accurately translated into Spanish.

54. For purposes of eligibility under Ark. Code Ann. § 11-10-501 *et seq.*, the Plaintiff had sufficient wages to qualify for traditional UI, was unemployed, was physically and mentally able to perform suitable work, and was available for work. She would have accepted any suitable work offered.

55. From the date the Plaintiff first applied, she has filed her weekly claim through DWS's claim call-in line, sometimes relying on Alejandra to do so.

56. On June 10, 2020, DWS sent her a Notice of Agency Determination in English with the name of "Molly Maid of Northwest Arkans" [*sic*] at the top. The notice stated:

The claimant quit their job on 11-07-19 to take another job. This is a personal reason. An evaluation of the facts shows the claimant left work voluntarily and without good cause connected to work.

The notice disqualified her from benefits "until...he or she has had at least thirty (30) days of unemployment covered by an unemployment compensation law of this state." At the bottom of the notice, in italicized 7-point font bunched tightly with other text, the notice gives a tagline in Spanish apparently intended to apprise the recipient that "interpretation/translation services available through your local office." This notice is attached and incorporated as Exhibit 1. The Plaintiff timely appealed this notice.

57. On July 16, 2020, DWS sent her a Notice of Telephone Hearing in English listing the employer's name as "Molly Maid of Northwest Arkans" [*sic*] and setting the hearing for July 28, 2020, at 9:45 a.m. The two-page notice did not contain any information in Spanish and did not contain any information about how to secure an interpreter for the hearing. This notice is attached and incorporated as Exhibit 2.

58. Because the Plaintiff had ended work with Molly Maid in October or November 2019 and had made her UI claim on the basis of employment with Holiday Inn that ended around March 12, 2020, the Plaintiff believed that DWS had made an error in her claim. In addition, she did not know how to participate in the hearing. Accordingly, around July 24, 2020, the Plaintiff withdrew her request for appeal prior to the hearing.

59. Although the June 10 determination that the Plaintiff was disqualified from UI benefits likely made her eligible for PUA, DWS never informed the Plaintiff in writing of her potential eligibility for PUA or provided her filing instructions.

60. Around August 25, 2020, having found no work since March and living without income, the Plaintiff went to the DWS Fayetteville office to apply for UI benefits a second time. Alejandra accompanied her to help with translation. The DWS employee who attended them did not speak Spanish. Through Alejandra, the Plaintiff told the DWS employee that there was a mistake in the system listing Molly Maid as her last employer when her last employer was actually Holiday Inn. The DWS employee falsely accused the Plaintiff and Alejandra of listing Molly Maid as the last employer on the March application. The DWS employee told them that they needed to bring check stubs from the Plaintiff's employment at Holiday Inn. No DWS employee had requested check stubs in connection with the March claim.

61. Around August 26, 2020, the Plaintiff and Alejandra returned to the Fayetteville DWS office with the requested check stubs. The same DWS employee attended them. The DWS employee denied that he requested they bring the Holiday Inn check stubs and refused to accept them. The DWS employee then stated that the Plaintiff not eligible for UI benefits and that she could not apply again. The DWS employee stated that the Plaintiff would not be able to file for any benefits until she worked at least 30 days. The DWS worker refused to note the discrepancy involving the last employer, investigate the matter further, ask a supervisor for help, accept a new application from the Plaintiff, or assist the Plaintiff with a new application. The DWS employee did not mention the availability of PUA benefits or that the Plaintiff could apply for them.

62. The DWS employee demonstrated hostility to the Plaintiff through unfriendly looks, a dismissive tone of voice, his general attitude, and a total refusal to meaningfully assist her.

63. At the Fayetteville DWS office in August 2020, the Plaintiff and Alejandra did not see any signs informing her of the ability to receive services or documents in Spanish. Though it was clear that the Plaintiff did not speak English, no DWS employee offered interpretation services, asked the Plaintiff if she wanted an interpreter, offered to have documents provided in Spanish, or asked her if she wanted to have documents provided in Spanish. No DWS employee had any way of knowing whether the information given to the Plaintiff was being accurately translated into Spanish by Alejandra.

64. On September 23, 2020, Legal Aid of Arkansas, on behalf of the Plaintiff, emailed Eduardo Lemm, DWS's Regulatory Advisor for Targeted Populations, to ask for assistance with the Plaintiff's application for benefits. While Mr. Lemm has no access to claimant files and is not involved in determinations, he can facilitate connections to the correct agency personnel. Mr. Lemm promptly contacted Spanish-speaking DWS caseworker Corina Parra to investigate the Plaintiff's case.

65. On information and belief subject to confirmation after a reasonable opportunity for discovery, DWS solicited a new application from the Plaintiff or re-opened a previous application within a week of September 23, 2020. This was the third attempt by the Plaintiff to apply for benefits.

66. From September 23, 2020, to present, the Plaintiff has phoned Ms. Parra at least once per week to get a status update. If Ms. Parra does not answer, the Plaintiff leaves a voice message. Ms. Parra often does not return the messages. DWS has not provided the Plaintiff an alternate contact to get status updates.

67. On September 23, 2020, Alejandra emailed Ms. Parra the Plaintiff's pay stubs from Holiday Inn.

68. On September 28, 2020, DWS mailed the Plaintiff a Notice of Agency Determination stating the following:

The Notice of Agency Determination issued 06-09-20 involving Molly Maid Of Northwest Arkansas was issued in error since this was not the claimant's correct last work. The correct last employer will be notified of the filing for unemployment benefits and if necessary another determination will be issued regarding the claimant's separation from the work.

69. Around October 9, 2020, the Plaintiff phoned Ms. Parra and was told that DWS was investigating the case and was waiting on information from Holiday Inn.

70. Around October 28, 2020, the Plaintiff phoned Ms. Parra and was told that DWS was still investigating the case and was still waiting on information from Holiday Inn.

71. On November 2, 2020, DWS mailed the Plaintiff two forms in English: one titled Quit General—Claimant Statement and one titled Claimant Statement—Incorrect Reason for Separation. The forms required the Plaintiff's response by November 9. On November 3, 2020, Alejandra emailed Ms. Parra, stating that the Plaintiff "was wondering if you can help her fill it out because she doesn't understand what it's asking."

72. Ms. Parra did not provide the help requested. Before November 9, the Plaintiff completed the form with information that she had previously provided to DWS and faxed it to the number listed. The Plaintiff phoned Ms. Parra to confirm that DWS received the form.

73. Around November 20, 2020, the Plaintiff phoned Ms. Parra and was told the claim is moving forward.

74. As of December 7, 2020, despite repeated calls to Ms. Parra since November 20, the Plaintiff had not received any status updates or received a benefit eligibility decision.

75. On December 7, 2020, Legal Aid of Arkansas, acting on the Plaintiff's behalf, emailed Mr. Lemm to ask for assistance getting an update on the status of the claim.

76. On December 8, 2020, Ms. Parra informed the Plaintiff by telephone that DWS was still waiting on information from Holiday Inn before the agency could make a determination. Ms. Parra expressed anger through her tone of voice that the Plaintiff had asked Mr. Lemm for help getting a status update.

77. On December 9 and 10, 2020, Legal Aid spoke with DWS Associate General Counsel Cindy L. Uhrynowycz about the Plaintiff's case. Ms. Uhrynowycz was unable to provide any update other than that the agency was still waiting on information from Holiday Inn.

78. On December 15, 2020, Ms. Parra phoned the Plaintiff. Ms. Parra asked if the Plaintiff quit her job, and the Plaintiff stated that she did not and was laid off. Ms. Parra asked her to provide information about the immigration status and Social Security numbers of the Plaintiff's co-workers at Holiday Inn. The Plaintiff did not possess any definitive knowledge on the subject and declined to answer the questions because they were irrelevant to her claim. At the end of the conversation, Ms. Parra stated that she would close the Plaintiff's case.

79. On information and belief subject to confirmation after a reasonable opportunity for discovery, DWS believes that the Holiday Inn employed unauthorized Latino workers.

80. Holiday Inn waived its right to respond by failing to provide DWS information within 10 calendar days from the date of its requests.

81. DWS had no justification for refusing to act on the Plaintiff's application where the Plaintiff provided all necessary information about her immigration status, her work at Holiday Inn, including wages earned, and all other information necessary to determine her eligibility.

82. DWS's failure to render a decision on UI has prevented the Plaintiff from applying for or receiving PUA.

83. From March 2020 to present, the Plaintiff was eligible for either UI or PUA. In either case, she is entitled to the base weekly amount on an ongoing basis until benefits are exhausted or expire, the \$600 weekly supplement through the FPUC program for the period of April through July, and the \$300 weekly supplement through the LWA program for the period of August through the middle of September.

84. Between March 12, 2020, and present, the Plaintiff has been without any significant income. As a result, she has fallen behind on bills, has had to apply for emergency assistance through community organizations, owes about \$2,000 in back rent, has been threatened with eviction twice, and does not have the money to pay January 2021 rent.

85. On December 16, 2020, the Plaintiff started a new part-time cleaning job. She is scheduled to work about 15 hours per week for \$10 per hour. She has not yet received any pay.

86. The Plaintiff is a Latina immigrant from Mexico, has limited English proficiency, is associated with Latino workers whom DWS believes to be unauthorized, and is associated with the stereotype that Latino workers are unauthorized. Based on this and the acts alleged above, DWS has discriminated against the Plaintiff on the basis of her race, color, or national origin.

VII. Claims for Relief

87. At all relevant times, the Defendant was acting under color of law.

88. Equitable relief is necessary because relief at law is inadequate to avoid further harm to the Plaintiff while this case is ongoing. Specifically, she faces ongoing deprivation of a determination regarding eligibility for benefits to which she is entitled and the related financial loss.

89. There is an actual controversy between the parties between the parties as Plaintiff faces ongoing deprivation of a determination regarding eligibility for benefits to which she is entitled and the related financial loss.

90. The Plaintiff is likely to suffer irreparable harm in the absence of injunctive relief because she does not have income necessary to meet her needs or the means to establish eligibility for the UI or PUA programs.

91. The harm that the Plaintiff suffers through the ongoing deprivation of benefits outweighs any injury to the Defendant to be caused by making an eligibility determination and paying the Plaintiff the benefits due.

92. The public interest is significant in administering unemployment programs in a non-discriminatory fashion, providing written notice that comports with the requirements of due process, and ensuring prompt eligibility determinations and benefit payments.

93. The Plaintiff is likely to succeed on the merits of her claims, as all claims are enforceable by private parties and based on facts establishing the Defendant's unlawful conduct.

94. The Plaintiff will be subject to DWS's unlawful administration of the relevant programs on an ongoing basis for the following reasons:

- a. About half of 16.9 million jobs in the U.S. leisure and hospitality sector—such as hotel cleaners like the Plaintiff—were lost in March and April 2020. *See* Tariro, Mzezewa, “For Hotels, Cleaning Is Key. But Cleaners Say Their Jobs Are Under Assault,” *New York Times* (September 11, 2020); Bureau of Labor Statistics, *Leisure and Hospitality Industries at a Glance*.⁷ Based on the most recent available

⁷ Available at <https://www.bls.gov/iag/tgs/iag70.htm>

data from the Bureau of Labor Statistics, roughly 20% of workers in that sector remained unemployed (compared to pre-pandemic 2020 numbers).

- b. Although the Plaintiff started a new part-time job only days ago, she has not received any pay and is not sure of how long it may last. Even if job continues, she is not earning enough such that she would be ineligible to claim UI or PUA.
- c. Even if she gets a full-time job making her ineligible for UI or PUA, based on her past experiences in cleaning jobs and the uncertain nature of the economy, she is likely to face unemployment again and require DWS's services.

Count One: Title VI

95. The Plaintiff incorporates Paragraphs 1 through 94.

96. Title VI of the Civil Rights Act provides that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d.

97. DWS receives federal funds.

98. The Plaintiff was discriminated against on account of her race, color, or national origin based on her status as a Latina immigrant from Mexico, her limited ability to speak English, her association with Latino workers whom DWS believes to be unauthorized, and her association with the stereotype that Latino workers are unauthorized,

99. First, the Plaintiff experiences ongoing discrimination by DWS's failure to have a system for providing meaningful access to services for individuals with limited English proficiency. From March 2020 to present, DWS has failed to:

- a. have visible signs indicating that Spanish-language services are available;

- b. make requests about a claimant's need for interpretation;
- c. offer interpretation services when a claimant does not speak English;
- d. provide written notices that offer explanations in Spanish of the facts and law supporting a determination;
- e. provide legible taglines on notices informing claimants of the availability of Spanish-language services in DWS office;
- f. inform claimants on written notices that Spanish-language services are available if they do not physically appear in a DWS office (e.g. by phone);
- g. provide any information in Spanish on hearing notices, including about the nature of the notice or how to secure interpreter services for a scheduled hearing; and
- h. have on-hand sufficient Spanish-speaking staff or qualified interpreter services for claimants who communicate with DWS in-person, over the phone, or through other means.

100. Second, in addition to the lack of language access, DWS discriminated against the Plaintiff in August 2019 when the DWS worker demonstrated hostility toward the Plaintiff through unfriendly looks, a dismissive tone of voice, his general attitude, and his refusal to:

- a. note the Plaintiff's information that her last employer was Holiday Inn, not Molly Maid;
- b. investigate the matter of the mistaken employer further;
- c. ask a supervisor for help with the issue;
- d. accept a new application from the Plaintiff;
- e. assist the Plaintiff with a new application;
- f. mention the availability of PUA benefits;

- g. inform the Plaintiff that she could apply for PUA with a UI disqualification; and
- h. assist the Plaintiff with a PUA application.

101. DWS's failures to provide meaningful Spanish-language services and the agency's hostility toward the Plaintiff resulted in misinformation about the past employer, a determination that DWS admits was erroneous, and a failure to correct the erroneous determination. Relatedly, the failures and hostility have caused inappropriate delay in the determination of her claim and deprived her of benefits available through either UI or PUA. This discrimination is related to her status as a Latina immigrant from Mexico and her limited ability to speak English.

102. Ms. Parra's participation in the Plaintiff's case has not remedied DWS's deficiencies with respect to written materials or in-office practices. For example, Ms. Parra did not assist the Plaintiff to fill out forms even when she was asked to do so.

103. Even with Ms. Parra's participation, the Plaintiff has not been able to get ahold of Ms. Parra at the time called, has gone weeks without having messages returned, and has been given no other option to receive information in Spanish.

104. Third, the Plaintiff was discriminated against when she was asked to provide information about the immigration status of her former Holiday Inn co-workers and, after refusing, was told her case would be closed. DWS coerced her directly or, at least, placed her in a coercive situation where DWS's determination of her eligibility appears to be related to her willingness to provide information irrelevant to her claim. This coercion is directly tied to her status as a Latina immigrant from Mexico, her association with Latino workers whom DWS believed to be unauthorized, and her association with the stereotype that Latino workers are unauthorized.

105. Fourth, the Plaintiff is experiencing ongoing discrimination when:

- a. Holiday Inn is deemed to have lost its right to respond to a request for information by not responding in 10 days;
- b. DWS continues to provide Holiday Inn a longer time to provide information because of its belief that Holiday Inn employs undocumented workers;
- c. DWS refuses to determine her eligibility despite having all necessary information from the Plaintiff;
- d. DWS admits its earlier denial of her claim was erroneous;
- e. nine months have passed since the Plaintiff's first application; and
- f. and more than two and a half months from the Plaintiff's most recent application or re-opening.

DWS's failure to determine her eligibility is related to her status as a Latina immigrant from Mexico, her limited ability to speak English, her association with Latino workers whom DWS believed to be unauthorized, and her association with the stereotype that Latino workers are unauthorized.

106. The Plaintiff was deprived of participation in, denied the benefits of, and was subjected to discrimination under the UI and PUA programs in comparison to claimants who do not share her status as a Latina immigrant from Mexico, her limited ability to speak English, her association with Latino workers whom DWS believed to be unauthorized, and her association with the stereotype that Latino workers are unauthorized. A white, English-speaking person with an identical earnings history and identical qualifications for UI who applied in the same timeframes would have already received an accurate determination or, even if not, would not have been subject to the same hostility, coercion, or lack of meaningful assistance to establish eligibility for UI or PUA.

107. DWS has demonstrated deliberate indifference to its obligation to refrain from discriminating against Ms. Murguía and individuals similarly situated to her through the acts alleged in Paragraphs 99 through 105, particularly through the repeated interactions with DWS where she has been continually deprived of meaningful service and an eligibility determination, the erroneous determination, the August refusal to provide adequate service that would have corrected the erroneous determination, and the ongoing delay in determining her eligibility despite DWS's knowledge of its erroneous determination.

108. DWS knows or should know of its obligations to avoid discrimination through following:

- a. The Wage and Hour Division of the U.S. Department of Labor has published multiple program letters with specific instructions and resources to state UI agencies to ensure meaningful language access and avoid discriminating based on national origin. *See* U.S. Department of Labor, Wage and Hour Division, UIPL 02-16⁸ and 30-11.⁹
- b. DWS has offices in locations with a significant number or proportion of limited English proficient people who may require UI. DWS knows that many such LEP people in Fayetteville and surrounding areas communicate primarily in Spanish.
- c. DWS has been subject to Title VI's obligations to ensure language access and avoid discriminating on the basis of national origin through Executive Order 13166 and the regulatory regime of 28 C.F.R. § 42.401 *et seq.*

⁸ Available at https://wdr.doleta.gov/directives/attach/UIPL/UIPL_02-16.pdf

⁹ Available at <https://wdr.doleta.gov/directives/attach/UIPL/UIPL30-11.pdf>

109. The Defendant's deliberate indifference to its obligations under Title VI has caused the Plaintiff financial and emotional harm through the loss of benefits. Therefore, she is entitled to compensatory damages.

Count Two: Fourteenth Amendment

110. The Plaintiff incorporates Paragraphs 1 through 109.

111. The Fourteenth Amendment requires that DWS inform a claimant of an adverse action by a "timely and adequate notice detailing the reasons for" a proposed action. *Goldberg v. Kelly*, 397 U.S. 254 (1970).

112. Around March 19, 2020, the Plaintiff filed a claim for UI benefits based on being laid off from the Holiday Inn.

113. The Plaintiff has a legitimate claim of entitlement to UI and PUA benefits because she meets all relevant eligibility requirements for UI and, if DWS denies her UI, she meets all relevant eligibility requirements for PUA.

114. First, DWS deprived the Plaintiff of due process by failing to provide sufficient notice of its decision to deny her claim and, relatedly, the ability to contest that decision:

- a. The June 10 notice of determination provided to the Plaintiff denying her UI benefits provided wholly inaccurate information regarding the identity of the last employer and the circumstances of her termination so as to misinform and mislead the Plaintiff about DWS's decision on her March 19 claim.
- b. The July 16 notice of hearing provided wholly inaccurate information regarding the identity of the last employer and the circumstances of her termination so as to misinform and mislead the Plaintiff about the issues to be determined at the hearing.

- c. The July 16 notice provided no information about how to get the same information in Spanish.
- d. The July 16 notice provided no information about how to secure the services of an interpreter for the July 28 hearing.
- e. Neither notice indicated how the decision could impact the availability of other benefits, specifically PUA. And, neither notice informed the Plaintiff of the availability of PUA benefits, her potential eligibility for them, or the need to separately apply.

115. Because of the erroneous information and lack of language access, the Plaintiff believed that the hearing that was scheduled for July 28, 2020, would be immaterial to her claim for UI benefits based on her employment with Holiday Inn.

116. Second, DWS deprived the Plaintiff of due process by refusing to make an eligibility determination on her claim based on her employment with Holiday Inn, which, based on the following, amounts to a constructive denial:

- a. The Plaintiff provided all information necessary to make a determination, including proof of her eligible immigration status.
- b. Approximately nine months have elapsed since the initial application.
- c. More than two and half months have elapsed since the most recent application or re-opening of the earlier claim.
- d. Holiday Inn has failed to provide requested information within the 10 days allotted by law and, therefore, is deemed to have waived its right to respond.
- e. DWS lacks legitimate justification for failing to make a determination. Rather, DWS's delay is for improper purposes described in Count One, including coercing

the Plaintiff and associating her with people whom DWS believes lack an authorized immigration status.

117. DWS has constructively denied the Plaintiff's claim for UI related to her employment with Holiday Inn without providing any notice of the decision or the opportunity to contest it.

118. The Plaintiff's interest in the receipt of benefits is significant, as she meets the eligibility requirements and requires the benefits to meet life's necessities.

119. DWS's present procedures have erroneously deprived her of the UI or PUA benefits to which she is entitled and risk doing so again at any point when she is subject to them. Additional safeguards, such as accurate information about the claim under consideration and information on how to ensure meaningful access for people with limited English proficiency, would lessen the risk of such erroneous deprivations.

120. Any governmental burden is incidental to its basic constitutional obligations. Even so, whatever burden is involved in changing the content of the notices is balanced by the way improved notices would facilitate administration of the benefits programs at issue. Namely, claimants would better understand the reasons for decisions so that they can decide whether to contest them and what information to present at hearing. In this way, DWS could face fewer appeals or appeals where the issues are clearer. Relatedly, DWS would be more likely to be making accurate decisions and prevent unwarranted denials of benefits.

Count Three: Arbitrary, Capricious, Wantonly Injurious, or In Bad Faith

121. The Plaintiff incorporates Paragraphs 1 through 120.

122. Arkansas state law provides a claim for injunctive relief to remedy state action that is arbitrary, capricious, in bad faith, or wantonly injurious. *See, e.g., Arkansas Game & Fish*

Comm'n v. Heslep, 2019 Ark. 226, 8, 577 S.W.3d 1, 6; *Ark. State Med. Bd. v. Byers*, 2017 Ark. 213, at 4, 521 S.W.3d 459, 463; *Ark. Dep't of Envtl. Quality v. Oil Producers of Ark.*, 2009 Ark. 297, at 6-7, 318 S.W.3d 570, 573-74.

123. Federal laws require DWS to establish “[s]uch methods of administration...as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation *when due*.” 42 U.S.C. § 503(a)(1) (emphasis added). The Secretary of Labor interprets this provision “to require that a State law provide for such methods of administration as will reasonably ensure the *prompt and full payment* of unemployment benefits to eligible claimants.” 20 C.F.R. § 602.11 (emphasis added).

124. The federal regulatory regime provides measures for promptness, which DWS has not met in the Plaintiff’s case.

125. State laws allow the last employer only 10 days to respond to requests for information. More than 10 days have elapsed since DWS sent a request to Holiday Inn pursuant to the March 2020 application or the September 2020 application or re-opening. Thus, Holiday Inn is deemed to have waived its right to respond.

126. The Plaintiff has provided DWS with all information required to determine her eligibility from March 2020 to present, most recently responding to DWS’s November 2 request for information.

127. DWS’s lacks legitimate justification for its failure to make a determination.

128. The delay has injured the Plaintiff, both by depriving her of necessary income and, even if she were denied traditional UI, the ability to apply for PUA benefits to which she would be entitled.

VIII. PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests that the Court grant the following relief:

1. Upon motion, grant a temporary restraining order and/or a preliminary injunction that orders DWS to make an eligibility determination on her pending UI application and pay all applicable UI, FPUC, and LWA benefits retroactive to the first week of eligible unemployment in March 2020. In the event DWS determines the Plaintiff is not eligible for UI, the Court should order DWS to immediately provide the Plaintiff all non-discriminatory, Spanish-language assistance she needs to complete a PUA application, accept a PUA application from the Plaintiff, expedite the eligibility determination, and pay all applicable PUA, FPUC, and LWA benefits retroactive to the first week of eligible unemployment in March 2020.

Relatedly, the Plaintiff asks that Court order DWS to take all necessary measures to ensure the Plaintiff has meaningful language access during the process to determine her eligibility for the benefits sought, including, but not limited to, (a) posting visible signs indicating that Spanish-language services are available; (b) requiring staff to make affirmative requests about a claimant's need for interpretation; (c) offering interpretation services when a need is identified (and refusing to consider a family member as a sufficient interpreter for conveying information from DWS); (d) provide written notices that offer explanations in Spanish of the facts and law supporting a determination; (e) providing legible taglines on English-language notices informing claimants of the availability of Spanish-language services in the DWS office; (f) informing claimants on all written notices with legible taglines that Spanish-language services are available if they do not physically appear in a DWS office (e.g. by phone); (g) providing information on hearing notices about how to secure interpreter services for a scheduled hearing; and (h) ensuring DWS has on-

hand sufficient Spanish-speaking staff or qualified interpreter services for claimants who communicate with DWS in-person, over the phone, or through electronic means.

2. Upon the Court's final determination on the merits, grant a permanent injunction that orders DWS to make an eligibility determination on her pending UI application and pay all applicable UI, FPUC, and LWA benefits retroactive to the first week of eligible unemployment in March 2020. In the event DWS determines the Plaintiff is not eligible for UI, the Court should order DWS to provide her all non-discriminatory, Spanish-language assistance she needs to complete a PUA application, immediately accept the PUA application, expedite the eligibility determination, and pay all applicable PUA, FPUC, and LWA benefits retroactive to the first week of eligible unemployment in March 2020.

3. With respect to Requests 1 and 2, to the extent to which DWS interprets the June 10 determination to foreclose eligibility for UI or PUA benefits prior to that date, the determination should be vacated or, in the alternative, DWS should be ordered to reconsider its decisions as permitted under Ark. Code Ann. § 11-10-522(e), (f).

4. Upon the Court's final determination on the merits, grant a permanent injunction ordering DWS to take all necessary measures to ensure meaningful language access for people with limited English proficiency during the application and eligibility processes, including, but not limited to, (a) posting visible signs indicating that Spanish-language services are available; (b) requiring staff to make affirmative requests about a claimant's need for interpretation; (c) offering interpretation services when a need is identified (and refusing to consider a family member as a sufficient interpreter for conveying information from DWS); (d) providing notices that offer explanations in Spanish of the facts and law supporting a determination; (e) providing legible taglines on English-language notices informing claimants of the availability of Spanish-language

services in the DWS office; (f) informing claimants on all written notices with legible taglines that Spanish-language services are available if they do not physically appear in a DWS office (e.g. by phone); (g) providing information on hearing notices about how to secure interpreter services for a scheduled hearing and actually providing interpreters; and (h) ensuring DWS has on-hand sufficient Spanish-speaking staff or qualified interpreter services for claimants who communicate with DWS in-person, over the phone, or through electronic means.

5. Upon the Court's final determination on the merits, grant a permanent injunction ordering DWS to take appropriate remedial actions for all employees who participated in the discrimination against the Plaintiff, including, but not limited to, formal discipline, training, and implementation of business processes necessary to prevent similar discrimination in the future.

6. Issue a declaratory judgment pursuant to 28 U.S.C. § 2201 and Fed. R. Civ. P. 57 that Defendants' actions, policies, procedures, and practices are in violation of Title VI and the Fourteenth Amendment of the U.S. Constitution.

7. Pursuant to the Title VI claim only, grant a money judgment representing compensatory damages to the Plaintiff in an amount to be determined at trial and money judgment representing pre-judgment and post-judgment interest, if applicable.

8. Award the Plaintiffs the costs of this action and reasonable attorney's fees pursuant to 42 U.S.C. § 1988.

9. Retain jurisdiction over this action to ensure Defendants' compliance with the with the Court's orders, including by providing the Plaintiff's counsel a means to monitor compliance.

10. Waive the requirement for the posting of a bond as security for the entry of relief.

11. Provide such other relief as the Court deems to be just and proper.

NOTE TO THE COURT AND OPPOSING PARTY: Ms. Murguía requires a qualified Spanish interpreter for any appearance. Counsel will coordinate with chambers promptly upon learning of any scheduled appearance.

DATED: December 18, 2020

Respectfully Submitted,

/s/ Kevin De Liban
Kevin De Liban (2012044)
LEGAL AID OF ARKANSAS, INC.
310 Mid-Continent Plaza, Suite 420
West Memphis, AR 72301
P: (870) 732-6370 x. 2206
F: (870) 732-6373
kdeliban@arlegalaid.org

Trevor Hawkins (2017224)
LEGAL AID OF ARKANSAS, INC.
714 S. Main St.
Jonesboro, AR 72401
P: (870) 972-9224 x. 6313
F: (870) 910-5562
thawkins@arlegalaid.org

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

MARIA MURGUÍA

PLAINTIFF

V.

CASE NO. 5:20-CV-5221

**CHARISSE CHILDERS, in her official
Capacity as Director of the Arkansas
Division of Workforce Services**

DEFENDANT

**MEMORANDUM OPINION AND ORDER
DENYING MOTION TO DISMISS**

Before the Court is a Motion to Dismiss filed by Defendant Charisse Childers and a Memorandum Brief in Support (Docs. 9 & 10). Plaintiff Maria Murguía filed a Response in Opposition (Doc. 15) and Defendant filed a Reply (Doc. 22). The Motion (Doc. 9) is now ripe for decision. For the reasons explained below, it is **DENIED**.

I. BACKGROUND

A. Procedural Background

The Arkansas Division of Workforce Services (“ADWS” or “DWS”) administers the state’s unemployment benefit program, also known as unemployment insurance or “UI.” The federal government provides a portion of the funding for state UI programs and imposes requirements on those programs as a condition of federal funding. The Secretary of Labor is the federal official charged with oversight of state compliance with the federal requirements. See 42 U.S.C. § 503. Pursuant to this authority, the Secretary has promulgated regulations that govern the federal-state UI program. These guidelines include expectations for timeliness of processing and payment and requirements for ensuring that applicants with limited English proficiency are provided with adequate service. For example, in assessing state compliance with the requirement that UI

payments be timely made, the Secretary of Labor requires that 93% of all initial payments be made within 35 days of the end of the first compensable week and that 87% of initial payments be made within 21 days. See 20 C.F.R. § 640.5. The Department of Labor also instructs that “[s]tate UI agencies should provide adequate notice to [limited-English-proficient] individuals of the existence of interpretation and translation services and that they are available free of charge.” Dep’t of Labor, Emp. & Training Admin., Unemployment Insurance Program Letter No. 02-16, at 8 (Oct. 1, 2015). The same Letter also instructs that vital documents should be translated into languages spoken by a significant portion of the population to be served, and that “UI agency staff should be trained to identify language access barriers and provide affected claimants alternative access options.” *Id.* at 10.

In response to the COVID-19 pandemic, Congress created the Pandemic Unemployment Assistance (“PUA”) program, which provides benefits for individuals whom the pandemic has prevented from working but who do not qualify for traditional UI. See 15 U.S.C. § 9021. An individual cannot be considered for PUA until it has been determined that she is not eligible for UI. See Dep’t of Labor, Emp. & Training Admin., Unemployment Insurance Program Letter No. 16-20, Attachment 1, at I-9 (Apr. 5, 2020). When an individual is deemed ineligible for UI, however, the state agency is required to determine whether that individual may be eligible for PUA and provide her notice of her eligibility and instructions on how to apply for PUA. See Dep’t of Labor, Emp. & Training Admin., Unemployment Insurance Program Letter No. 16-20 Change 1, Attachment 1, at I-2 (Apr. 27, 2020).

Arkansas state laws and regulations pertaining to the UI program do not impose any specific requirements defining promptness or language access. State law does provide that DWS will notify the claimant's last employer and all base period employers of a UI claim and that if such employers fail to respond within 10 and 15 days respectively, they will be deemed to have waived the right to respond. See Ark. Code Ann. §§ 11-10-505(a)(2)(A) & 11-10-521(b)(2)(A).

B. Factual Background

Plaintiff Maria Murguía is an immigrant from Mexico and a lawful permanent resident of the United States who resides in Fayetteville, Arkansas. She has limited proficiency in English. Ms. Murguía has worked for many years as a cleaner and housekeeper. In November 2019, Ms. Murguía left a job at Molly Maid and began working at a Holiday Inn. In mid-March 2020, Ms. Murguía was laid off from Holiday Inn because the Covid-19 pandemic reduced the hotel's staffing needs. Ms. Murguía alleges that the following week, she traveled to DWS's Fayetteville office to apply for UI. She brought her daughter to help her communicate in English. Ms. Murguía alleges that even though it was clear that she had limited proficiency in English, no one at DWS offered her a translator, nor did she see any signs informing her that translation services were available. Since this first visit in March 2020, Ms. Murguía has filed a weekly UI claim using the DWS call-in line.

On June 10, 2020, Ms. Murguía received a Notice of Agency Determination that referenced Molly Maid as her employer and denied her UI benefits, claiming that she was not eligible because she left her job in November 2019 to take another job. The substantive information in the Notice was in English, though it contained an admonition

in Spanish that the notice was important and the recipient should seek translation assistance from the local DWS office. See Doc. 2-1. Ms. Murguía appealed the Notice and on July 16, 2020, received a Notice of Telephone Hearing. This Notice provided the date and time of the hearing and a single-spaced page of instructions and was written only in English. See Doc. 2-2. Ms. Murguía alleges that she withdrew her request for appeal because she did not know how to participate in the hearing and because she believed DWS had made a mistake regarding her employer. When her first claim was rejected in June 2020, Ms. Murguía alleges that she was not informed that she might be eligible for PUA.

On August 25, 2020, Ms. Murguía returned to the DWS Fayetteville office with her daughter and again applied for UI. At that time, Ms. Murguía spoke with a DWS employee who said Ms. Murguía had incorrectly listed her employer as Molly Maid and directed her to return with pay stubs from her job at Holiday Inn. The next day, Ms. Murguía and her daughter returned with the requested pay stubs and spoke with the same employee. At that time, however, Ms. Murguía alleges that the employee refused to accept the pay stubs and told Ms. Murguía that she could not file another application for unemployment benefits until she worked another job for thirty days or more. Ms. Murguía alleges that the employee refused to help her in any way and was hostile and unfriendly. As with her first visit, Ms. Murguía was not offered translation services or informed that such services were available.

The next month, Legal Aid of Arkansas contacted DWS on Ms. Murguía's behalf, and she was put in contact with a Spanish-speaking employee to assist her. On September 23, 2020, Ms. Murguía believes that either her previous application was

reopened or that a new application was initiated for her. The next week, Ms. Murguía received a Notice of Agency Determination that acknowledged the June determination to have been “issued in error” since it listed the incorrect employer. The Notice indicated that Holiday Inn would be notified of Ms. Murguía’s claim and a new determination would be issued. A month later, Ms. Murguía was told that DWS was still waiting for information from Holiday Inn, and the next week she was mailed additional forms to complete. The forms were in English, and the Spanish-speaking employee did not respond to Ms. Murguía’s request for assistance, so she completed the forms to the best of her ability and returned them. Since she returned the forms on November 9, Ms. Murguía’s UI application has remained pending without update. However, on December 15, 2020, DWS contacted Ms. Murguía by phone to confirm again that she was laid off from her job at Holiday Inn and had not quit and then asked about the immigration status of her coworkers there. When she declined to provide any information, Ms. Murguía alleges that she was told her case would be closed.

Ms. Murguía filed her Complaint before this Court on December 18, 2020, raising three claims against Dr. Childers in her official capacity as the director of DWS. First, Ms. Murguía alleges that Defendant is intentionally discriminating against her as a Spanish-speaking Mexican immigrant, in violation of Title VI of the Civil Rights Act, 42 U.S.C. § 2000d. In particular, Ms. Murguía points to DWS’s failure to provide meaningful language access, the hostility of the DWS employee at the Fayetteville office and his refusal to provide service during her August visit, the coercive nature of the questioning about the immigration status of Ms. Murguía’s coworkers at Holiday Inn, and the deprivation of benefits from the unexplained delays in processing her UI application.

Second, Ms. Murguía brings a claim under the Due Process Clause of the Fourteenth Amendment, alleging that Defendant's failure to provide language access and the delay in making an accurate determination on her application for unemployment benefits amounts to constructive denial without procedural due process. Finally, Ms. Murguía makes a claim under state law for injunctive relief because Defendant's conduct in processing her application is arbitrary, capricious, wantonly injurious, or in bad faith. Defendant has moved to dismiss.

II. DISCUSSION

Defendant offers three bases on which Ms. Murguía's Complaint should be dismissed. First, Defendant makes two challenges to this Court's subject-matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure—that sovereign immunity bars Ms. Murguía's claim for declaratory judgment, and that the Administrative Procedures Act precludes review of agency adjudications by this Court. Defendant then asserts that each of Ms. Murguía's claims fails to state a claim for which relief can be granted and should be dismissed pursuant to Rule 12(b)(6). The Court takes up each argument in turn and concludes that each one is without merit.

A. Subject-Matter Jurisdiction

1. Sovereign Immunity

Defendant first asserts that the *Ex parte Young* exception to state sovereign immunity does not apply here because Ms. Murguía seeks a declaratory judgment that is retrospective, not prospective. Defendant does not make clear which claims she believes can be dismissed on this basis. After all, the Supreme Court has recognized that Congress validly and "expressly abrogated States' sovereign immunity against suits

brought in federal court to enforce Title VI and provided that in a suit against a State[,] remedies (including remedies both at law and in equity) are available to the same extent such remedies are available” in any other suit. *Alexander v. Sandoval*, 532 U.S. 275, 280 (2001) (cleaned up). Thus, *Ex parte Young* is not relevant to Ms. Murguía’s Title VI claim, and she is entitled to seek declaratory and injunctive relief and compensatory damages on that claim.

The Court therefore assumes that Defendant’s *Ex parte Young* argument pertains only to Ms. Murguía’s procedural due process claim. Defendant argues that Ms. Murguía’s requested relief is retrospective because she “seeks to control the actions of the state agency and to declare that ADWS’s past policies and practices are unlawful. The fact that those policies might continue is not enough to make Plaintiff’s request prospective.” (Doc. 10, p. 7). But Defendant has it exactly wrong—that is precisely the type of relief that *Ex parte Young* entitles Ms. Murguía to seek. To find that the *Ex parte Young* exception permits suit against a state officer in her official capacity, “a court need only conduct a straightforward inquiry into whether the complaint alleges an ongoing violation of federal law and seeks relief properly characterized as prospective.” *Verizon Md. Inc. v. Public Serv. Comm’n of Md.*, 535 U.S. 635, 645 (2002) (cleaned up). In other words, *Ex parte Young* applies where the plaintiff alleges that the state agency has in the past violated, and continues to violate, a federal law and seeks relief that would modify the agency’s behavior in the future to end the violation. That is exactly what Ms. Murguía has done here: She alleges that Defendant has violated her rights under the Due Process Clause and has asked the Court to give DWS specific instructions about how it must handle her case going forward so as to respect her due process rights.

Nor is the Court concerned that the language of the declaratory judgment Ms. Murguía requests could be construed as retrospective. See Doc. 2, p. 30 (seeking a declaratory judgment that “Defendants’ actions, policies, procedures, and practices are in violation of Title VI and the Fourteenth Amendment of the U.S. Constitution”). In *Verizon*, the plaintiff “sought injunctive and declaratory relief, alleging that the Commission’s order requiring payment of reciprocal compensation was pre-empted by the 1996 Act and an FCC ruling.” 535 U.S. at 645. The Supreme Court held that the plaintiff’s “prayer for injunctive relief—that state officials be restrained from enforcing an order in contravention of controlling federal law—clearly satisfies our ‘straightforward inquiry.’” *Id.* The Court acknowledged that the prayer for declaratory relief “seeks a declaration of the *past*, as well as the *future*, ineffectiveness of the Commission’s action.” *Id.* at 646 (emphasis in original). However, the Court concluded that *Ex parte Young* permitted the plaintiff’s suit because “no past liability of the State, or of any of its commissioners, is at issue. It does not impose *upon the State* a monetary loss resulting from a past breach of a legal duty on the part of the defendant state officials.” *Id.* (cleaned up) (emphasis in original).

Ms. Murguía’s procedural due process claim against Defendant does not entitle her to seek money damages, which she recognizes. As such, a finding of retrospective liability as to this claim imposes no past liability on the state. In accordance with *Verizon*, dismissal is not appropriate where, as here, a request for a declaratory judgment is phrased so as to include past practices, but “[i]nsofar as the exposure of the State is concerned, the prayer for declaratory relief adds nothing to the prayer for injunction.” *Id.*

at 646. Therefore, Defendant's attempt to invoke sovereign immunity as a defense to Ms. Murguía's Fourteenth Amendment claim is unpersuasive.

Defendant's reliance on *Justice Network, Inc. v. Craighead County*, 931 F.3d 753 (8th Cir. 2019), to argue the contrary is misplaced. The plaintiff in *Justice Network* brought suit pursuant to 42 U.S.C. § 1983 and sought money damages, declaratory judgment, and injunctive relief. The Eighth Circuit first concluded that the defendants, who were state-court judges, were immune from a suit for damages and that § 1983 barred a claim for prospective injunctive relief. Turning to declaratory relief, the Eighth Circuit concluded that the declaratory relief sought would serve only to declare a past violation of the law and not to "define the legal rights and obligations of the parties in anticipation of *some future conduct*." *Id.* at 764 (emphasis in original). In other words, since prospective injunctive relief was not available, there was nothing forward-looking about the declaratory judgment the plaintiff sought in *Justice Network*.

While Defendant's attempt to invoke sovereign immunity as to Ms. Murguía's federal-law claims is entirely without merit, it does appear to the Court that sovereign immunity may bar her state-law claim. Count Three of the Complaint is premised on the availability of injunctive relief under Arkansas state law to prevent state action that is arbitrary, capricious, in bad faith, or wantonly injurious. Ms. Murguía argues that injunctive relief is therefore available under state law because Defendant lacks a legitimate justification for the delay in determining her eligibility for benefits. In *Pennhurst State School and Hospital v. Halderman*, 465 U.S. 89 (1984), however, the Supreme Court held that "a federal suit against state officials on the basis of state law contravenes the Eleventh Amendment," *id.* at 117, even when the relief sought is prospective injunctive

relief that would have been available had the claim rested on federal law, *see id.* at 104. Nor can supplemental jurisdiction save such claims. *See id.* at 120–121. Since Defendant did not raise this issue in her briefing, the Court hereby notifies the parties that it will take up at the hearing on March 15, 2021, the question of whether it should *sua sponte* dismiss Ms. Murguía's state-law claim for lack of subject-matter jurisdiction.

2. *Administrative Procedure and Exhaustion*

Defendant's second argument regarding subject-matter jurisdiction is that this Court cannot review an administrative decision by DWS because Ms. Murguía has not yet received a final adjudication of her UI application and has not exhausted the administrative appeal process. In her initial Brief in Support, Defendant invokes the Administrative Procedure Act—presumably the state and not the federal law, though Defendant does not specify—but Ms. Murguía points out in response that Arkansas Code § 25-15-202(2)(C) expressly excludes DWS from the definition of “agency” under the statute except in specific circumstances not relevant here. In her Reply Brief, Defendant appears to abandon a specific statutory basis for her claim and falls back on “[a] basic rule of administrative procedure” that “an agency be given the opportunity to address a question before a claimant resorts to the courts” and urges that the Complaint be dismissed for failure to exhaust administrative remedies. (Doc. 22, pp. 2–3).

This argument, however, mischaracterizes Ms. Murguía's claims. She is not asking this Court to review a decision by DWS. Her claims cannot be construed as an appeal of a determination by DWS because Ms. Murguía has not been granted or denied benefits. Rather, Ms. Murguía alleges that, in the process of administering the UI and PUA programs generally, Defendant violates federal law by intentionally discriminating

against her and denying her due process by delaying inordinately in determining her eligibility for benefits. These are claims against the manner in which Defendant administers the program, not an appeal of or challenge to a specific agency decision. Ms. Murguía's claims cannot fairly be construed as attempting "to re-argue her unemployment claims in this Court," (Doc. 10, p. 10), and the Administrative Procedures Act (or the general principles of administrative procedure) has no relevance here.

B. Failure to State a Claim

1. Title VI

Next, Defendant argues that Ms. Murguía has failed to establish that Defendant is intentionally discriminating against her, in violation of Title VI of the Civil Rights Act. Defendant does not lay out the elements of a Title VI claim or specify which element she believes Ms. Murguía has not adequately alleged. Instead, Defendant first argues that Ms. Murguía has failed to state a claim because she listed the wrong employer on her initial UI application. In support of this claim, Defendant attaches as Exhibit A a form titled "Application for Unemployment Insurance Benefits," dated April 8, 2020, that lists Ms. Murguía's last employer as "Molly Maid of Northwest Arkans [sic]." (Doc. 10-1, p. 1). The form has been completed electronically and does not bear any signature. Defendant argues that this document is necessarily embraced by the pleadings because it is the initial UI application that Ms. Murguía completed. Ms. Murguía objects to the consideration of Exhibit A, arguing that it is not embraced by the pleadings because it is offered as evidence to support Defendant's position and contradict the Complaint.

The Court agrees with Ms. Murguía that the proffered attachment must be excluded from consideration in ruling on the Motion to Dismiss. The Eighth Circuit "view[s]

'matters outside the pleading' as including any written or oral evidence in support of or in opposition to the pleading that provides some substantiation for and does not merely reiterate what is said in the pleadings." *BJC Health Sys. v. Columbia Cas. Co.*, 348 F.3d 685, 687 (8th Cir. 2003). Exhibit A is clearly offered in opposition to the pleading—as the Eighth Circuit queried, "For what purpose would [the defendant] have provided the documents to the district court, other than to discredit and contradict [the plaintiff's] allegations?" *Id.* at 688. In fact, in her Reply Brief, Defendant explicitly states that "the application [in Exhibit A] is detrimental to Murguía's claim that DWS's employee falsely accused her in listing Molly Maid as the last employer." (Doc. 22, pp. 1–2). Additionally, Exhibit A does not contain sufficient indicia of reliability for the Court to conclude that it is what Defendant claims it is, especially given that it directly contradicts several of Ms. Murguía's factual allegations in the Complaint—namely, that she first filed for unemployment benefits in mid-March and that she listed Holiday Inn as her most recent employer. See Doc. 2, ¶ 51. For these reasons, the Court will not consider Exhibit A in ruling on Defendant's Motion to Dismiss.

Defendant's only other argument relevant to the Title VI claim is that Ms. Murguía has not alleged intentional discrimination because "[t]here are no allegations that at the time of submitting her application, Ms. Murguía requested a translator or that her request for translator [sic] was denied." (Doc. 10, p. 3). Rather, Ms. Murguía "authorized her adult daughter to communicate with ADWS on her behalf." *Id.* at 3–4. This argument fails for two reasons. First, it is sufficiently alleged in the Complaint that DWS had an independent duty to make language access services available for applicants with limited proficiency in English because of their national origin. See, e.g., Doc. 2, ¶ 108. More

broadly, however, Defendant's argument fails because it ignores the other components that together Ms. Murguía argues establish a prima facie case of discrimination under Title VI.

In her response to Defendant's Motion, Ms. Murguía acknowledges that Title VI only provides a private right of action for instances of intentional discrimination. However, Ms. Murguía points out that "[w]here there is no direct evidence of discrimination, the plaintiff may rely upon the three-step burden-shifting framework established in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), for Title VII claims" to make a claim for discrimination under Title VI. *Rowles v. Curators of Univ. of Mo.*, 983 F.3d 345, 355 (8th Cir. 2020) (applying *McDonnell Douglas* in analyzing a Title VI claim for discrimination on the basis of race). "To establish a prima facie case of discrimination under Title VI, the plaintiff must show (1) that the defendant is receiving federal funds, (2) that the plaintiff was discriminated against, and (3) the plaintiff's race, color, or national origin was the motive for the discriminatory conduct." *Scarlett v. Sch. of Ozarks, Inc.*, 780 F. Supp. 2d 924, 933–34 (W.D. Mo. 2011). "If the plaintiff establishes a prima facie case, the burden shifts to the defendant to proffer a legitimate, nondiscriminatory reason for its decision." *Rowles*, 983 F.3d at 355. "If the defendant proffers such a reason, the burden shifts back to the plaintiff to show that the proffered reason was mere pretext for discrimination." *Id.* Additionally, the Eighth Circuit has emphasized that "there is no rigid pleading standard for discrimination cases," and the elements of a prima facie case are merely "part of the background against which a plausibility determination should be made." *Cook v. George's, Inc.*, 952 F.3d 935, 939 (8th Cir. 2020) (cleaned up).

Defendant does not dispute that this is an appropriate framework for the Court to use in analyzing Ms. Murguía's Title VI claim. In fact, though Defendant was granted leave to file a Reply Brief in support of the Motion, the Reply only rehashes Defendant's sovereign immunity and administrative procedure arguments and does not address any of the arguments as to the sufficiency of the pleadings. Despite the lack of substantive briefing from the Defendant on this point, the Court interprets Defendant's argument to be that because Ms. Murguía did not request a translator and brought her daughter to assist her, she has failed to make a plausible claim of discrimination. The Court disagrees.

The Complaint includes sufficient factual allegations to establish a prima facie case of discrimination on the basis of national origin. Specifically, the Complaint alleges that DWS receives federal funding to administer the unemployment benefit programs; DWS workers were hostile to Ms. Murguía because of her identity as a Mexican immigrant and her lack of proficiency in English; DWS failed to abide by its obligation to provide Spanish-language services; Ms. Murguía was questioned about the immigration status of her former coworkers; and DWS has still failed to make a determination as to Ms. Murguía's eligibility for UI because of its belief that Ms. Murguía is undocumented. Since Ms. Murguía has established a prima facie case, the burden now shifts to Defendant to provide a nondiscriminatory reason for its treatment of Ms. Murguía.¹

¹ In her Brief in Opposition, Ms. Murguía argues that deliberate indifference can also satisfy the discriminatory intent requirement, citing *Meagley v. City of Little Rock*, 639 F.3d 384 (8th Cir. 2011). Again, Defendant made no attempt to discuss the elements of a Title VI claim in the initial Brief in Support and did not respond to Ms. Murguía's arguments in the Reply. Nevertheless, the Court is not persuaded that the deliberate indifference standard is appropriate here. *Meagley* involves ADA claims. While the court in *Meagley* does analogize from the Title VI context, it agrees with the district court's

2. Procedural Due Process

Defendant argues that Ms. Murguía has failed to state a procedural due process claim for the same reasons she failed to state a Title VI claim: Exhibit A establishes that it was Ms. Murguía's own error on her initial UI application, and she chose to rely on her daughter for help and did not request a translator. The Court has already explained why it will exclude Defendant's Exhibit A from consideration as outside the pleadings. Thus, the only question Defendant raises for the Court's resolution is whether Ms. Murguía's failure to affirmatively request a translator means she has failed to state a procedural due process claim under the Fourteenth Amendment.

"Procedural due process imposes constraints on governmental decisions which deprive individuals of 'liberty' or 'property' interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment." *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). To establish a procedural due process violation, the plaintiff must show that "(1) he had a life, liberty, or property interest protected by the Due Process Clause; (2) he was

conclusion that "deliberate indifference was the appropriate standard for showing intentional discrimination *in this type of case*" and cites to other cases involving ADA claims. *Id.* at 389 (emphasis added). Other circuit courts have applied the deliberate indifference standard to Title VI claims for race discrimination in the specific context of third-party harassment, analogizing from the Supreme Court's reasoning in dealing with a harassment claim under Title IX in *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999). See *Fennell v. Marion Indep. Sch. Dist.*, 804 F.3d 398, 408 (5th Cir. 2015) (holding that "the correct analytical framework for a Title VI student-on-student harassment claim is the deliberate indifference standard"); see also *Zeno v. Pine Plains Centr. Sch. Dist.*, 702 F.3d 655, 665 (2d Cir. 2012) ("[I]n the educational setting, a school district is liable for intentional discrimination when it has been "deliberately indifferent" to teacher or peer harassment of a student."). Thus, while the Court finds that the *McDonnell Douglas* framework is applicable and denies the Motion to Dismiss, the Court is not yet persuaded that the law is as clear as Ms. Murguía implies that deliberate indifference is also an appropriate standard for assessing discriminatory intent for Title VI claims in this context.

deprived of this protected interest; and (3) the state did not afford him adequate procedural rights prior to depriving him of the property interest.” *Stevenson v. Blytheville Sch. Dist.*, 800 F.3d 955, 966 (8th Cir. 2015).

Defendant does not provide any substantive briefing on this point. She does not indicate the elements of a procedural due process claim she believes Ms. Murguía must plead and explain how the pleadings are inadequate. Nor does Defendant’s Reply Brief address in any way the extensive substantive discussion of the procedural due process claim in Ms. Murguía’s Response in Opposition. Specifically, Defendant does not dispute that Ms. Murguía has a property interest in UI or PUA that is protected by the Due Process Clause. Nor does Defendant dispute that the delay in adjudicating Ms. Murguía’s application is a constructive deprivation of her interest in such benefits. Defendant argues only that DWS’s failure to provide written information in Spanish or to offer Ms. Murguía a translator does not abridge her due process rights.

However, Defendant does not provide any authority to support the assertion that DWS’s failure to adhere to federal guidance regarding language access is insufficient to state a claim for a due process violation. In fact, the case law the Court has reviewed suggests the opposite. For example, a district court in Minnesota denied a preliminary injunction for an alleged due process violation where the state agency had a plan in place to provide meaningful language access and there was “no evidence that the [state agency] violated this plan in its communications with [the plaintiff] . . . and, in fact, the [agency’s] actions appear to be consistent with the plan.” *Awnuh v. Pub. Housing Ag. of City of Saint Paul*, 2019 WL 6492465, at *5 (D. Minn. Dec. 3, 2019); see also *Reyes v. Clarke*, 2019 WL 4044316, at *22 (E.D. Va. Aug. 27, 2019) (holding that the plaintiff “has

stated a viable due process claim” where he alleged that the administrative reviews “were not meaningful” because they were “conducted in English, a language he does not understand”).

The Court finds that Ms. Murguía has adequately pleaded that DWS has an affirmative obligation to provide meaningful language access services. As cited in the procedural background section above, the federal Department of Labor requires state UI agencies to translate vital documents into languages spoken by a significant portion of the service population, to provide translation services free of charge, and to identify applicants who might benefit from such services and make known their availability. See Dep’t of Labor, Emp. & Training Admin., Unemployment Insurance Program Letter No. 02-16, at 8–10 (Oct. 1. 2015). Ms. Murguía alleges, however, that she was never informed of the availability of translation services and that the letters DWS sent to her regarding important aspects of her UI application, such as her initial denial and her appeal rights, were provided only in English. The Court is satisfied that Ms. Murguía has adequately pleaded that DWS has an obligation to meet her language needs that was not absolved by her daughter’s presence and that DWS failed to fulfill that obligation.

As the Court noted above, Defendant does not address at all Ms. Murguía’s allegation that the agency’s unexplained delay in adjudicating Ms. Murguía’s second UI application and failure to notify her of her possible eligibility for PUA constitute constructive denial of benefits and a violation of her due process rights. Upon its own review, however, the Court is satisfied that Ms. Murguía’s allegations support a procedural due process claim. Ms. Murguía has directed the Court to Eighth Circuit case law recognizing in the context of an administrative claim for worker’s compensation, that

“[a]t some point a delay in the opportunity for administrative and judicial review can amount to a denial of due process” and that a delay should be assessed for its reasonableness. *Meehan Seaway Serv. Co. v. Dir., Off. Workers’ Comp. Programs*, 125 F.3d 1163, 1170 (8th Cir. 1997). Additionally, in *Mathews*, the Supreme Court emphasized that “[d]ue process, unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place and circumstances. Due process is flexible and calls for such procedural protections as the particular situation demands.” 424 U.S. at 334 (cleaned up). These authorities instruct the Court that the analysis of what process is due under the Fourteenth Amendment is context-specific and fact-dependent. At this stage, the Court accepts as true Ms. Murguía’s allegation that she gave the correct information to DWS in March and that the initial denial of her benefits was due to DWS’s error, that DWS continued to wait for information from Ms. Murguía’s employer long after the response period provided by state law, and that DWS is delaying resolution of her claim while it investigates the immigration status of other Holiday Inn employees. The Court is persuaded that it could reasonably infer from these facts that DWS’s delay in processing Ms. Murguía’s UI application (a necessary precondition for her to apply for PUA), which far exceeds the 35-day target set by the Secretary of Labor, is unreasonable, and Ms. Murguía has pleaded a violation of her procedural due process rights under the Fourteenth Amendment.²

² Defendant also argues that the Complaint fails to state a claim for a violation of Ms. Murguía’s substantive due process rights. However, since Ms. Murguía alleges only a procedural due process claim, the Court does not address this aspect of Defendant’s Motion.

3. State Law Claim

Finally, Defendant makes no substantive argument as to Ms. Murguía's state law claim. Defendant makes only the general assertion that it fails to provide facts in support and is merely a formulaic recitation of the elements of the cause of action.³ A review of the Complaint, however, makes clear that Ms. Murguía has put forward facts to support her assertion that Defendant's conduct has been arbitrary, capricious, wantonly injurious, or in bad faith. Since Defendant makes no further argument, and since the Court, as discussed above, is concerned that it does not have subject-matter jurisdiction over Ms. Murguía's state-law claim, the Court will not analyze this claim further. However, should the Court not dismiss the claim on the basis of sovereign immunity, the Court finds that it is adequately pleaded to survive Defendant's Rule 12(b)(6) motion.

IV. CONCLUSION

For these reasons, **IT IS ORDERED** that Defendant Charisse Childers's Motion to Dismiss (Doc. 9) is **DENIED**.

IT IS SO ORDERED on this 2nd day of March, 2021.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE

³ The second paragraph in this section of Defendant's Brief in Support makes an argument about claims pursuant to § 1983 and the Arkansas Civil Rights Act that are not relevant to Ms. Murguía's Complaint and which the Court therefore does not address.

State told to deliver records

Documents stall, group files suit

NOEL OMAN

ARKANSAS DEMOCRAT-GAZETTE

A Pulaski County circuit judge on Tuesday gave the Arkansas Division of Workforce Services 24 hours to produce one set of records to a legal aid nonprofit for low-income people and until Friday to produce a time-line on how long it would need to review and redact another 60,000 pages the nonprofit has sought.

Judge Patricia James' decision came in a lawsuit the Legal Aid of Arkansas filed against the Arkansas Department of Commerce and its Workforce Services Division after the state unemployment agency repeatedly delayed over several months turning over the documents Legal Aid sought under the Arkansas Freedom of Information Act.

She also ordered the agency to turn over the second set of documents as they are reviewed and redacted weekly, a process that could take 600 hours for one person to accomplish, or as much as five months based on a 40-hour work week.

Legal Aid was seeking the documents to "better understand the problems" scores of its clients have encountered in filing unemployment insurance claims.

In addition to having trouble accessing claims, Legal Aid said its clients have faced "months-long application or appeals processing delays, wrongful denials, unsubstantiated allegations of fraud or overpaid benefits, lack of information about application procedures, and other related problems," according to the lawsuit filed Feb. 26.

Among the documents Legal Aid is seeking are associated with ProTech Solutions LLC, a contractor Workforce Services hired to run a system to allow people to apply for supplemental federal benefits tied to the covid-19 pandemic.

The judge said the agency wasn't negligent and it was "substantially justified" in not turning over the documents within three working days as the law required. She cited the volume of information as well as the volume of unemployment claims sparked by the global covid-19 pandemic.

She said the state's open-records law, enacted in 1967, was contemplated in an age without email and other modern technology that can easily amass huge amounts of data, a point a senior assistant attorney general representing workforce services, KatTina Guest, made in her closing arguments.

"Let's be clear," James said. "There could be no way someone could possibly give all that information — identify it, printed, read, redacted and given to someone in three days. It's not possible.

"I think Ms. Guest makes a very valid point. This statute first started in the '60s. These were things you could most likely get together in three days. Even when it was updated — the most recent time was 1991 — before the day of emails. We were working on computers that may or may not have had a hard drive.

“Since that time, these request have become extremely large to the point that there’s literally no way⁹⁷ they could all be satisfied within three days as the statute talks about. That’s where the common sense and balancing of interests analysis comes into play.” A Legal Aid representative welcomed the ruling but said testimony left more questions for the nonprofit to pursue on behalf of its clients.

“The judge ultimately gave us what we want: DWS has to produce documents regarding its relationship with Protech within 24 hours,” Jaden Atkins, a staff attorney in Legal Aid’s Springdale office, said in an email. ” And it has to start producing documents regarding its use of algorithms this Friday and continue producing more every week until our request has been fulfilled.” Atkins, who testified at the four-hour hearing, said her organization wasn’t satisfied with the testimony of Don Denton, the chief counsel for Workforce Service. He said that ProTech Solutions didn’t make eligibility determinations for unemployment benefits that James found persuasive.

“This outside provider is not making eligibility determination as to whether someone gets benefits or not,” the judge said in her ruling from the bench. “They are making eligibility determinations as to whether someone is a citizen or a non-bot or things of that nature. It doesn’t sound like they are making any determinations on whether someone is eligible for benefits.” Atkins disagreed.

“DWS is relying on Protech’s secret algorithm to make initial determinations about eligibility that are then later followed by DWS workers,” she wrote in her email. “We don’t know what measures DWS is taking to make sure the algorithm’s recommendations are valid. We don’t know whether DWS workers actually exercise any independent review or investigation.

“We’ll be following up on what’s happening here.” Testimony at Tuesday’s hearing provided some insight into how much the agency struggled with the rise in unemployment claims sparked by the pandemic beginning almost one year ago and the fraud that has been associated with the program nationwide.

Much of the agency’s work is paid by the federal government. The funding is apportioned based on the previous year’s claims. With unemployment claims at almost historic lows in 2019, Workforce Services began 2020 with about 750 employees, according to Denton’s testimony.

When the economic lock-downs came in an attempt to clamp down on the spread of the coronavirus, unemployment claims shot up, he said. Where before the pandemic the agency handled 50,000 claims per quarter, after the pandemic it was handling 400,000 claims, he said.

Some claims have to be adjudicated within the agency. Before the pandemic, it had 1,139 claims to adjudicate. In April, those claims shot up to 7,698, Denton testified.

The division’s employment has risen to 900, but the agency still has vacant positions, he said.

Denton also provided some insight into the algorithm Pro-Tech Solutions uses to vet claims. One element of the algorithm designed to protect against identify theft flags claims if more than four of them originate from the same IP [address](#). IP is an acronym for Internet Protocol, the numbered label assigned to every device on a computer network that uses the Internet Protocol for communication.

He said as many as 100 claims originated from one IP address. The agency doesn’t want to mention other elements of the algorithm publicly lest if give bad actors too much information to use against the agency’s systems.

December 23, 2020

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Lee Richardson
Primary Applicant
Legal Aid of Arkansas, Inc.
714 South Main Street
Jonesboro, AR 72401

FY21 Basic Field Grant (Renewal) Award Letter
Grantee Number: 604020

Dear Lee Richardson,

Thank you for applying to LSC's FY21 Basic Field Grant (Renewal) program. We are pleased to award Legal Aid of Arkansas, Inc. a FY21 Basic Field Grant (Renewal). The purpose of this grant is to provide high-quality civil legal services and access to justice to low-income people in your designated service areas and as contained in the FY21 Basic Field Grant (Renewal) Terms and Conditions.

The grant amount(s), grant term, and current Terms and Conditions are attached to the FY21 Basic Field Grant (Renewal) Award Acceptance Agreement. To accept this grant, please sign and return the Acceptance Agreement within seven (7) business days.

If you have any questions about this grant, please contact Judith Lee at (202) 295-1518 or by email at leej@lsc.gov. We look forward to working with your program. Thank you for your efforts to make equal access to justice a reality.

Sincerely,

Ronald S. Flagg
President

Enclosure: FY21 Basic Field Grant (Renewal) Award Acceptance Agreement

2021 Basic Field Grant Terms and Conditions

If awarded a 2021 Basic Field Grant, you agree to the following terms and conditions, which will govern our relationship and your activities during the grant term:

1. **Grant Objective.** You will provide high-quality, economical, and effective civil legal services, consistent with applicable rules of professional conduct, the LSC Performance Criteria, ABA Standards for the Provision of Civil Legal Aid, and ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means.
2. **Approved Grant Activities.** You will use your Basic Field Grant funds to deliver civil legal services according to the proposed delivery system described in your grant application (and any renewal grant applications), as modified by LSC or these grant terms and conditions.
3. **Restricted Activities.** Our statutes and regulations restrict you from performing certain activities and from representing specific categories of clients with your LSC funds and, in some cases, your other funds, such as private grant funds, charitable donations, and public funds (generally, activities performed with non-LSC tribal funds are not restricted). You may not perform restricted activities as stated in [the LSC Act](#), [the conditions on LSC's annual appropriation](#), and [LSC regulations](#).

The following chart summarizes the major restricted activities and the funds affected. It does not list all restricted activities or all exceptions to and nuances of each restriction, or how each one applies to different types of funding. It is intended to help you issue-spot so that you can contact LSC's Office of Compliance and Enforcement (OCE) for more detailed information and technical assistance on the scope of and exceptions to restricted activities. We also maintain online [guidance materials](#) to facilitate your compliance with the restrictions.

RESTRICTED ACTIVITIES Subject to Limitations and Exceptions Established by Law	LSC Funds	Private Funds	Public Funds
Abortion Litigation —No participation in any abortion litigation. Pub. L. 104-134, Tit. V, §504(a)(14)	X	X	X
Abortion Non-Litigation —No participation in non-litigation activities involving abortions except for some therapeutic situations (but not against providers with religious or moral objections). 42 U.S.C. § 2996f(b)(8)	X	X	—
Assisted Suicide —No assisted suicide or euthanasia activities. 45 C.F.R. Part 1643	X	X	—
Census —No influencing the time and manner of a census. 45 C.F.R. Part 1632	X	X	X
Class Actions —No participation in any class actions. 45 C.F.R. Part 1617	X	X	X
Criminal Cases —No criminal cases, except for in tribal courts or some court appointments. 45 C.F.R. Part 1613	X	X	—
Demonstrations and Strikes —No engaging in or encouragement of public demonstrations, picketing, boycotts, or strikes. 45 C.F.R. Part 1612	X	X	—
Desegregation of Public Schools —No involvement in public-school desegregation proceedings. 42 U.S.C. § 2996f(b)(9)	X	X	—
Draft Registration or Desertion —No involvement in proceedings involving selective service registration or desertion. 42 U.S.C. § 2996f(b)(9)	X	X	—
Elected Office —Grantee attorneys may not run for partisan elected offices. 45 C.F.R. Part 1608	X	X	X
Evictions from Public Housing Involving Illegal Drugs —No defense of persons charged with making, selling, or distributing illegal drugs in most public-housing evictions involving health and safety. 45 C.F.R. Part 1633	X	X	X
Fee-Generating Cases —No representation in fee-generating cases unless private lawyers are not available or the case meets one of the exceptions stated in 45 C.F.R. Part 1609 .	X	X	—
Habeas Corpus —No <i>habeas corpus</i> cases challenging criminal convictions. 45 C.F.R. Part 1615	X	X	—
Labor Training —No trainings for labor or anti-labor activities, boycotts, strikes, demonstrations,			

or supporting activities. 45 C.F.R. Part 1612	X	X	X
Lobbying—General —No lobbying of any government office, agency, or legislature and no lobbying regarding oversight of LSC or its recipients, subject to the statutory exceptions below—No lobbying training. 45 C.F.R. Part 1612	X	X	X
Lobbying—State and Local Funding —A grantee may use non-LSC funds for lobbying on issues involving its own state or local funding. 45 C.F.R. Part 1612	X	—	—
Lobbying—Public Rulemaking and Government Requests —A grantee may use non-LSC funds for responding to public rulemakings or to written requests from the government. 45 C.F.R. Part 1612	X	—	—
LSC Lawsuits —No filing or pursuing a lawsuit against LSC. Pub. L. 104-134, Tit. V, § 506	X	—	—
Non-Citizens —No representation of non-U.S. citizens unless specifically allowed by statute or regulation. 45 C.F.R. Part 1626 . Major statutory exceptions include: <ul style="list-style-type: none"> • permanent residency and limited other lawful statuses • victims of domestic violence, trafficking, and other abuses • special situations such as international child abduction and citizenship in certain Native American tribes or Pacific island nations. 	X	X	X
Organizing —No organizing any association, federation, labor union, coalition, network, alliance, or similar entity. 45 C.F.R. Part 1612	X	X	—
Political Activities (Other Than Lobbying, Organizing or Training) —No participation in political activities, election campaigns, ballot measures, initiatives or referendum, voter registration, or voter assistance. 45 C.F.R. Part 1608	X	X	—
Political Tests. No political test for any decision or actions. 45 C.F.R. Part 1608	X	X	X
Political Training —No trainings for or providing information about lobbying, political activities, advocacy for public policies, or supporting activities. 45 C.F.R. Part 1612	X	X	X
Prisoner Representation —No civil litigation for prisoners. 45 C.F.R. Part 1637	X	X	X
Prohibited Activities Support —No communications or expenses associated with most of the restrictions. Pub. L. 104-134, Tit. V, § 504(a)(6)	X	X	X
Redistricting —No involvement in any legislative, judicial, or elective redistricting. 45 C.F.R. Part 1632	X	X	X
Rioting and Illegal Activity —No grantee employee may engage in or encourage rioting, civil disturbances, or violations of law, court injunctions, or professional rules for attorneys. 45 C.F.R. Part 1612	X	X	X
Solicitation In-Person —No representation of persons after giving them unsolicited, in-person advice to take legal action (or obtain a lawyer) for their specific legal problems. 45 C.F.R. Part 1638	X	X	X
Welfare Reform —No activities involving welfare reform other than cases for individual benefits or otherwise allowed uses of non-LSC funds for responding to government requests or public rulemakings. 45 C.F.R. Part 1639	X	X	X

- 1. Fundamental Changes to Approved Grant Activities.** You must notify the Office of Program Performance (OPP) in writing at least 30 days before implementing a *planned* fundamental change to your Approved Grant Activities; for an *unplanned* fundamental change, notify OPP immediately after implementing it. The written notice must 1) describe the proposed change and the reason for it; 2) assess the change’s impact on the grant objectives; 3) describe options for minimizing the impact; and 4) estimate the cost, if any. Examples of a “fundamental change” for this purpose include changing your approved legal services delivery system 1) from full service to provision of limited services only; 2) from a branch office delivery structure of three or more offices to one central office; or 3) from a staff model to a Judicare model. If you are unsure whether a proposed change would be considered “fundamental,” please call LSC’s Office of Program Performance.

2. **Changes to Your Operations, Corporate Structure, or Grantee Status.** You must notify OPP in writing 60 days before merging or consolidating with another legal services provider; changing your entity status, name, or brand; or voluntarily terminating your Basic Field Grant.
3. **Grantee Reporting Requirements.** You must notify LSC (by emailing granteeupdates@lsc.gov) within 15 calendar days of taking the following actions:
 - You decide to close or relocate any main or branch office;
 - Your governing body chairperson resigns, retires, or is removed from service (including the new chairperson’s name, telephone number, and e-mail address);
 - Your chief executive or financial officer resigns, retires, or is removed from service (including the new chief executive or financial officer’s name, telephone number, and e-mail address);
 - You are insolvent, or are in danger of becoming insolvent within three months’ time;
 - Your primary e-mail or website address (URL) changes; or
 - You amend your charter, articles of incorporation, by-laws, or governing-body structure.

You must notify OCE, according to the respective regulatory processes and timeframes, whenever:

- You have been served with an attorneys’ fee claim that LSC may be required to pay (see [42 U.S.C. § 2996e\(f\)](#)). Please forward a copy of the corresponding attorneys’ fees petition;
- You wish to use LSC funds to purchase real property or to purchase or lease personal property of a certain current market price or to award a contract for services that exceeds \$25,000 (see [45 C.F.R. Part 1630 and 1631](#));
- A monetary judgment, settlement, sanction, penalty, or force majeure event will substantially impact your delivery of legal services; or
- Any of your key officials (e.g., officers and executive team members) or employees with control over grantee finances or financial management responsibilities, are charged with fraud, misappropriation, embezzlement, theft, or any similar offense, or are suspended, disciplined, or delicensed by a bar or other professional licensing organization.

You are also required [to annually and semiannually report](#) certain data about your grant activities to LSC (e.g., [Grant Activity Reports \(GAR\)](#) and [Case Disclosure Reports](#)). Other OIG related reporting requirements can be found in paragraph 7 (relating to annual audits) and paragraph 16 (relating to fraud prevention). Instructions on how to report this information to LSC are available at <http://www.lsc.gov/grants-grantee-resources/grantee-guidance/lsc-reporting-requirements>.

1. **Governance and Programmatic Requirements.** To help you achieve your grant objective, you must comply with the following governance and programmatic requirements within 60 days of receiving your Basic Field Grant award:

Governance and Programmatic Requirements

Incorporation—You will be incorporated in the state where you provide legal services. [45 C.F.R. § 1607.3\(a\)](#)

Governing Body—You will have a board of directors or other body with authority to govern your activities that reasonably reflects eligible clients’ interests and whose members are supportive of LSC’s mission and are knowledgeable of or interested in delivering high-quality legal services to the poor. Specifically, at least sixty percent of your governing body members must be attorneys. A majority of governing body members must be attorneys appointed by the governing body or bodies of the state, county, or municipal bar associations whose members represent a majority of attorneys practicing law in your service area. At least one-third of the governing body members must be client-eligible and appointed by diverse client and community groups of your choosing. Your governing body may appoint the remaining members or they may be selected pursuant to your bylaws or policies. [45 C.F.R. Part 1607](#)

Annual Audits—You must annually arrange for an audit of your financial records in accordance with generally accepted government auditing standards and guidance promulgated by the LSC Office of the Inspector General (OIG), including the [Audit Guide for Recipients and Auditors](#) and its [Compliance Supplement](#). You must notify the OIG within 30 calendar days of changing your Independent Public Accountant (IPA). If you fail to conduct an OIG-compliant audit, LSC may impose sanctions, including withholding a percentage or suspending all of your funding until the audit is satisfactorily completed, imposing additional grant conditions, or requiring corrective actions. You may not charge any costs of non-compliant audits to your Basic Field Grant.

Conflicts of Interest and Whistleblower Protection—You must have (1) a written conflict of interest policy that covers

both staff and board members, and (2) a written whistleblower policy that requires staff to report unlawful or unethical activity (i.e., violation of any law, policy, or regulation; abuse of authority; gross waste of funds; fraud; embezzlement; theft; improper destruction of records; or providing false information) and prohibits retaliation. Staff must have access to the policies and be trained on them.

Purchasing Policy—You must have a written purchasing policy that establishes (1) competition thresholds, (2) the bases for non-competitive purchases, (3) the level of documentation necessary to justify purchases, (4) certain internal controls (5) procedures to ensure quality and cost control in purchasing, and (6) procedures for identifying and preventing conflicts of interest in the purchasing process. [45 C.F.R. Part 1631](#)

Records Management. You should establish a Records Management Policy that includes a record retention and disposal schedule. You must retain the following types of records as follows:

- closed client files for at least five years or for the period of time set by federal, state, local, or professional ethics rules on record maintenance, whichever is longer;
- all grant-related records during and after the grant term as prescribed by the Accounting Guide for LSC Recipients, Appendix II; and
- original financial records and supporting documentation (or digital images of originals unless otherwise required by applicable law) sufficient for LSC to audit and determine whether the costs incurred and billed are reasonable, allowable and necessary under the terms of the grant, as prescribed by the Accounting Guide for LSC Recipients, Appendix II.

Outside Practice of Law—You must adopt a policy on outside practice of law by full-time attorneys that complies with the LSC Act, [45 C.F.R. Part 1604](#), and applicable rules of professional conduct. You may adopt additional restrictions as necessary to meet your professional obligation to clients. [45 C.F.R. Part 1604](#)

Client Financial Eligibility Screening—Only individuals and groups that are financially eligible may receive legal assistance supported by your Basic Field Grant funds. You must adopt a policy establishing how you will screen perspective individual and group clients for financial eligibility. Financially eligible individuals are limited to households whose annual incomes do not exceed 125% of the Federal Poverty Guidelines amounts. Your policy must set reasonable asset ceilings for households. [45 C.F.R. Part 1611](#)

Client Citizenship Eligibility Screening—Only individuals and groups that are US citizens and eligible non-citizens may receive legal assistance from you. This requirement applies to your Basic Field Grant funds, other LSC funds, and most non-LSC funds. You must adopt a policy establishing how you will screen perspective individual and group clients for citizenship eligibility. [45 C.F.R. Part 1626](#) and [45 C.F.R. Part 1610](#)

Client Appeals—You must adopt a policy for deciding when you will appeal trial court or tribunal cases funded by your Basic Field Grant award. The policy must discourage frivolous appeals and give appropriate consideration to resource allocation priorities, but it must not interfere with your attorneys' professional responsibilities. [45 C.F.R. Part 1605](#)

Private Attorney Involvement (PAI)—You must devote an amount equal to at least 12.5% of your Basic Field Grant award to involving private attorneys, law students, law graduates, and other professionals in your legal services program. [45 C.F.R. Part 1614](#)

Plain Language and Limited English Proficiency. ([Program Letter 04-2](#)) In developing materials for the public and clients, you must consider and address the special needs of persons with limited literacy, limited English proficiency, limited experience with or knowledge of computer-related technologies, limited access to computers, and limited access to most web-based or other computer-related systems. For all new publications, forms, and materials developed or improved with any LSC funds you must ensure that that they are written in a clear, concise, and well-organized manner, consistent with plain language principles, examples of which can be found at www.lep.gov, www.writeclearly.org, and www.plainlanguage.gov.

Accessibility. You must consider and address the special needs of people with disabilities, including ensuring that all electronic and web-based resources developed or improved with any LSC funds are based on or exceed the accessibility standards established in [Section 508 of the Rehabilitation Act](#) and implementing regulations. [45 C.F.R. Part 1624](#)

1. **Statewide Website Obligations.** As an LSC grantee, you will work with other legal aid providers in your state to ensure that there is a statewide website that publishes a full range of relevant and up-to-date self-help materials, legal

information, and referral resources on the most common issues facing client communities. If one exists, you must seek to participate on your state's statewide-website committee, where you should work to ensure that (1) targeted outreach informing the client community of the website and how to use it is performed; (2) the website is periodically evaluated and updated for ease-of-use and accessibility compliance; and (3) the website has a disclaimer indicating that LSC-funded programs participate in the website consistent with LSC restrictions. If your statewide website uses either the LawHelp or Open Source template, you must ensure that the template's original scope of functionality is maintained.

2. **Nondiscrimination in Hiring, Procurement, and Legal Services Delivery.** You will not discriminate against employees or applicants for employment, or any person seeking services from you or another program supported by any of your Basic Field Grant funds on the basis of race; color; religion or creed; sex (including pregnancy, childbirth, and related medical conditions); age (40 and older); national origin or ancestry; disability; citizenship status; sexual orientation; gender identity; genetic information; veteran status; or any applicable state or local protected classes. You will not contract or partner with individuals or entities whose practices have the effect of subjecting employees or qualified applicants for employment to unlawful discrimination. You must have, or will adopt shortly after receiving our Basic Field Grant, equal employment opportunity and sexual harassment policies that contain an effective discrimination complaint-processing system.
3. **Requests for Records.** During normal business hours and upon request, you must provide LSC, the LSC Office of Inspector General (LSC OIG), their respective agents, and other entities with oversight or investigative authority, e.g., the Government Accountability Office (GAO), (collectively "Authorized Entities"), with access to and copies of records to which they are legally entitled. You must provide records, responses to requests for records, and withholding or redaction information through the Authorized Entity's specified process, including format and timelines. (LSC's process is established in the [Access to Records Protocol](#). The LSC OIG does *not* follow this protocol.) Nothing in these or other LSC grant terms and conditions limits the authority of any Authorized Entities to obtain these records or your obligation to provide them.
4. **Requests for Information.** During normal business hours and upon request, you must provide Authorized Entities with information to which they are legally entitled. When requested, you must also provide LSC with information about your program activities and finances (e.g., special grant conditions) and information needed to respond to congressional inquiries, to inform potential policy or administrative changes, or to make data-driven funding decisions (e.g., informal surveys, data requests, or questionnaires). You must provide all information (or withhold information, where legally entitled to do so), through the Authorized Entity's specified process, including answering interrogatories, participating in meetings and interviews, and format and timelines.
5. **Oversight, Audits, and Investigations of Grantee Activities.** Authorized Entities may oversee, audit, monitor, or investigate your operations. You will cooperate with Authorized Entities during their programmatic, compliance, or other oversight evaluations, audits, monitoring, and investigations, and will timely and satisfactorily resolve any resulting findings, recommendations, significant deficiencies, material weaknesses, corrective actions, disallowed costs, fines, or penalties.
6. **No Discipline or Retaliation for Good-Faith Cooperation or Release of Records or Information.** You will not take or threaten to take any disciplinary or retaliatory action against any person who, in good faith and consistent with applicable laws and professional conduct rules, cooperates with or releases appropriate information or records to an Authorized Entity. You will notify your employees and volunteers of this policy in writing.
7. **Compliance with LSC Laws, Regulations, and Guidance.** You will comply with the [LSC Act of 1974, as amended](#); LSC regulations at [45 C.F.R. Part 1600](#), et seq.; [LSC's applicable appropriations acts](#); and any other applicable laws, rules, regulations, policies, guidelines, instructions, or other directives from LSC, both procedural and substantive, including:
 - [LSC Audit Guide for Recipients and Auditors](#),
 - [The Accounting Guide for LSC Recipients \(2010 edition\)](#), and
 - [The CSR Handbook \(Rev. 2017\)](#).

You will also comply with any new or amended LSC laws, regulations, or guidance that become effective before or during the grant term. LSC provides a number of [statutory and regulatory compliance guidance materials](#) for your reference, and you are always encouraged to contact us with compliance questions or requests for technical assistance.

1. **Compliance with Federal Laws on the Proper Use of Federal Funds** ([45 C.F.R. Part 1640](#)). Your LSC grant funds are federal funds for purposes of [federal laws relating to the proper use of federal funds](#). If you, your employees, or board members violate any of [those federal laws](#), LSC may immediately terminate your grant as authorized by [45 C.F.R. § 1640.4](#). You certify that you have informed your employees and board members about these laws and the individual and organizational consequences of violating them.
2. **Fraud Prevention Obligations and Procedures** You must notify the LSC OIG Hotline (800-678-8868, 202-295-1670, or hotline@oig.lsc.gov) within 2 business days of
 - discovering information indicating that you have been the victim of a loss of \$200 or more as a result of any willful misrepresentation or theft, fraud, misappropriation, embezzlement, or theft involving property, client funds, LSC funds, and/or non-LSC funds used for the provision of legal assistance;
 - reporting a crime to local, state, or federal law enforcement officials;
 - discovering that you have been the victim of a theft of items such as credit cards, check stock, passwords, or electronic access codes that could lead to a loss of \$200 or more; or
 - that any of your key officials or employees with control over your finances are charged with fraud, misappropriation, embezzlement, theft, or any similar offense, or are suspended or disciplined by a professional licensing organization.

You must notify OIG regardless of whether the funds are recovered. Once you determine that a reportable event has occurred, contact the OIG *before* initiating your own investigation into the matter.

1. **Cost Standards and Procedures** ([45 C.F.R. Part 1630](#)). All costs charged to an LSC grant, including your Basic Field Grant, must have been incurred while executing the grant, must be reasonable and necessary to the grant, and must be adequately and contemporaneously documented in your business records. Costs that do not comply with our cost standards may be questioned and disallowed as provided at LSC regulations at Part 1630.
2. **Carryover Funds** ([45 C.F.R. Part 1628](#)). All LSC-related derivative income is subject to LSC's cost standards at Part 1630. If you want to carry over 10% or more of your LSC funds from one grant year to another, you must request a fund balance waiver from OCE according to the regulatory process and timelines established in [45 C.F.R. Part 1628](#).
3. **Grant Term and Renewal**. LSC awards Basic Field Grants for up to a 3-year term. You may be required to agree to special grant conditions as a condition of receiving a Basic Field Grant. Multi-year grants must be renewed each year. Upon renewal, additional terms and conditions may apply.
4. **Termination, Limited Reduction of Funding, and Debarment Procedures** ([45 C.F.R. Part 1606 and 1630 \(Subpart D\)](#); [Program Letter 15-3—Enforcement Mechanisms](#)). LSC may terminate your Basic Field Grant in whole or in part if you substantially violate these terms and conditions or substantially fail to provide high quality, economical, and effective legal assistance. If a substantial violation does not warrant termination, LSC may reduce your funding by less than 5%. For good cause shown, LSC may also debar you from receiving future Basic Field Grants.

If LSC terminates your Basic Field Grant for any reason, you must submit to OPP, within 15 calendar days of being notified of the termination, a plan for the orderly close-out of the grant. Detailed instructions for preparing this plan are available at <http://www.lsc.gov/orderly-conclusion-role-responsibilities-recipient-lsc-funds>. This must include a transition plan that, at a minimum, demonstrates how client services will be delivered during the transition period. LSC must approve the close-out and transition plan and may oversee its implementation. When circumstances require and LSC requests one, you must also submit a Successor in Interest Agreement to LSC for approval. While awaiting approval for the close-out plan and successor agreement, if applicable, you may not transfer your LSC-funded property, capital, or assets, to another entity without preapproval from LSC and must maintain your client and financial records until a successor is in place. If you anticipate terminating your Basic Field Grant at the end of the grant term or during the grant term for any reason, you must provide the LSC Office of Program Performance (OPP) with written notice at least 60 calendar days before the anticipated grant termination date. You must include a plan for the orderly close-out of the grant and transition of client services as described above with your notice. You will also work collaboratively with LSC and other relevant stakeholders to ensure a smooth transition between legal service providers and minimal disruption to current and potential clients in your service area.

1. **Legal Relationship**. Our legal relationship is strictly that of grantor-grantee. These and other LSC grant terms and conditions do not create any other affiliation, partnership, joint venture, employment, or agency between us for any

purpose. Except as otherwise provided in these or other LSC grant terms and conditions, you have no authority (and will not hold yourself out as having authority) to bind LSC and will not make any agreements or representations on LSC's behalf.

2. **Use of LSC Logo.** LSC's logos are registered service marks. As long as you are an LSC grantee, you have a limited license to use our logos according to our size, format, and color instructions, for the following purposes:

- You *must* use our logos on your annual report, press releases, official letterhead, and any Internet website that serves as a "homepage" for you.
- You *may* use the logo on other official documents such as business cards, newsletters, telephone directory listings, or other advertisements or announcements about your LSC-funded services.
- All other uses are prohibited, unless expressly authorized by LSC in writing.

You may download LSC's official logos at <http://www.lsc.gov/media-center/galleries-multimedia/gallery/media-assets>.

1. **Intellectual Property Rights** (45 C.F.R. Part 1631). You own all Work Products that you develop or improve using LSC funds, unless you have an agreement with a third-party vendor establishing otherwise. Work Products for purposes of this provision include all writings, technology, inventions, discoveries, processes, techniques, methods, ideas, concepts, research, proposals, products, and materials that you develop or improve using LSC funds. Regardless of who owns the Work Products, you and LSC have a royalty-free, nonexclusive, and irrevocable license to use, reproduce, distribute, publish, and prepare derivative works of the LSC funded Work Products, including making those works available to other LSC grantees and access to justice partners.

You own any preexisting Work Products developed or improved using non-LSC funds, unless you have an agreement with a third-party vendor establishing otherwise, and our license does not apply to those preexisting works. You must have a written contract with third-party vendors who develop or improve LSC-funded Work Products. The contract must include a provision disclosing your and LSC's royalty-free, nonexclusive, and irrevocable license and prohibiting third-party vendors from denying its existence, challenging its legality, or interfering with LSC's full exercise of it. This provision does not prevent a developer or vendor from charging costs related to the use of the Work Products, such as implementation, integration, and on-going use (e.g., hosting and maintenance) costs.

1. **No Obligation to Fund.** LSC has no obligation to fund your grant award. The amount of your award depends on LSC's congressional appropriations. Congress may reduce, rescind, sequester, or terminate LSC's grant funds, or impose additional requirements or restrictions on their use, at any time. Accordingly, the amount of your grant award may change or be subject to additional congressional requirements or restrictions during the grant term. LSC will not be considered in breach of its obligations under these or other LSC grant terms and conditions (e.g., TIG and PBIF Grant Terms and Conditions) if congressional action or inaction changes the amount of, requirements for, or restrictions on your grant award, nor will you be entitled to due process under LSC regulations at [Parts 1606](#) (procedures for terminating a grantee) or [1623](#) (procedures for suspending a grantee) before these types of changes take effect.
2. **Governing Law, Mandatory Mediation, and Venue.** These and other LSC grant terms and conditions (e.g., TIG and PBIF Grant Terms and Conditions) will be governed, construed, and enforced according to the laws of the District of Columbia, excluding its conflict of laws rules. Any disputes arising from these or other LSC grant terms and conditions or relating to your LSC-funded activities will be exclusively resolved in the federal and local courts of competent jurisdiction located in the District of Columbia. You agree to waive objection to personal jurisdiction in those courts. Before litigating any dispute, we will mediate our dispute, in good faith, with the assistance of the [Federal Mediation and Conciliation Service \(FMCS\)](#), a free, government-sponsored, dispute resolution service headquartered in the District of Columbia.
3. **Assignment.** You may not transfer or assign any LSC grant, income derived from an LSC grant, any real or personal property funded in whole or in part with an LSC grant, or any of your rights or obligations under these or other LSC grant terms and conditions without obtaining LSC's advance written consent, including submission and approval of a Successor in Interest Agreement, when applicable.

4. **Indemnification.** You will indemnify, hold harmless, and defend LSC and its officers, directors, employees, agents, and assignees against any and all losses, damages, liabilities, deficiencies, claims, actions, judgments, settlements, interest, awards, penalties, fines, costs, or expenses, including reasonable attorneys' fees, that LSC incurs as a result of a third-party claim alleging that:
- you breached these or other LSC grant terms and conditions;
 - you acted negligently, grossly negligently, intentionally, or failed to act when you had a duty to do so, while performing your obligations under these or other LSC grant terms and conditions;
 - your negligent, grossly negligent, or intentional acts or omissions while performing your obligations under these or other LSC grant terms and conditions caused bodily injury, death, or damage to real or tangible personal property; or
 - you failed to comply with any applicable federal, state, or local laws, regulations or codes while performing your obligations under these or other LSC grant terms and conditions.
1. **Amendments and Waiver.** LSC may amend or waive any of these or other LSC grant terms and conditions, as circumstances may require. To be effective, an amendment or waiver must be in writing and delivered to you.
2. **Conflicting Terms** If there is a conflict between these or other LSC grant terms and conditions and any provision of the LSC Act, LSC appropriations, or LSC regulations, then your grant will be governed by the applicable provision of the LSC Act, LSC appropriations, and/or LSC regulations, consistent with the Severability section below.
3. **Entire Agreement.** These Terms and Conditions constitute our entire agreement with respect to your 2021 Basic Field Grant, and supersede all previous agreements, oral or written, relating to your 2021 Basic Field Grant.
4. **Severability.** The invalidity of any provision of these or other LSC grant terms and conditions will in no way affect the validity of any other provision. If any provision of these or other LSC grant terms and conditions cannot be legally enforced to its fullest extent, then such provision will be enforceable to the maximum extent permitted by law, and we consent and agree that such provision may be judicially modified accordingly in any proceeding brought to enforce such provision.

FY21 Basic Field Grant (Renewal) Award Acceptance Agreement

Grantee Number: 604020

Grantee Name: Legal Aid of Arkansas, Inc.

Award Type:

Service Area:	Type:	Award Amount:
AR-6	BF	\$1,652,827.00

The first grant payment, to be issued on or around January 1, 2021, will equal two-twelfths of the amount shown above, contingent on the availability and terms of federal funding. This first check reflects payment for the months of January and November 2021. The remainder of the grant, subject to federal funding, will be issued in ten equal installments on or about the first of the months of February through October, and December.

For more information on the Basic Field Funding Allocation Process, [click here](#)

Total Amount: \$1,652,827.00

Start Date: January 1, 2021

End Date: December 31, 2021

Term: 12 Months

We accept the above-described FY21 Basic Field Grant (Renewal) Award and agree to:

1. The Grant Award letter;
2. Any Special Grant Conditions referenced herein;
3. LSC's Grant Terms and Conditions for this year;
4. The LSC Act;
5. Federal laws appropriating funding for LSC's FY21 Basic Field Grant (Renewal) ; and
6. All LSC Rules, Regulations, Guidelines, and Directives.

We understand that the funding amounts shown above are based on the triennial census adjustment for Basic Field Grant allocations for 2021 and the current federal funding appropriation for LSC. We understand that LSC will make any adjustments to the grant schedules and grant payments as may be necessitated by any future federal funding laws. We understand that LSC will notify us of any funding changes once that information is available

By signing below, we certify that we will use the Basic Field Grant Award to provide high-quality civil legal services and access to justice to low-income people in the Basic Field Grant service area(s) and will maintain regular contact with

LSC staff.

Please sign this Grant Award Acceptance Agreement and return it to LSC within seven (7) business days.

Lee Richardson

Pamela A. Haun

Name of Executive Director

Name of Board Chairperson

Lee Richardson


Pamela A. Haun (Dec 29, 2020 22:42 EST)

Signature

Signature

Dec 29, 2020

Dec 29, 2020

Date

Date

County	01-09 Consumer	10-19 Education	20-29 Employment	30-39 Family	40-49 Juvenile	50-59 Health	60-69 Housing	70-79 Income Maintenance	80-89 Individual Rights	90-99 Misc	Totals
Washington	219	2	175	373	48	72	262	56	57	59	1323
Benton	109	4	49	371	31	63	124	40	19	39	849
Craighead	75	4	32	335	45	15	168	37	67	46	824
Crittenden	59	2	18	218	19	8	89	31	88	23	555
Not Litsted	0	0	0	270	0	0	1	0	0	0	271
Greene	9	0	4	160	14	4	17	8	8	11	235
Boone	28	0	5	106	14	4	33	8	8	24	230
Independence	13	0	3	157	7	2	16	6	6	7	217
Mississippi	14	0	7	98	14	2	37	12	21	5	210
Not in Arkansas	11	0	8	71	7	0	20	1	24	24	166
Jackson	12	1	7	74	9	1	13	7	16	11	151
Saint Francis	15	0	1	57	9	3	13	17	13	14	142
Poinsett	13	0	4	71	17	3	10	4	10	1	133
Baxter	11	0	2	55	10	8	21	6	1	13	127
Pulaski	3	15	3	31	9	1	32	6	4	8	112
Carroll	11	0	8	48	2	3	22	4	0	6	104
Lawrence	6	0	1	55	6	8	11	4	8	5	104
Phillips	16	0	4	39	6	0	13	7	10	8	103
Sharp	5	1	1	64	3	5	13	3	2	3	100
Marion	4	0	2	33	4	10	25	0	2	10	90
Clay	8	0	3	47	4	7	8	1	3	5	86
Randolph	6	0	7	39	6	2	7	2	3	10	82
Cleburne	3	1	1	44	4	0	12	5	1	4	75
Cross	0	0	1	41	3	5	9	2	9	0	70
Madison	9	0	5	35	3	5	3	3	2	2	67
Monroe	6	1	2	21	4	3	6	6	3	8	60
Searcy	2	0	2	25	6	0	6	2	1	7	51
Van Buren	6	0	1	23	6	1	8	2	0	4	51
Newton	1	0	1	19	2	1	7	5	3	2	41
Izard	4	0	1	18	0	3	6	1	1	4	38
Lee	4	1	3	9	5	0	5	3	3	2	35
Arkansas	2	0	0	16	1	0	11	1	1	2	34
Woodruff	2	0	3	11	3	0	5	4	3	1	32
Stone	1	0	2	24	1	1	2	0	0	0	31
Fulton	3	0	1	12	5	0	7	0	0	0	28
White	0	1	2	10	3	0	2	0	1	2	21
Faulkner	0	0	0	6	0	0	1	1	4	1	13
Lonoke	0	0	1	4	1	1	3	0	2	0	12
Sebastian	1	0	0	5	2	0	1	0	2	0	11
Saline	0	0	1	4	2	0	1	0	2	0	10
Crawford	1	0	0	3	1	0	2	1	1	0	9
Jefferson	0	0	0	1	0	1	2	4	1	0	9

County	01-09 Consumer	10-19 Education	20-29 Employment	30-39 Family	40-49 Juvenile	50-59 Health	60-69 Housing	70-79 Income Maintenance	80-89 Individual Rights	90-99 Misc	Totals
Prairie	0	0	0	5	0	0	0	1	0	0	6
Garland	0	0	2	2	0	0	0	1	0	0	5
Johnson	0	0	1	3	0	1	0	0	0	0	5
Ouachita	0	0	1	0	0	0	0	3	0	1	5
Pope	0	0	1	1	0	0	2	0	0	0	4
Garfield	0	0	0	3	0	0	0	0	0	0	3
Polk	0	0	0	0	0	1	1	0	1	0	3
Sevier	0	0	0	2	1	0	0	0	0	0	3
Chicot	0	0	1	0	0	0	0	0	1	0	2
Clark	0	1	0	0	0	0	0	0	1	0	2
Conway	0	0	0	1	0	1	0	0	0	0	2
Hot Spring	0	0	0	0	0	0	1	0	1	0	2
Logan	0	0	1	0	0	0	1	0	0	0	2
Miller	0	1	0	0	0	1	0	0	0	0	2
Perry	0	0	0	2	0	0	0	0	0	0	2
Ashley	0	0	0	1	0	0	0	0	0	0	1
Columbia	0	0	0	1	0	0	0	0	0	0	1
Desha	0	0	0	0	0	0	1	0	0	0	1
Drew	0	1	0	0	0	0	0	0	0	0	1
Grant	0	0	0	0	1	0	0	0	0	0	1
Hempstead	0	0	1	0	0	0	0	0	0	0	1
Lafayette	0	0	0	1	0	0	0	0	0	0	1
Little River	0	0	0	1	0	0	0	0	0	0	1
Scott	0	0	0	1	0	0	0	0	0	0	1
Union	0	0	0	1	0	0	0	0	0	0	1
Yell	0	0	0	0	0	0	1	0	0	0	1
	692	36	379	3128	338	246	1061	305	414	372	6971

County of Residence	n/a	01-09 Consumer	10-19 Education	20-29 Employment	30-39 Family	40-49 Juvenile	50-59 Health	60-69 Housing	70-79 Income Maintenance	80-89 Individual Rights	90-99 Misc	Totals	Covid Nexus	Percent Covid
Washington	3	193	1	234	403	60	54	328	65	57	58	1456	418	28.71%
Benton	1	107	3	49	430	33	41	150	50	22	44	930	191	20.54%
Craighead	3	65	0	27	385	47	11	210	47	61	40	896	147	16.41%
Crittenden	1	47	2	20	210	19	2	116	25	73	25	540	95	17.59%
Greene	0	14	0	4	187	16	0	18	11	10	18	278	30	10.79%
Boone	0	26	0	6	137	17	2	33	6	5	20	252	42	16.67%
Independence	0	19	0	2	174	7	2	20	9	6	9	248	29	11.69%
Mississippi	0	16	1	5	107	10	4	51	11	20	6	231	30	12.99%
Not in Arkansas	0	13	0	11	97	9	1	17	2	23	21	194	30	15.46%
Jackson	1	13	0	6	87	15	2	12	9	17	12	174	21	12.07%
Poinsett	0	10	0	6	82	23	3	17	8	7	4	160	15	9.38%
Baxter	0	12	0	3	76	10	4	24	6	3	12	150	18	12.00%
Not Listed	1	0	0	0	147	0	0	0	1	0	0	149	1	0.67%
Saint Francis	1	13	2	3	60	5	3	12	18	12	8	137	9	6.57%
Sharp	0	7	0	3	82	8	6	16	7	1	3	133	12	9.02%
Carroll	0	10	0	11	52	4	2	29	6	2	5	121	22	18.18%
Pulaski	0	4	9	6	34	10	1	27	10	7	9	117	34	29.06%
Lawrence	0	3	0	1	66	6	7	11	7	4	6	111	13	11.71%
Phillips	0	15	0	6	36	5	0	13	7	9	5	96	7	7.29%
Randolph	0	6	0	8	51	4	3	9	1	3	9	94	12	12.77%
Cleburne	2	3	1	0	59	4	0	12	3	3	4	91	13	14.29%
Cross	1	1	0	1	61	3	2	9	2	11	0	91	6	6.59%
Clay	0	8	0	2	52	2	5	8	1	2	4	84	5	5.95%
Marion	0	2	0	3	33	3	2	23	1	1	12	80	6	7.50%
Madison	0	8	0	8	45	1	5	6	3	1	2	79	14	17.72%
Van Buren	0	8	0	1	28	6	0	10	4	2	4	63	6	9.52%
Monroe	0	5	0	3	20	4	0	9	7	2	11	61	7	11.48%
Arkansas	1	5	0	0	27	1	0	12	2	2	2	52	12	23.08%
Searcy	0	2	0	3	23	4	1	7	2	1	7	50	6	12.00%
Izard	0	11	0	1	21	3	1	5	2	0	4	48	3	6.25%
Newton	1	2	0	1	24	2	0	6	3	4	3	46	5	10.87%
Lee	0	3	1	7	14	5	0	5	3	3	4	45	6	13.33%
Woodruff	0	3	0	5	9	3	0	8	8	3	2	41	2	4.88%
Stone	0	2	0	2	25	1	1	3	1	1	1	37	7	18.92%
Fulton	0	2	0	2	18	4	0	6	1	0	0	33	3	9.09%
Faulkner	0	0	0	1	14	2	0	1	0	5	2	25	7	28.00%
White	0	0	0	0	13	3	0	2	1	1	2	22	3	13.64%
Jefferson	1	0	1	1	4	1	0	1	4	2	1	16	4	25.00%
Lonoke	0	0	3	1	6	1	1	2	0	2	0	16	3	18.75%
Crawford	0	1	0	2	2	1	0	2	1	1	0	10	3	30.00%
Garland	0	0	0	2	3	1	0	2	0	0	0	8	3	37.50%
Sebastian	0	1	0	1	2	1	0	1	0	1	0	7	0	0.00%
Johnson	0	0	0	2	2	0	1	1	0	0	0	6	2	33.33%
Union	0	0	0	0	4	0	0	1	0	0	0	5	1	20.00%
Ouachita	0	0	0	2	1	0	0	0	1	0	0	4	0	0.00%
Prairie	0	0	0	0	3	0	0	0	1	0	0	4	0	0.00%
Saline	0	0	0	0	2	0	0	0	1	1	0	4	0	0.00%
Logan	0	0	0	2	0	0	0	1	0	0	0	3	2	66.67%
Miller	0	0	1	0	0	0	0	0	0	1	1	3	1	33.33%
Yell	0	0	0	0	0	1	0	2	0	0	0	3	1	33.33%
Conway	0	0	0	0	1	0	2	0	0	0	0	3	0	0.00%
Garfield	0	0	0	0	3	0	0	0	0	0	0	3	0	0.00%
Pope	0	1	0	0	1	0	0	1	0	0	0	3	0	0.00%

Intake By County
2-18-2020 to 2-17-2021

Sevier	0	0	1	0	2	0	0	0	0	0	0	3	0	0.00%
Chicot	0	0	0	1	0	0	0	0	0	1	0	2	1	50.00%
Clark	0	0	0	0	0	0	0	1	0	1	0	2	1	50.00%
Hot Spring	0	0	0	0	0	0	0	1	0	1	0	2	1	50.00%
Polk	0	0	0	0	0	1	1	0	0	0	0	2	1	50.00%
Columbia	0	0	0	0	1	1	0	0	0	0	0	2	0	0.00%
Grant	0	0	0	0	0	2	0	0	0	0	0	2	0	0.00%
Little River	0	0	0	0	1	1	0	0	0	0	0	2	0	0.00%
Perry	0	0	0	0	2	0	0	0	0	0	0	2	0	0.00%
Bradley	0	0	0	0	1	0	0	0	0	0	0	1	1	100.00%
Desha	0	0	0	0	0	0	0	1	0	0	0	1	1	100.00%
Franklin	0	0	0	0	1	0	0	0	0	0	0	1	0	0.00%
Lafayette	0	0	0	0	1	0	0	0	0	0	0	1	0	0.00%
Nevada	0	0	0	0	1	0	0	0	0	0	0	1	0	0.00%
Scott	0	0	0	0	1	0	0	0	0	0	0	1	0	0.00%
	17	661	26	465	3434	370	170	1262	358	395	380	7538	1313	17.41%
		8.77%	0.34%	6.17%	45.56%	4.91%	2.26%	16.74%	4.75%	5.24%	5.04%			

Problem Code	Total
24 Taxes (Not EITC)	\$1,145,361.54
01 Bankruptcy/Debtor Relief	\$955,326.63
54 Home and Community Based Care	\$851,148.64
02 Collect/Repo/Def/Garnsh	\$319,376.68
32 Divorce/Sep./Annul.	\$152,197.82
66 Housing Discrimination	\$115,586.71
03 Contract/Warranties	\$109,558.24
51 Medicaid	\$105,328.00
63 Private Landlord/Tenant	\$84,138.01
67 Mortgage Foreclosures (Not Predatory Lending/Practices)	\$83,266.57
75 SSI	\$39,564.00
08 Unfair and Deceptive Sales Practices (Not Real Property)	\$35,000.00
31 Custody/Visitation	\$30,669.84
44 Minor Guardianship / Conservatorship	\$20,832.00
95 Wills and Estates	\$19,850.00
62 Homeownership/Real Property (Not Foreclosure)	\$17,750.00
73 Food Stamps	\$16,424.00
64 Public Housing	\$15,077.00
09 Other Consumer/Finance	\$13,212.35
59 Other Health	\$11,900.00
23 EITC (Earned Income Tax Credit)	\$10,383.00
36 Paternity	\$6,804.00
37 Domestic Abuse	\$6,456.00
06 Loans/Installment Purchases (Not Collections)	\$6,130.00
74 SSDI	\$5,496.00
04 Collection Practices / Creditor Harassment	\$5,387.11
22 Wage Claims and Other FLSA Issues	\$3,500.00
25 Employee Rights	\$3,000.00
52 Medicare	\$1,100.04
72 Social Security (Not SSDI)	\$825.56
07 Public Utilities	\$127.58
Total:	\$4,190,777.32

Name	Title	Extension	Office	Workgroup
<i>Alden, Gaylynn</i>	Housing Paralegal	4315	Springdale	Housing
<i>Allison, Scot</i>	VOCA Attorney	4314	Springdale	DJ
<i>Atkins, Jaden</i>	Staff Attorney	4328	Springdale	EJ
<i>Auer, Jason</i>	Housing WG Leader	6318	Little Rock	Housing
<i>Beard, DeShawn</i>	Fair Housing Intern	6604	Little Rock	Housing
<i>Bien, Molina Mia</i>	Marshallese Liaison	7303	Springdale	
<i>Bowden, Cameron</i>	Fair Housing Attorney	6603	Little Rock	Housing
<i>Bowman, David</i>	Fiscal Officer	4308	Rogers	Administration
<i>Burns, Kim</i>	Operator-Reception	4319	Springdale	
<i>Camerlingo, Joan</i>	LITC Outreach	4327	Springdale	Consumer
<i>Clark, Nikki</i>	Staff Attorney	6317	ACH	EJ
<i>Clower, Evan</i>	Fair Housing Investigator	6601	Springdale	Housing
<i>Cole, Christina</i>	Staff Attorney	4305	Springdale	EJ
<i>Crawford, Cory</i>	Staff Attorney	4323	Springdale	Housing
<i>Dancer, Erin</i>	Opioid Grant/Data Analyst	4331	Rogers	Administration
<i>Davis, Samantha</i>	Paralegal	5304	Harrison	DJ
<i>Davison, Lela</i>	Staff Attorney	2207	West Memphis	DJ
<i>De Liban, Kevin</i>	Director of Advocacy	2206	Rogers	Administration
<i>Duell, Susan</i>	Staff Attorney	4321	Springdale	DJ
<i>DuPuis, Ashley</i>	AmeriCorps VISTA Member	4332	Rogers	
<i>Foster, Margaret</i>	Pro Bono Project Attorney	4307	Springdale	Pro Bono
<i>Franklin, Teresa</i>	Staff Attorney	6310	Jonesboro	DJ
<i>Frazier, Victoria</i>	Economic Justice Attorney	2205	West Memphis	EJ
<i>Galvez, Neyra</i>	Spanish Interpreter	4317	Springdale	
<i>Gardiner, Jennifer</i>	Tax Clinic Director	6304	Springdale	Consumer
<i>Goff, Mary</i>	DJ Workgroup Leader	4303	Springdale	DJ
<i>Goolsby, Maddy</i>	AmeriCorps Member	4326	Rogers	
<i>Grady, Kathy</i>	Economic Justice Paralegal	3301	Newport	EJ
<i>Graham, Lauren</i>	Staff Attorney	6301	Jonesboro	DJ
<i>Hawkins, Trevor</i>	EJ Workgroup Leader	6313	Jonesboro	EJ
<i>Hussein, Chris</i>	Staff Attorney	4306	Springdale	DJ/Consumer
<i>Jamison, Heidi</i>	Consumer Paralegal	4318	Springdale	Consumer
<i>Johnson, Greneda</i>	Pro Bono Director	2202	West Memphis	
<i>King, Elizabeth</i>	Human Resources	4311	Rogers	
<i>Ladd, MyKayla</i>	Intake Specialist	6312	Jonesboro	Consumer
<i>Lancaster, Kori</i>	Fair Housing Testing Coordinator	4320	Springdale	Housing
<i>Lester, Joshua</i>	EJW Fellow	6309	ACH	EJ
<i>Manuel, Katharine</i>	Staff Attorney	5302	Harrison	DJ/Consumer
<i>Marquez, Kimberly</i>	Communications Specialist	4325	Rogers	
<i>Matteson, Emily</i>	Eviction Attorney	6605	Little Rock	Housing
<i>McKenzie, Billy</i>	Pro Bono Coordinator	6315	Jonesboro	
<i>Moore, Bryce</i>	Staff Attorney	3303	Newport	DJ/Consumer
<i>Norman, Ashley</i>	Staff Attorney	4302	Springdale	DJ
<i>Ortega, Heiling</i>	Pro Bono Coordinator	4324	Springdale	
<i>Ortiz-Reed, Anaicka</i>	Staff Attorney	6316	Jonesboro	Consumer
<i>Purtle, Susan</i>	Staff Attorney	4301	Springdale	Consumer
<i>Ramm, Natalie</i>	Fair Housing Attorney	6319	Little Rock	Housing
<i>Ramos, Sara</i>	Paralegal	4310	ACH	
<i>Ramsfield, Kris</i>	Staff Attorney	4304	Springdale	DJ
<i>Reed, Faye</i>	Staff Attorney	1301	Helena	DJ
<i>Richardson, Lee</i>	Executive Director	6305	Rogers	
<i>Rieber, Kate</i>	Staff Attorney	2203	West Memphis	Housing
<i>Risner, Ginger</i>	Grants Manager	4312	Rogers	
<i>Roe, Hannah</i>	Supervising Attorney	6306	ACH	DJ
<i>Sanders, Mallory</i>	Consumer WG Leader	4309	Springdale	Consumer
<i>Schoon, Diana</i>	Opioids Paralegal	4330	Rogers	DJ
<i>Sehnert, Danielle</i>	VISTA	4333	Rogers	
<i>Shoupe, Beth</i>	Dom. Justice Paralegal	6307	Jonesboro	DJ
<i>Sisco, Miki</i>	VOCA Attorney	2208	West Memphis	DJ
<i>Spaink, Valerie</i>	Development Specialist	4329	Rogers	
<i>Walker, Andrea</i>	Deputy Director/HelpLine	6303	Jonesboro	
<i>Walton, Shauntese</i>	Intake Specialist	2201	West Memphis	EJ
<i>Wilson, Hollie</i>	Staff Attorney	3304	Ash Flat	Consumer

LEGAL AID OF ARKANSAS ORGANIZATIONAL STRUCTURE

