

**Legal Aid of Arkansas
Board of Directors Meeting
Friday, October 13, 2017
12:15 P.M.**



**Chancellor Hotel
70 N. East Ave
Fayetteville, AR 72701**

TOLL FREE
1-800-967-9224

TELEPHONE
1-870-972-9224

HELPLINE
1-800-952-9243

www.arlegalaid.org

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

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

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

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

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

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

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

October 2, 2017

RE: Board of Directors Meeting

Dear Board Member:

The Legal Aid of Arkansas Board of Directors will meet at **12:15 p.m.** Friday, October 13th at The Chancellor Hotel, 70 N East Ave., Fayetteville, AR 72701. Board members may also participate by conference call using the attached instructions. Lodging on Thursday night is provided at The Chancellor Hotel. Please contact me if you wish me to take care of lodging arrangements on your behalf.

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

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

Sincerely,

Elizabeth King
Administrative Assistant/HR Manager

/eak
Encl.

PARTICIPATING BY CONFERENCE CALL/GO TO WEBINAR

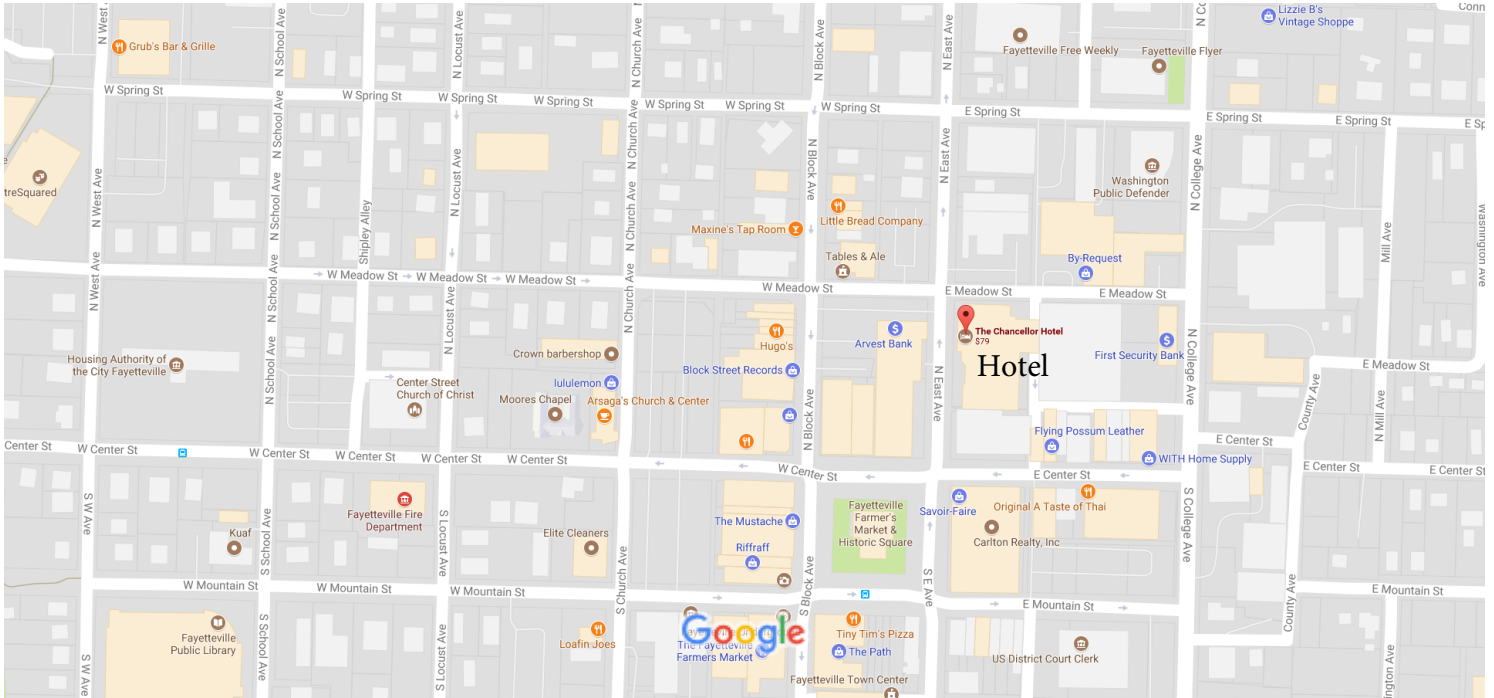
Dial 1-866-625-9936

Enter Guest Pin 21154265#

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

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

Google Maps The Chancellor Hotel 70 N. East Avenue, Fayetteville Arkansas



Map data ©2017 Google United States 50 m



**Legal Aid of Arkansas
Board of Directors Meeting
Chancellor Hotel
70 N. East Ave.
Fayetteville, AR 72701
October 13, 2017-12:15 p.m.**

AGENDA

1. Call to Order (Ms. Chumbler)
2. Approval of Minutes of June 24, 2017 Meeting (Ms. Chumbler) Page 6
3. Executive Committee Report (Ms. Chumbler) Page 13
 - a. Disposition of Real Property Located at 402 Franklin in Helena, Arkansas
4. Financial Report (Mr. Bowman) Page 24
 - a. Year to Date September 30th
 - b. Balance Sheet as of September 30th
 - c. Rolling Budget Projection-2018
 - d. Iberia Money Market Account-CD
5. Economic Justice Work Group Report (Mr. DeLiban) Page 29
6. Director's Report (Mr. Richardson) Page 46
7. December 2017 Meeting Location (Mr. Richardson)
8. Old/New Business (Ms. Chumbler)
9. Adjournment (Ms. Chumbler)

**LEGAL AID OF ARKANSAS
BOARD OF DIRECTOR'S MEETING
June 24, 2017**

A meeting of the Board of Directors of Legal Aid of Arkansas was held at 9:00 a.m. Saturday, June 24, 2017 at the Arkansas Children's Hospital Legal Aid of Arkansas office in Little Rock, AR.

The formal agenda was as follows:

1. Call to Order (Ms. Chumbler)
2. Approval of Minutes of March 25, 2017 Meeting (Ms. Chumbler)
3. Financial Report (Mr. Bowman)
4. Update Authorized Check Signers in Banking Accounts (Ms. King)
5. Update on Disposition of Helena-West Helena Office (Mr. Richardson)
6. 50th Anniversary Celebration Update (Mr. Richardson)
7. Fair Housing Project (Mr. Auer)
8. Arkansas Access to Justice Commission/Foundation Report (Ms. Johnson)
9. Medical-Legal Partnership Report (Ms. Morrison, Ms. Hyatt, Ms. Edwards, ACH Staff, Ms. Chumbler)
10. Director's Report (Mr. Richardson)
11. Old/New Business (Ms. Chumbler)
12. Adjournment (Ms. Chumbler)

Present in person were Lori Chumbler, Val Price, and Faye Reed. Present via conference call were Neil Burns, Beverly Claunch, Niki Cung, Pamela Haun, Helen Jenkins, Curtis Walker, Demetre Walker, Rene Ward and Ron Wilson. Legal Aid staff in attendance in person included Lee Richardson, Executive Director; Jason Auer, Housing Workgroup Leader/Staff Attorney; Brittany Edwards, Staff Attorney; Mary Claire Hyatt, Staff Attorney; Kesia Morrison, Staff Attorney and Jessica Prasifka, Legal Analyst. Staff present via conference call included Elizabeth King, Admin Assistant/HR; David Bowman, Fiscal Officer and Lynda Ware, Paralegal. Others present in person included Amy Johnson, Arkansas Access to Justice Commission Director; Meredith Carpenter, ACH Staff, Abbie Price and Nick Chumbler.

Board Chair Lori Chumbler called the meeting to order. She welcomed everyone and moved to item two on the agenda, Approval of Minutes of March 25, 2017 Meeting. She asked for questions regarding the minutes. Hearing none, she called for a motion.

A motion was made by Val Price, seconded by Curtis Walker to approve the Minutes of the March 25, 2017 Meeting. The motion carried with none opposed.

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

Mr. Bowman stated that we have the revenue and expenditure report for the period of January 1st through May 31st. He stated that revenue should be about \$1,070,000 and expenses are currently at \$1,069,000 and therefore revenue over expenses is roughly \$650.00. He stated that it has been an interesting month as there are some billings out that we have not received payment on as of this report.

He stated that we have received the payments in June and therefore June is looking very good. He further stated that in June we have received money from the Arkansas Access to Justice Commission of about \$61,000. There was a billing out for the Low Income Taxpayer Clinic for \$13,500 and that was received in June as well. He stated that there were just some timing issues which is why it shows it a little low at the end of May. He stated that he does not foresee any problems through the rest of the year and he has done some projections so we are looking at closer to \$20,000 revenue over expenses for the end of the year. He asked the board to look at the balance sheet and note that we are showing on notes payable we have roughly about \$201,000 left to pay on the Springdale office building. He asked for questions.

Ms. Chumbler inquired if the United Way of Northwest Arkansas grant has been received as of yet. Mr. Bowman stated that we have received the award but not the funds. Mr. Richardson stated that they pay monthly by direct deposit and that should start on July 1st. Ms. Chumbler inquired if the total grant was \$150,000 and Mr. Richardson stated that was correct \$150,000 for two years.

Mr. Richardson stated that he wanted to point out that at the end of May we had about \$890,000 cash in the bank so when you see the \$654 of income over expenses that did not include reserve money of \$760,000 that we have in the bank. He stated that we have close to 3.23 months in reserve right now, which is the most we have ever had.

Ms. Chumbler asked for any further questions regarding the financial report. Hearing none, she called for a motion.

A motion was made by Faye Reed, seconded by Niki Cung to approve the Financial Report. The motion carried with none opposed.

Ms. Chumbler moved to item four on the agenda, Update Authorized Check Signers in Banking Accounts.

Ms. King stated that due to some staff turnover we need to remove some signers and add signers to the bank accounts. She stated the changes are as follows:

Bank of Fayetteville/Famers Merchant Bank

Add:

- Makenzie Arnold
- Riley Cross
- Kris Ramsfield
- Elizabeth Tong

Remove:

- Heather Hersh
- Heidi Jamison
- Casey Trzcinski Sherman

Centennial Bank

Add:

- Makenzie Arnold
- Riley Cross

- Kris Ramsfield
- Elizabeth Tong

Remove:

- Heather Hersh
- Heidi Jamison
- Casey Trzcinski Sherman

Iberia Bank IOLTA Account

Add:

- Makenzie Arnold
- Riley Cross
- Kris Ramsfield
- Elizabeth Tong

Remove:

- Heather Hersh
- Heidi Jamison
- Casey Trzcinski Sherman

Ms. Chumbler asked for any questions regarding the proposed Update of Authorized Check Signers in Banking Accounts, hearing none she called for a motion.

A motion was made by Beverly Claunch, seconded by Niki Cung to approve the proposed Update of Authorized Check Signers in Banking Accounts. The motion carried with none opposed.

Ms. Chumbler moved to item five on the agenda, Update on Disposition of Helena-West Helena Office.

Mr. Richardson stated that close to 18 months ago we moved out of the office at 402 Franklin because we just had one part time staff person and we had security concerns among other things so we moved into the Kelly Building at 622 Pecan where we continue to be at this point. He stated that we put the building at 402 Franklin on the market for \$39,900, it was on the market for one year and we never had an offer or even a showing as far as he knows. He further stated that the contract expired and we changed to Delta First Realty and we have had a few showings and we lowered the price to \$25,000 as is. He stated that the contract expired and it was extended until June 23rd, but as of right now it is sitting with no current listing. He stated that in late May or early June he went to Helena and engaged three contractors with the help of Ms. Reed to get bids on getting the building back up to being habitable where we could consider possibly renting parts of it out to other non-profits or community members or even putting an apartment in the back as an enticement for a staff attorney to live there and work and that would be part of their compensation. He stated that one contractor followed through with a bid of \$36,123 and the other two have not responded even though they had promised a bid would be forthcoming within a weeks' time. He stated that we are fine at the 622 Pecan location with our current staff but the other concern is the downward trend of cases over the past three years in Phillips County realizing of course when you have a fully staffed office you are going to have a better penetration rate. He stated that from June 1st of 2014 to the end of May in 2015 we had 250 cases opened in Phillip's county and this year it is down to about half of that from June 1st of 2016 to May 31st of 2017. He stated that the population has decreased some during that time but not that much and the poverty rate is higher than ever. He stated that it is a bit of concern when the numbers are cut in

half over the course of three years. He stated that our part time employee took a full time job in May and we have hired another part time employee, Breeana Miller. He stated that we still have a presence and we have an attorney going down every Thursday and about every other Friday for court. He stated that he would like any feedback on the disposition of the building from the board. He stated that he would also like to propose to the board that he approach the landlord of the Kelly Building to see if he would be willing to trade the building for 5 years of rent unless we get a bid that makes sense. After some discussion, the board agreed that Mr. Richardson could approach the landlord about a potential trade and if an agreement was reached he will come back to the board for approval.

Ms. Chumbler moved to item six on the agenda, 50th Anniversary Celebration Update.

Mr. Richardson stated that we have a new invitation card that actually lists a time for the 50th anniversary celebration, which is 6:30 p.m. on October 12th at the Chancellor Hotel in Fayetteville. He stated that we are still soliciting sponsorships and we are close to \$4,000 but we need to be closer to \$10,000 to break even. He stated that we have been holding off soliciting a lot of good potential sponsors because we continue to wait on the possibility of being able to announce that we will have a celebrity guest to honor at the meeting which would be Secretary Clinton. He stated that Woody Bassett of the Bassett Law Firm in Fayetteville is supposed to receive a call from her about that late this week and he has not heard any news on that as of yet. He stated that as soon as we nail that down we will move forward with securing more sponsorships. He stated that right now Lavenski Smith the Chief Judge of the 8th Circuit is our featured guest and he is an alumni of Ozark Legal Services and Secretary Clinton is also an alumni of the predecessor to Ozark Legal Services. He stated that we are going to invite all the alumni we can find as well as all the judges in the state since they will be in Northwest Arkansas for the Judicial Conference. He stated that we will also be inviting all the bar members from Washington and Benton county as well as the law school so it should be a very good event. He would ask of the board if you have any ideas of sponsorship solicitations please let him know. He stated that he has included the training agenda and all board members are invited to come to this.

Mr. Richardson stated that he would like to propose the idea of moving the 3rd quarter meeting to October and have it held on Friday, October 13th in conjunction with the statewide conference and 50th Anniversary Celebration.

A motion was made by Val Price, seconded by Demetre Walker to move the 3rd quarter meeting to Friday, October 13th in conjunction with Legal Aid of Arkansas's Statewide Conference and 50th Anniversary Celebration. The motion carried with none opposed.

Ms. Chumbler moved to item seven on the agenda, Fair Housing Project.

Mr. Auer stated that beginning around the first of the year Legal Aid of Arkansas started a project named Fair Housing Testing and Enforcement in Arkansas. He stated that we began the project in conjunction with West Tennessee Legal Services and he has received a fair amount of training from them and we are also now working with Legal Aid of North Carolina. He stated that the aim of the project is to increase fair housing enforcement in Arkansas and do fair housing systemic testing which right now no agencies provide at all in Arkansas. He stated that we have been training testers to conduct fair housing tests in Arkansas.

Ms. Chumbler asked that Mr. Auer explain what the testing is.

Mr. Auer stated that testing is an experimental type method to find violations of the Fair Housing Act. He stated that the Fair Housing Act prohibits discrimination based on seven protected classes, which include race and national origin. In way of example he stated that they conducted a test in Fayetteville a few months back where they had an Asian tester who had a broken English accent call an apartment complex and she was quickly told that there were no apartments available and they would not have anything ready for quite a long time. He stated that they then had a Caucasian tester call, they were told to come over at 1:00 p.m. and they would show them an apartment. He further stated that the testing is a way to find out if there is housing discrimination going on that is not complaint driven. He stated that complaint driven would be someone in the community experiences some discrimination and reports that to us. He stated that this is us being proactive and going out and seeing what we can find. He stated that almost every state has a fair housing organization that does some type of testing. He stated that there has not been any in Arkansas since 2001. He stated that they have been doing quite a bit of phone tests and some in person tests and at this point there have been around 50 tests. He stated that the next step in the process is when they get a good test like the one just described is to decide what to do with the results. He stated that there are a couple of options, one is tell HUD about it and HUD can decide whether they want to initiate a complaint or not, sadly they almost never do. The other option is to seek enforcement of the Fair Housing Act by ourselves and that is what he wanted to bring to the board today. He stated that this is what they have been working on with Legal Aid of North Carolina. He further stated that what they do when they have a series of positive tests is they file a formal complaint with HUD themselves for frustration of mission and diversion of resources. He stated that there is pretty good case law that fair housing organizations have standing to do that and they have actually had a good amount of success getting the local fair housing governmental agency to issue orders and award damages to stamp out discrimination based on their positive test results. He stated that we would like to start on a small scale a similar project here in Arkansas and to do that we need the board to do two things. He stated that first if we are going to bring causes of action based on frustration of mission we need a mission for the fair housing project. The proposed mission is *The Fair Housing Project of Legal Aid of Arkansas works to eliminate housing discrimination and to ensure equal housing opportunity for all people through education, outreach, public policy initiatives, advocacy and enforcement.*

A motion was made by Faye Reed, seconded by Curtis Walker to approve the Mission Statement of the Fair Housing Project. The motion carried with none opposed.

Mr. Auer stated that we are asking the Board's authorization to, in consultation with the Executive Director, initiate Fair Housing enforcement actions in the name of Legal Aid of Arkansas.

A motion was made by Rene Ward, seconded by Demetre Walker to approve the authorization of enforcement actions in the name of Legal Aid of Arkansas. The motion carried with none opposed.

Ms. Chumbler moved to item eight on the agenda, Arkansas Access to Justice Commission/Foundation Report.

Ms. Johnson gave a report on the Access to Justice Commission/Foundation. Ms. Johnson pointed out the strategic priorities that the Access to Justice Commission and Foundation have jointly adopted for the period of 2017-2019 and she wanted to highlight the three main things they are focusing on. She

stated that the first is funding and included in that is the annual fundraising campaign. She stated that this is something that has been a challenge annually but this year there should be an AmeriCorps member that will help with this as well as getting Board involvement and stakeholders in the community to come on board and help. She stated that there was a \$50,000 gift received to establish an endowment fund and there is a plan that the foundation board has formed to move this forward. She stated that the two other pieces they are working on are to promote and raise awareness of rule changes and purchase data visualization software. She stated that this is taking court filing data and data that Legal Aid of Arkansas and the Center for Arkansas Legal Services are reporting about case outcomes and then overlaying that with information they have. She stated that they feel this can show a pretty compelling picture about the need in the state. She stated that they will be sharing that work with the Legal Aid of Arkansas' board for feedback.

Ms. Chumbler moved to item nine on the agenda, Medical-Legal Partnership Report.

A report was given by Kesia Morrison, Mary Claire Hyatt, Brittany Edwards and Meredith Carpenter.

Ms. Morrison gave a brief overview of what a Medical Legal Partnership (MLP) is and how the process works with Legal Aid. Ms. Carpenter reviewed the referral process and stated that there has been a lot of growth with referrals. She stated that in 2015 referral numbers were 245, in 2016 they were approximately 1,200 and so far this year we have had 434. She further stated that they have had an increase in monthly referrals by 500% since February 2015. Ms. Hyatt discussed the referral process in further detail and reviewed how the screening process works. She further stated that we were awarded the 2017 Outstanding Medical Legal Partnership award by the National Center at the Summit in Washington DC this past year. She stated that we also received a \$30,000 contract from the Natural Wonders Group which is an Arkansas Children's Hospital group. She stated that we received \$10,000 to pilot the screener from the national center which really helped this be successful and due to the success they have received another \$30,000 grant from the national center to study the success of the screener. She stated that we will possibly get funding for a new attorney position from Arkansas Children's Hospital for the MLP program.

Ms. Morrison stated that in 2016 the MLP managed to save clients a total of \$272,399 and in 2017 so far we are at about \$21,000, there have been some good case specific outcomes but not all have a financial recovery. Ms. Hyatt and Ms. Morrison reviewed several good outcome cases.

Ms. Morrison reviewed the goals for the MLP moving forward. She stated those include increasing systemic housing work through the hospital and ongoing expansion of the screener. Ms. Hyatt stated that we are actually rolling out the screener in the Southwest Little Rock clinic on Monday and the new Equal Justice Works Fellow has it in her project to continue working with the screener and increase involvement with school based health centers.

Ms. Edwards stated that she is the Medical Legal Partner for St. Vincent's in Little Rock. She stated that the MLP there started in October of 2016 and she recently did a six month presentation for the doctors at St. Vincent's so the data she is using is from that presentation in April. She stated that as of April 14th 2017 she had received 99 cases, she spent 430 hours directly on clients and she has done various clinics and health fairs. She stated that they have seen cost saving for patients of \$167,000 since October 2016. Ms. Edwards reviewed some outcomes, good stories of her cases and her goals moving forward. She further stated that the biggest obstacle is funding. She stated that the position is funded until the end of October by St. Vincents and a grant from Georgetown University Law Center.

She stated that the Georgetown grant is non-renewable so St Vincent needs to find another partner to take that over or come up with the funding themselves and they have told her that they want the positions to stay and are trying to fund the position from within.

Ms. Chumbler moved to item ten on the agenda, Director's Report.

Mr. Richardson stated that there are no real updates beyond what is in the written report regarding federal funding. He stated that there has been no movement and he does not anticipate anything before September. He stated that we were funded at basically 2016 levels for 2017 with an \$11,000 cut. He stated that the president's budget for 2018 eliminates Legal Services Corporation and provides \$33 million to basically wind things down. He stated that what finally happens will look nothing like that, he anticipates a small cut with a continuing resolution. He stated that statewide developments have already been provided by Ms. Johnson and on program developments we are already ahead of pace with cases closed. He stated that in the packet there are case examples from each work group. He stated there are no real updates on grants other than the VOCA grant renewal has been submitted for \$132,000 and we traditionally get about \$78,000. He stated that if we do not get the \$132,000 it will cost us an attorney position in Northwest Arkansas. He stated that in regard to staffing changes, Heather Hersh was the Regional Manager in the Springdale office and she left to go into private practice. He stated that we have not filled that position because of uncertainty of federal funding and we think that the work group leaders can now fill the role that was traditionally filled by the Regional Manager. He stated that this is much like the change from Managing Attorneys several years ago we think we can move away from Regional Manager Model. He stated that we have done this for two months in Springdale so we will see how this goes before we propose possibly to the board a new structure. Casey Trzcinski is an attorney in Springdale who moving to Colorado. He stated that she will continue to work for a couple months but then will be replaced. He stated that the last 3-4 people we have lost minus Heather Hersh have been people moving out of state for jobs or spouses jobs. He stated that Mr. Creekmore from Legal Services Corporation visited in April and there are a few errors in the letter that he wanted to point out. He stated that Mr. Creekmore said we did not have a succession plan but we have had one for some time. He stated that he also said we did not have a Deputy Director, but we do in fact have one.

He asked for any questions regarding his report.

Ms. Chumbler moved to item eleven on the agenda, Old/New Business.

Mr. Price stated that the Personnel/Grievance Committee met earlier in the week on a client grievance who had been given advice only because the case did not meet the priorities. He stated that after hearing the case presented by the client and the facts presented by Legal Aid of Arkansas there was some new evidence that came out and the board committee voted unanimously to overturn the previous level of service decision and accept the case and represent the client by providing extended services.

Ms. Chumbler reminded the board that the December meeting date is December 9th in Springdale.

Hearing no further business, Ms. Chumbler adjourned the meeting

Disposition of Real Property Located at 402 Franklin in Helena, Arkansas.

After almost two years on the market, our Helena office building located at 402 Franklin sold on September 8th. The buyer was Omega Care, Inc., a long term care facility in Helena. Attached you will find the closing statement, a bill of sale for the property we included with the building, Board of Directors resolution to sell real property, and letter of approval from LSC to sell the property. Other closing documents are available to review on request. This money will be considered derivative LSC income and carry LSC restrictions. Most of the realized funds have already been expended replacing the heat and air units at the Jonesboro office, which were both at least 35 years old.

Legal Aid of Arkansas, Inc.
EXECUTIVE COMMITTEE
MEETING MINUTES
July 10, 2017

The Executive Committee met by conference call on Monday, July 10, 2017 at 2:00 p.m. to review the potential sale of the Helena office located at 402 Franklin. Present were Lori Chumbler, Niki Cung, Pamela Haun, Annie Smith and Ron Wilson. Also present were Legal Aid staff, Lee Richardson and Elizabeth King

Ms. Chumbler called the meeting to order and asked Mr. Richardson to proceed.

Mr. Richardson stated that although he does not have the offer in hand, Staff Attorney Jason Auer was in Helena on Friday and has seen the paperwork and the earnest money check. He stated that we have an offer from Omega Care, Inc. of \$20,000 on the property located at 402 Franklin in Helena, Arkansas. He stated that the office is just sitting there empty going to dust at this point so he feels it is an offer we need to accept. He stated that there will be some additional costs as they want a survey and a termite contract. He stated that it is costing us \$5,000 - \$6,000 a year to sit there empty so he is asking the Executive Committee to approve him accepting this offer and then he will have to get Legal Services Corporation to sign off on the offer as well. He stated that he does not feel we would ever repair the building, occupy it again, or build local staffing back up. He stated that he did receive a bid to get the building back up to habitable conditions and that was \$36,123. He stated that we are currently renting an office at 622 Pecan and it is a much more secure location and much cheaper as well. He would ask the committee to approve the sale of the property to Omega Care Inc. for \$20,000 with the conditions that we provide the survey and a termite contract.

Mr. Richardson stated that he had approached the landlord of the Kelly Building where we are currently renting space to see if there was interest in trading the building for five years of rent at the Kelly Building and the landlord was not interested in obtaining any new rental property at this time.

There was discussion among the committee regarding the offer and a decision was made to accept the offer as written.

A motion was made by Niki Cung, seconded by Annie Smith to accept the offer on the building located at 402 Franklin. The motion carried with none opposed.

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

BOARD OF DIRECTORS RESOLUTION TO SELL REAL PROPERTY

The undersigned, being the Secretary of Legal Aid of Arkansas, a Arkansas non-profit corporation, does hereby certify that at a meeting of the Executive Committee of the Board of Directors of said corporation duly called held on July 10, 2017 at which a quorum was present, the Executive Committee of the Board of Directors adopted the following resolution, which has not been modified or rescinded:

RESOLVED, that the corporation sell to Omega Care, Inc. the real property of the corporation located at 402 Franklin in Helena, Arkansas, in accordance with the terms of the Contract of Sale reviewed by the board on even date, and that the closing documents in connection therewith be in such form as Lee Richardson, Executive Director of the corporation may deem advisable; and that the Executive Director of the corporation be authorized to execute and deliver such documents.



Vilma Asencio, Secretary

VIA EMAIL AND US MAIL

August 18, 2017

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

President
James J. Sandman

Board of Directors
John G. Levi
Chicago, IL
Chairman

Martha Minow
Cambridge, MA
Vice Chair

Robert J. Grey, Jr.
Richmond, VA

Harry J. F. Korrell
Seattle, WA

Victor B. Maddox
Louisville, KY

Laurie Mikva
Chicago, IL

Fr. Pius Pietrzyk, OP
Zanesville, OH

Julie A. Reiskin
Denver, CO

Gloria Valencia-Weber
Albuquerque, NM

**Re: Approval for Sale of Property at 402 Franklin Street, Helena, AR - Recipient
No. 604020**

Dear Mr. Richardson:

The Legal Services Corporation (LSC) has received Legal Aid of Arkansas, Inc.'s (LAA) request for approval to sell its real property located at 402 Franklin Street, Helena Arkansas ("the Property").

LAA plans to sell the Property for \$20,000 and has agreed to treat all proceeds of the sale as LSC derivative income, pursuant to 45 C.F.R. § 1630.12. The Property has been on the market since early 2016 and this is the only offer received to date. Although LAA's predecessor purchased the Property for \$45,000 in 1979, LAA provided an independent appraisal from Horner Appraisal Company currently valuing it at \$21,000. LAA has not occupied the Property since late 2015 and is spending approximately \$500 per month for its upkeep. Based on the information provided, LSC approves this sale.

Enclosed are two (2) executed originals of an Interest Termination Agreement and a Quitclaim Deed. Please sign and notarize both documents and mail one (1) original of each to LSC. Thereafter, LAA must record both the Agreement and Deed with the appropriate local government office and provide LSC with copies of the documents showing their recordation and any other recorded documents regarding LSC's interest in the Property. Please specify for all documents, the details of the recordation, such as the name and address of the office where the documents were recorded, the book and page number, etc.

Lee Richardson, Executive Director
Legal Aid of Arkansas, Inc.
August 18, 2017
Page 2 of 2

If you have any questions, please contact Megan Lacchini, at 202-295-1506 or at lacchinim@lsc.gov.

Sincerely yours,



James J. Sandman
President

Attachments

Cc: Lori A. Chumbler, Chairperson, Board of Directors
Legal Aid of Arkansas

Lynn A. Jennings, Vice President
Office of Grants Management

Lora M. Rath, Director
Office of Compliance and Enforcement

Ed Caspar, Director
Office of Program Performance

Interest Termination Agreement

THIS AGREEMENT made between the Legal Services Corporation (LSC) and Legal Aid of Arkansas, Inc.:

Purpose:

The purpose of this Agreement is to release LSC's interest in 402 Franklin Street, Helena Arkansas.

Declarations and Stipulations:

- a) East Arkansas Legal Services and LSC acquired land and an office building located at 402 Franklin Street, Helena Arkansas (The Helena Office) by warranty deed November 30, 1979 (Warranty Deed).
- b) January 1, 2002, East Arkansas Legal Services merged with other Ozark Legal Services and Legal Services of Northeast Arkansas to create a new non-profit corporation, Legal Aid of Arkansas, Incorporated.
- c) Legal Aid of Arkansas acquired East Arkansas Legal Services' interest in The Helena Office pursuant to Articles of Merger filed on December 27, 2001.
- d) Legal Aid of Arkansas and LSC entered into an Agreement Governing Transfer of Real Property to Surviving Entity Pursuant to Merger (Transfer Agreement), which memorialized the terms of the transfer of The Helena Office to Legal Aid of Arkansas. This agreement was recorded with the Phillips County Circuit Clerk on February 4, 2002.
- e) Pursuant to the Transfer Agreement, LSC retained an equitable interest in The Helena Office equivalent to the percentage of the property's fair market value that is equal to the proportional amount LSC funds used to support the purchase, including the down payment and mortgage payments.
- f) Legal Aid of Arkansas intends to sell The Helena Office in 2017 free and clear of any LSC interest.
- g) LSC intends to release all of its interest in The Helena Office under the Transfer Agreement and to execute a quitclaim deed providing Legal Aid of Arkansas with all of LSC's rights to ownership in exchange for promises and assurances by Legal Aid of Arkansas regarding use of all proceeds from the sale as LSC derivative income pursuant to 45 C.F.R. Part 1630—Cost standards for LSC grants.

Release of Interest:

NOW THEREFORE, in consideration of good and valuable consideration each paid to the other, LSC and Legal Aid of Arkansas agree as follows:

1. Legal Aid of Arkansas has provided to LSC sufficient notice of the offer to purchase.
2. All terms and provisions of the Transfer Agreement have been complied with to the satisfaction of the parties.
3. LSC hereby waives and relinquishes any interest in The Helena Office accruing to it by virtue of the Transfer Agreement.
4. The Transfer Agreement is hereby terminated as it pertains to The Helena Office, and The Helena Office is hereby released from the aforesaid agreement.
5. Legal Aid of Arkansas shall keep and observe all obligations incumbent upon it as to the net proceeds received by Legal Aid of Arkansas from the sale of The Helena Office, as may be required by the Transfer Agreement or any federal statute or regulation pertaining thereto. Specifically, Legal Aid of Arkansas agrees that 100% of the proceeds attributable to the sale of The Helena Office will be considered LSC derivative income, pursuant to 45 C.F.R. § 1630.12, and will be subject to all LSC rules and regulations applicable to Legal Aid of Arkansas. Similarly, the proceeds of the sale of The Helena Office will be subject to 45 C.F.R § 1628.3.
6. LSC will execute a quitclaim deed providing Legal Aid of Arkansas all of LSC's ownership interest in the property.

IN WITNESS WHEREOF, the parties have executed this Agreement as of August 18, 2017.

By: LEGAL SERVICES CORPORATION

James J. Sandman
James J. Sandman, President

District of Columbia: SS

Subscribed and sworn before me, the undersigned Notary Public, within and for the District of Columbia, this 18th day of August, 2017.

Caitlin B. Maziarz
Notary Public

My commission expires: _____

CAITLIN B. MAZIARZ
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires July 31, 2022



EAST ARKANSAS TITLE COMPANY, LLC
P.O. BOX 408 - 711 WALNUT STREET
HELENA, ARKANSAS 72342
(870) 338-8306 (phone) (870) 338-8307 (fax)

DRAFT

September 8, 2017

Legal Aid of Arkansas
714 South Main Street
Jonesboro, Arkansas 72401

Re: Sale-Legal Services to Omega Care, Inc.
(402 Franklin Street, Helena, Arkansas 72342)

SELLERS CLOSING STATEMENT

GROSS PURCHASE PRICE : \$20,000.00

LESS SELLERS CLOSING EXPENSES:

Shared expenses per Exhibit "A" attached (1/2 per agreement)	\$ 631.00
Messina Real Estate - commission	\$1,200.00
Smith and Weiland - survey	\$ 650.00
Home Pest Control - termite	\$ 703.89
Phillips County Tax Collector - 2016 taxes	\$ EXEMPT

TOTAL SELLERS CLOSING EXPENSES: - \$ 3,184.89

Net Consideration to Seller \$16,815.11

CDR/cjs

LEGAL AID OF ARKANSAS

By: _____
Lee Richardson, Executive Director

EXHIBIT "A"

SHARED EXPENSES

(per agreement of August 17, 2017)

Roscof and Roscof, P.A.- prepare Offer and Acceptance, Warranty Deed, Bill of Sale, Owners Affidavit and Closing	\$ 750.00
East Arkansas Title Company, Inc. - search/owners policy	\$ 396.00
Arkansas Department of Finance and Administration - revenue stamps	\$ 66.00
Phillips County Circuit Clerk - recording Quitclaim Deed and Warranty Deed	<u>\$ 50.00</u>
TOTAL	\$1,262.00

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS:

That Legal Aid of Arkansas, an Arkansas Non-Profit Corporation, for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid by Omega Care, Inc., an Arkansas Corporation, the receipt of which is hereby acknowledged, and other good and valuable consideration, do hereby bargain, sell, convey, assign, set over, transfer and deliver unto said Omega Care, Inc., and unto its successors, and assigns, the following personal property, to-wit:

Built in Book Case	Library
Brown 7 Drawer Desk	Reception
Brown Cabinet	Reception
Black Desk	Reception
Four Black Chairs	Reception
Black Trash Can	Reception
Black Brochure Rack	Reception
Black Trash Can	Kitchen
Mr. Coffee	Kitchen
Roper Fridge	Kitchen
Tappen Gas Oven	Kitchen
Fire Extinguisher	Kitchen
Black 4 Bookcase	Back Office
Brown Desk Broke Leg	Back Office
Metal Desk	Back Office
Black Chair	Back Office
Black Trash Can	First Office Right
Black 4 Bookcase	First Office Right
Four Black Chairs	First Office Right
Black Bookshelf	Last Office Hall Left
Brown Desk	Last Office Hall Left
Three Black Chairs	Last Office Hall Left
Black Bookshelf	Office Hall Left
Computer Stand	Office Hall Left
Black Chair	Office Hall Left
Extra Office Chair	Office Hall Left
12 File Cabinets	Unspecified
2 Black Book Cases	Unspecified
3 Metal Book Shelves	Unspecified
Brown Desk	Unspecified
Dirt Devil Vac	Unspecified
Full Size Trash Can	Unspecified
Black Trash Can	Unspecified
Table Top	Unspecified

Located on real property in Phillips County, Arkansas more particularly described in Exhibit "A" attached.

TO HAVE AND TO HOLD the same unto the said Omega Care, Inc., and unto its successors, executors, administrators and assigns forever.

And Legal Aid of Arkansas, an Arkansas Non-Profit Corporation hereby warrants the title to said property, and that it is free of any and all incumbrances, against the lawful claims of any and all persons whomsoever.

IN WITNESS WHEREOF, Legal Aid of Arkansas, an Arkansas Non-Profit Corporation, has caused this instrument to be executed by Lee Richardson, Executive Director, its authorized representative on this _____ day of September, 2017.

LEGAL AID OF ARKANSAS,
an Arkansas Non-Profit Corporation

By: _____
Lee Richardson, Executive Director

STATE OF ARKANSAS)
)ss. ACKNOWLEDGEMENT
COUNTY OF PHILLIPS)

On this _____ day of September, 2017, before me, _____, a Notary Public, (or before any officer within this State or without the State now qualified under existing law to take acknowledgments), duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named **Lee Richardson** (being the person authorized by said Arkansas Non-Profit Corporation, to execute such instrument, stating his capacity in that behalf), to me personally well known (or satisfactorily proven to be such person, who stated that he was the Executive Director of the **Legal Aid of Arkansas**, an Arkansas Non-Profit Corporation and was duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said Arkansas Non-Profit Corporation, and further stated and acknowledged that he had so signed, executed, and delivered said foregoing instrument for the consideration, uses, and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of September, 2017.

Notary Public

My commission expires: _____.

LEGAL AID OF ARKANSAS
 ACTUAL REVENUE & EXPENDITURES
 FOR THE PERIOD JANUARY 1 THRU SEPTEMBER 30, 2017

Line#	Revenue:	2017 Approved Budget	SEPT 2017 Actual	Dec 2016 Actual	Dec 2015Actual
1	LSC BASIC GRANT	\$1,480,844.00	\$1,101,915.50	\$1,480,844.00	\$1,495,419.00
2	Ark Adm Justice Funds	\$250,213.86	\$187,660.35	\$250,213.80	\$250,213.80
3	IOLTA	\$0.00	\$0.00	\$20,000.00	\$0.00
4	Ark Community Foundation	\$0.00	\$0.00	\$0.00	\$2,700.00
5	Americorps (Includes CALS Funds and Summer Project)	\$123,497.71	\$51,376.69	\$76,810.23	\$17,554.18
6	STOP/VAWA/VOCA	\$118,125.00	\$78,178.39	\$83,331.15	\$67,801.51
7	Modest Means	\$0.00	\$225.00	\$425.00	\$50.00
8	IRS-LITC	\$60,000.00	\$43,046.45	\$60,000.00	\$58,406.77
9	IOLTA-Housing Foreclosure	\$257,500.00	\$260,878.92	\$224,382.68	\$225,000.00
10	AATJF-Fair Housing Special Grant - 2017/2018 (2017-7/months)	\$0.00	\$35,612.50	\$0.00	\$0.00
11	MLP-EJW&ACH	\$100,600.00	\$96,703.87	\$103,943.93	\$81,056.38
12	AR CARE	\$0.00	\$0.00	\$50,000.00	\$0.00
13	ST VINCENT	\$30,000.00	\$17,500.00	\$7,550.00	\$0.00
14	Georgetown University	\$16,666.67	\$16,666.67	\$0.00	\$0.00
15	Equal Justice Works	\$25,200.00	\$20,421.60	\$38,946.96	\$48,400.00
16	AAA-White River	\$2,500.00	\$975.00	\$3,619.50	\$3,062.50
17	AAA-East Arkansas	\$35,000.00	\$23,400.00	\$31,625.00	\$39,025.00
18	AAA NWA	\$9,112.00	\$5,136.75	\$9,312.00	\$10,562.50
19	UW-Boone Cnty	\$2,000.00	\$1,500.00	\$1,500.00	\$2,000.00
20	UW-Bly	\$3,000.00	\$2,700.00	\$2,500.00	\$2,500.00
21	UW-NW Ark	\$80,000.00	\$68,502.27	\$43,054.26	\$18,066.96
22	UW-NE Ark	\$15,974.00	\$11,931.75	\$15,564.48	\$15,564.48
23	UW-Independence Cnty	\$4,000.00	\$3,000.00	\$4,000.00	\$4,000.00
24	UW-Mid South	\$4,819.00	\$3,915.63	\$4,869.74	\$4,694.11
25	ADHS-DAAS	\$22,178.00	\$10,528.89	\$17,383.05	\$28,119.47
26	Donations	\$85,000.00	\$116,702.45	\$121,841.44	\$274,318.40
27	Interest income	\$2,500.00	\$3,254.28	\$2,994.75	\$1,887.92
28	Attorney fees	\$4,000.00	\$79,582.32	\$6,075.97	\$2,600.00
29	Other (Settlement-fees from prior year)	\$0.00	\$24,822.41	\$0.00	\$600.00
30	Affordable Care Act (2016-UA.Navig.\$ +ACF \$	\$0.00	\$0.00	\$9,412.72	\$41,720.29
31	SNAP- Rev	\$0.00	\$0.00	\$0.00	\$34,799.00
32	Washington County Law Library	\$12,500.00	\$8,333.36	\$12,500.04	\$5,208.35
33	RACES-NEA LawDay & NWA Judicata	\$0.00	\$0.00	\$7,949.00	\$9,950.00
34	7 Hills.ServiceVetFamilies	\$0.00	\$0.00	\$0.00	\$6,109.16
35	TIG	\$0.00	\$0.00	\$0.00	\$0.00
36	Revenue (excludes carryOver)	\$2,745,230.24	\$2,274,471.05	\$2,690,649.70	\$2,751,389.78

LEGAL AID OF ARKANSAS
 ACTUAL REVENUE & EXPENDITURES
 FOR THE PERIOD JANUARY 1 THRU SEPTEMBER 30, 2017

37	Expenses:	2017 Approved Budget	SEPT 2017 Actual	Dec 2016 Actual	Dec 2015 Actual
38	Total-Attny(excludes AMC&EJW; Includes ACH/EJW-MLP)	\$1,308,622.39	\$892,070.17	\$1,199,496.14	\$1,211,944.55
39	Total-Paralegals	\$267,946.15	\$182,542.56	\$256,056.99	\$247,042.80
40	Total-Other	\$259,004.68	\$199,823.13	\$233,297.05	\$266,684.06
41	Total-Americorps	\$112,000.00	\$65,232.65	\$70,591.71	\$18,216.00
42	Total-EJW (Living Allow&Suppl Benefits)	\$30,663.08	\$33,289.71	\$52,768.40	\$82,205.24
43	Benefits Budgeted (includes Americorp & EJW benefits)	\$360,780.55	\$246,779.26	\$305,879.75	\$331,148.64
44	Grand Total of All Payroll	\$2,339,016.85	\$1,619,737.48	\$2,118,090.04	\$2,157,241.29
45					
46	Space Rent (HA \$675, WM\$600, Helena \$500)	\$21,300.00	\$16,850.00	\$20,800.00	\$17,674.00
47	Space Other Expenses	\$34,799.00	\$21,303.84	\$34,621.74	\$34,811.64
48	Equipment Rental&Maint	\$14,310.00	\$11,542.28	\$17,618.29	\$11,465.27
49	Office Supplies	\$37,850.00	\$28,671.57	\$42,149.50	\$38,071.95
50	Postage /Printing	\$15,500.00	\$10,542.68	\$15,595.71	\$18,039.73
51	Communication Expense	\$62,240.00	\$38,320.30	\$57,699.99	\$59,858.50
52	Travel Board Members & Mtg Supplies	\$4,500.00	\$1,194.75	\$1,671.10	\$3,479.79
53	Travel Staff & Others	\$57,000.00	\$50,579.05	\$54,942.82	\$56,994.68
54	Training-Board Members	\$3,500.00	\$0.00	\$760.18	\$89.28
55	Training-Staff & Other	\$35,000.00	\$15,269.33	\$45,552.03	\$36,539.24
56	Library	\$14,000.00	\$10,574.81	\$14,521.76	\$16,241.33
57	Insurance-Prof Liab, Prop & Gen Liab	\$37,164.36	\$28,681.51	\$27,449.48	\$27,218.95
58	Dues & fees	\$16,500.00	\$16,208.00	\$15,670.00	\$15,538.00
59	Audit	\$15,000.00	\$12,700.00	\$15,000.00	\$15,000.00
60	Litigation	\$20,000.00	\$2,733.57	\$13,163.13	\$4,001.23
61	Advertising	\$4,000.00	\$4,024.52	\$2,705.45	\$2,700.68
62	Property Acquisition	\$15,000.00	\$17,002.00	\$0.00	\$0.00
63	Contract Services to Applicant to ALSP				\$42,000.00
64	Depreciation (no affect on Cash)	\$14,443.15	\$14,060.12	\$14,114.18	14,443.15
65	Other (Contract Labor& uncollected 2014Catholic Charity A/R in 2015)	\$7,170.00	\$6,711.42	\$5,139.43	\$13,090.36
66	RACE-NEA LawDay	\$0.00	\$0.00	\$3,714.12	\$4,587.45
67	TIG(Ben&Wages included above in Payroll Exp-"2014TIG Exp=\$8067")				\$1,810.00
68	SPG Bldg Loan Pmts (interest Exp)	\$24,864.00	\$7,185.43	\$9,710.34	\$9,480.00
69					
70	Total Non-Personnel Exp	\$454,140.51	\$314,155.18	\$412,599.25	\$443,135.23
71					
72	TOTAL EXPENSES	\$2,793,157.36	\$1,933,892.66	\$2,530,689.29	\$2,600,376.52
73					
74	Revenues over(under)Exp(excluding carryover)	(\$47,927.12)	\$340,578.39	\$159,960.41	\$151,013.26
75	Net Assets Beginning of Year (includes PROPERTY & Carryover/Reserves)	761,650.50	\$761,650.50	\$601,690.09	\$450,676.83
76	Net Assets at End of Year(includes PROPERTY&carryover/Reserves)	713,723.38	1,102,228.89	761,650.50	601,690.09
77	Monthly Average Expenses >>>>>>>>>	\$232,763.11	\$214,876.96	\$210,890.77	\$216,698.04
78	Avr Monthly Exp in Unrestricted CarryOver(Reserves)	2.97	3.22	2.42	2.35

LEGAL AID OF ARKANSAS, INC (LEGFND)

Detailed Balance Sheet

As of: 9/30/2017

10/2/2017 11:43:47 AM

All Funds

Page 1

Assets

10-00-100	CASH - BANK OF FAYETTEVILLE	836,435.99
10-00-101	CASH-CENTENNIAL BANK-GENERAL	167,362.70
10-00-102	CD - IBERIA BANK	100,000.00
10-00-105	CASH-IN-BANK - B.O.F. LITC	20.00
10-00-107	CASH-IBERIA BANK MM	124,926.86
10-00-110	CLIENTS TRUST BANK ACCTS	3,698.76
10-00-140	PREPAID EXPENSES	9,531.25
10-00-150	LAND	8,000.00
10-00-151	BUILDINGS	505,799.34
10-00-155	FURNITURE & EQUIPMENT	122,201.89
10-00-170	LEASEHOLD IMPROVEMENTS	71,595.81
10-00-180	ACCUMULATED DEPRECIATION	(442,008.26)

Total Assets

\$1,507,564.34

Liabilities

10-00-204	CLIENTS TRUST	3,698.76
10-00-213	GROUP INS. W/H & PAYABLE	(14,435.15)
10-00-220	ACCRUED LEAVE	71,494.98
10-00-240	DEFERRED SUPPORT	147,667.00
10-00-245	NOTE PAYABLE-FIRST SECURITY	196,909.86

Total Liabilities

\$405,335.45

Net Assets

10-00-303	Net Assets-Property Restricted	20,882.37
10-00-304	NET ASSETS-DONATIONS RESERVE	100,000.00
10-00-305	NET ASSETS-DONATIONS-Unrestricted	425,363.90
10-00-306	Net Assets-Property Unrestricted	49,805.96
10-00-320	NET ASSETS- ARK FILING FEES	165,598.27
	Excess Revenues Over Expenses	340,578.39

Total Net Assets

\$1,102,228.89

Total Liabilities and Net Worth

\$1,507,564.34

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

Line#	Revenue:	2017 Projected	2018 Projected
1	LSC BASIC GRANT	\$1,469,994.50	\$1,469,994.50
2	Ark Adm Justice Funds	\$250,213.80	\$250,213.86
3	Americorps (Includes CALS Funds and Summer Project)	\$55,626.18	\$0.00
4	STOP/VAWA/VOCA	\$111,226.39	\$132,192.00
5	Modest Means	\$225.00	\$0.00
6	IRS-LITC	\$60,000.00	\$60,000.00
7	IOLTA-Housing Foreclosure	\$260,878.92	\$262,378.00
8	AATJF-Fair Housing Special Grant - 2017/2018 (2017-7/months)	\$35,612.50	\$25,437.50
9	MLP-EJW&ACH&-2016	\$100,600.00	\$100,600.00
10	ST VINCENT	\$30,000.00	\$30,000.00
11	GEORGETOWN UNIVERSITY	\$16,666.67	\$0.00
12	Equal Justice Works	\$26,204.70	\$25,200.00
13	AAA-White River	\$2,500.00	\$2,500.00
14	AAA-East Arkansas	\$35,000.00	\$35,000.00
15	AAA NWA	\$9,112.00	\$9,112.00
16	UW-Boone Cnty	\$2,000.00	\$2,000.00
17	UW-Bly	\$3,000.00	\$3,000.00
18	UW-NW Ark	\$87,252.27	\$80,000.00
19	UW-NE Ark	\$15,909.00	\$15,974.00
20	UW-Independence Cnty	\$4,000.00	\$4,000.00
21	UW-Mid South	\$3,915.63	\$3,915.63
22	ADHS-DAAS	\$10,528.89	\$22,178.00
23	Donations	\$121,918.45	\$85,000.00
24	Interest income	\$4,454.28	\$3,000.00
25	Attorney fees	\$79,582.32	\$4,000.00
26	Other	\$24,822.41	\$0.00
27	Washington County Law Library	\$12,500.00	\$12,500.00
28		\$0.00	\$0.00
29		\$0.00	\$0.00
30	Revenue (excludes carryOver)	\$2,833,743.91	\$2,638,195.49

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

31	Expenses:	2017 Projected	2018 Projected
32	Total-Attny(excludes AMC&EJW; Includes ACH/EJW-MLP) includes Pisors	\$1,258,479.86	\$1,287,201.11
33	Total-Paralegals	\$244,691.22	\$229,469.58
34	Total-Other	\$278,133.58	\$286,544.78
35	Total-Americorps	\$68,265.94	\$0.00
36	Total-EJW (Living Allow&Suppl Benefits)	\$45,433.83	\$38,360.00
37	Benefits Budgeted (includes Americorp & EJW benefits)	\$333,819.50	\$332,812.76
38	Grand Total of All Payroll	\$2,228,823.93	\$2,174,388.23
39			
40	Space Rent (HA \$675, WM\$600, Helena \$500)	\$19,950.00	\$19,950.00
41	Space Other Expenses	\$34,656.74	\$34,799.00
42	Equipment Rental&Maint	\$17,253.68	\$14,310.00
43	Office Supplies	\$37,441.56	\$37,850.00
44	Postage /Printing	\$14,203.58	\$15,500.00
45	Communication Expense	\$60,299.29	\$61,240.00
46	Travel Board Members & Mtg Supplies	\$4,500.00	\$4,500.00
47	Travel Staff & Others	\$59,525.41	\$55,000.00
48	Training-Board Members	\$0.00	\$3,500.00
49	Training-Staff & Other	\$35,000.00	\$35,000.00
50	Library	\$13,949.81	\$14,000.00
51	Insurance-Prof Liab, Prop & Gen Liab	\$37,164.36	\$37,164.36
52	Dues & fees	\$16,208.00	\$16,500.00
53	Audit	\$15,000.00	\$15,000.00
54	Litigation	\$14,287.42	\$20,000.00
55	Advertising	\$4,192.40	\$4,000.00
56	Property Acquisition	\$17,002.00	\$15,000.00
57	Contract Services to Applicant to ALSP		
58	Depreciation (no affect on Cash)	\$14,060.12	\$14,443.15
59	Other (Contract Labor& uncollected 2014Catholic Charity A/R in 2015)	\$8,121.42	\$7,170.00
60	RACE-NEA LawDay	\$0.00	\$0.00
61	TIG(Ben&Wages included above in Payroll Exp-"2014TIG Exp=\$8067")	\$0.00	
62	SPG Bldg Loan Pmts (interest Exp)	\$9,861.43	\$24,864.00
63			
64	Total Non-Personnel Exp	\$432,677.22	\$449,790.51
65			
66	TOTAL EXPENSES	\$2,661,501.15	\$2,624,178.74
67			
68	Revenues over(under)Exp(excluding carryover)	\$172,242.76	\$14,016.75
69	Net Assets Beginning of Year (includes PROPERTY & Carryover/Reserves)	761,650.50	933,893.26
70	Net Assets at End of Year(includes PROPERTY&carryover/Reserves)	933,893.26	947,910.00
71	Monthly Average Expenses >>>>>>>>>	\$221,791.76	\$218,681.56
72	Avr Monthly Exp in Unrestricted CarryOver(Reserves)	3.12	3.16

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

**ESTATE OF ETHEL JACOBS,
Louis Welch, administrator**

PLAINTIFF

v.

No. 3:16-cv-119-DPM

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

DEFENDANT

ORDER

Jacobs's Estate's motion for attorney's fees and costs is long ripe, and the Court regrets its delay in turning back to it. The parties agree on the governing law: the Estate is entitled to a reasonable fee, based on all the material circumstances. *Hensley v. Eckerhart*, 461 U.S. 424, 433–40 (1983); *Hernandez v. Bridgestone Americas Tire Operations, LLC*, 831 F.3d 940, 948–50 (8th Cir. 2016). The \$200/hour rate requested is unchallenged. It is, the Court agrees, reasonable for the off-the-path kind of work done here by these younger lawyers. The fighting issues are two: whether the Estate should be reimbursed for all the depositions; and how much of the time actually spent is chargeable to Gillespie, given the Estate's partial victory.

The Court awards all the deposition costs incurred. Most, if not all, of the transcripts were used at trial. The main claims – ascertainability and notice – were intertwined. Most importantly, the Court made counsel sprint through discovery to get this case ready for a prompt final adjudication: about four months passed between the Court’s dissolving the stay and entering final judgment. Both sides agreed with this expedited schedule. Figuring out the complicated facts in a hurry made multiple depositions necessary.

The Court awards one-half of the requested fees. The Estate’s voluntary elimination of some Ledgerwood-related work and some of the collaboration time is commendable. As Gillespie argues, the time requested must be discounted further to account for various circumstances. First, the hearing claims were late breaking, marginal, and unsuccessful, although preserved for another day. Related work merits a ten percent reduction. Second, and notwithstanding a hard push, the Estate lost the ascertainability claim. This was the core of the case. But the Estate prevailed on notice. Gillespie is mistaken in arguing that the Estate accomplished little beyond what was achieved in the administrative process. The Court required a substantial

renovation and expansion of the notice. More to the point, the notice and ascertainability claims were so intertwined that it would be unreasonable to cut the fee too deeply simply because the Estate didn't win on both. A thirty percent discount is appropriate. Last, there's some work billed that, in hindsight, is properly classed as unnecessary. In this category falls the motion to reconsider, the lengthy injunction briefing at the threshold, and some of the pre-suit work. Counsel's effort to do their best and cover all bases is commendable. It's a fact of lawyering life that not everything done, though, can be billed, and Gillespie is entitled to a ten percent reduction on this score. All this totals the fifty percent discount.

* * *

Motion, *No* 65, partly granted and partly denied. The Court awards \$8,007.30 in costs for all the depositions and a reasonable attorney's fee of \$75,780 for 378.9 hours' work. The total—\$83,787.30—is payable directly to Legal Aid of Arkansas, Inc., on behalf of the Estate of Ethel Jacobs, Louis Welch, administrator, as authorized by the Circuit Court of Phillips County, Arkansas, probate division. *No* 77, 78 & 79.

So Ordered.

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

11 July 2017

Legal Aid awarded legal fees in ARChoices suit

[Js jonesborosun.com/news/news.php](http://jonesborosun.com/news/news.php)

BY PAT PRATT, Sun Staff Writer, ppratt@jonesborosun.com

JONESBORO — A federal judge has awarded almost \$84,000 in legal fees to a non-profit law firm representing a woman who lost in-home medical services because they were deemed unnecessary by a computer program.

Legal Aid attorney Kevin De Liban said the fees awarded last week by U.S. Judge D.P. Marshall stem from the non-profit's lawsuit on behalf of 90-year-old Ethel Jacobs against the Arkansas Department of Human Services over the use a computer algorithm that slashed her ARChoices program services.

"In certain types of federal lawsuits that involve civil rights, which include constitutional issues such as due process, the winning party is entitled to reasonable attorney's fees," De Liban said. "So that's what it was."

Cash resident Bradley Ledgerwood was also originally a plaintiff in the suit but was dropped due a technicality. Jacobs, who suffered from dementia and other ailments and was bedridden, saw her hours cut significantly with no improvement in her condition and no explanation.

Later, it was learned DHS implemented a computerized assessment tool that caused the reduction for Jacobs.

"Ethel had advanced dementia and all sorts of problems to the point she didn't know how to get out of bed on her own," De Liban said. "She couldn't feed; she had a feeding tube. She couldn't walk on her own. Under the old system, she had been getting 46 hour per week of care.

"Then, when DHS switched to the algorithm, she was dropped to 35 hours per week of care," he said.

ARChoices is a community-based program for those with a physical disability and seniors. It allows people to receive attendant care, in-home meals and other services keeping them from residential care and in the communities they call home.

About 4,000 of 8,000 clients in the ARChoices program have seen a reduction in benefits since DHS started using the computerized assessment tool.

During the three-day trail in November 2016 in Jonesboro, DHS officials could not explain how the algorithm worked. Judge Marshall ruled DHS did not provide an adequate explanation as to why Jacobs' service hours were reduced and ordered them restored.

"Our legal claims were basically around due process — the idea when government takes action that hurts someone that's on one of its programs they have to follow certain ideas of

fundamental fairness," De Liban said.

"They have to give you notice of what is happening and follow rational standards — if you put in the same information the same outcome should come out," he added. "You have to give people a fair hearing for that decision."

Jacobs died just days after the ruling. The fees awarded Legal Aid stem from work on the case and per Judge Marshall's order that Cindy Gillespie, director of DHS, pay Legal Aid \$83,787 for more than 378 hours of work.

De Liban said the money will be used to further the cause of the non-profit. Attorneys will not receive a dime.

"None of the attorneys involved in the lawsuit get any additional compensation as a result of the fee award," De Liban said. "All of the money goes to Legal Aid and will be used to further our work."

Legal Aid hoped the federal ruling would result in a halt to DHS' use of the computerized assessment tool, but the agency defended and continues to use it. Thus, another suit was filed in January 2017 in Pulaski County District Court on behalf of seven severely disabled individuals — Ledgerwood and others — who saw service reductions because of the computerized assessment tool.

"We won the case with Ethel, and it was after that we offered to talk to DHS multiple times and say, 'Hey, look there are still clients coming to us with these issues,'" De Liban said. "We hoped to resolve this without litigation, but they didn't want to do that. So we had to file the second suit, and that is in state court."

There, a circuit judge temporarily barred DHS from further reduction in hours due computerized assessments until a trial to be held in July. However, that date is now in limbo after DHS appealed the restraining order to the Arkansas Supreme Court.

The Arkansas Supreme Court is out of session until September. The court will have to make a decision on the appeal before the Pulaski County case can move forward.

For Board Member Review only. Please do not share.

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CO-COUNSELING AGREEMENT

1. This Agreement is entered into between Legal Aid of Arkansas, Inc.; Southern Poverty Law Center (“SPLC”); and the National Health Law Program (“NHLP”) (collectively referred to herein as “Counsel”). This Agreement does not preclude Counsel from entering into other agreements with respect to matters not agreed to herein.
2. Purpose. This Agreement describes Counsel’s responsibilities and duties associated with their legal representation of individuals and/or organizations (“Clients”) in a challenge to the U.S. Department of Health and Human Services’ anticipated 2017 approval of Arkansas’ Section 1115 Medicaid waiver. This Agreement and the underlying representation apply only to trial court proceedings relating to such a challenge and do not apply to any appeal from such proceedings. Any such appeal would be the subject of a new agreement.
3. Decision making. When practicable, all decisions concerning the conduct of the litigation will be made jointly after full consultation among Counsel. However, should decisions need to be made quickly and full consultation is not possible, or if all parties do not agree on a particular course of action, NHLP will be lead counsel and make final decisions (other than decisions that legally and/or ethically must be made by the plaintiffs themselves). Lead counsel will ensure that Counsel are notified of all litigation decisions on a regular basis.
4. Documents. Counsel agree that they will act as co-counsel in this case and shall refer to each other as such. Where not otherwise specified, Counsel shall share responsibility for drafting the pleadings, briefs, motions, and other documents for filing in court, preparing and conducting discovery, appearing and arguing motions on behalf of the clients, and, if required, trying the matter in the trial court. Legal Aid of Arkansas, Inc., will be primarily responsible for arranging and facilitating communications between Counsel and the clients. Counsel acknowledge that the division of labor in the case shall be determined in part by the staffing capabilities and resources of Counsel. Counsel shall circulate all briefs and other documents to be filed with the court at least 48 hours prior to filing unless previously agreed upon by the Counsel for a particular document.
5. Litigation Costs. Counsel understand and agree that they are providing representation to the Clients on a pro bono basis.

Each Counsel is responsible for their individual out-of-pocket costs as incurred. Out-of-pocket costs are defined to include individual attorney travel expenses, long distance telephone tolls, on-line research fees, photocopying, court admission fees, legal or support staff salaries, and general operating expenses.

Costs of litigation, other than out-of-pocket costs, will be split pursuant to the following formula: SPLC will be responsible for 50%. NHLP will be responsible for 50%. To the

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extent practicable, the firms agree to obtain prior approval of co-counsel for any cost of \$500 or more to be split under this formula. The firms agree to reimburse the other for any outstanding balance on a monthly basis. Litigation costs are defined to include filing fees, court fees, deposition costs, lay and expert witness fees, witness travel expenses, arbitration/mediation costs, and any other fees or expenses specifically agreed to by all Counsel.

6. Record keeping. Counsel are responsible for keeping their own contemporaneous written record of time spent by attorneys and legal workers in this case, including the date, time spent, and work performed. These records will be kept in a manner that is appropriate and legally sufficient for seeking attorneys' fees and costs under applicable law. Such records will be the basis for reasonable attorneys' fees and the basis for allocation of attorneys' fees obtained from the court or the settlement of the attorneys' fees issues.
7. Attorneys' fees. In the event that the litigation is successful in whole or in part, and in light of the applicable standard for cases of this sort, Counsel expect to seek an award of attorneys' fees and the recovery of costs and expenses. Counsel shall attempt in good faith to prepare and file a unified attorneys' fees request. In the absence of an agreement among Counsel as to the content of the motion and as to the amount of the request, each Counsel reserves the right to make its own determination as to its part of the request for attorneys' fees, including but not limited to a determination as to the number of hours devoted to the litigation and the reasonable hourly rate to be applied thereto.

If attorneys' fees are awarded to the plaintiffs by order of the court or by settlement, the fees shall be divided among Counsel in proportion to the reasonable attorneys' fees claimed (reasonable hours expended times reasonable hourly rate). If costs and/or expenses are awarded by the court or obtained through settlement, they shall be distributed among Counsel in proportion to the reasonable expenditures incurred by each of the parties to this Agreement.

In the event of an irresolvable difference of opinion between Counsel as to the distribution of attorneys' fees or costs, the differences shall be resolved by Counsel meeting with a third party arbitrator agreed to by the parties.

8. Liability. Liability for fees, costs, or sanctions assessed directly against attorneys in the case shall be shared equally by the parties to this Agreement to the extent that they participated in the decision that led to such assessment. If the assessment resulted from actions taken by any one Counsel, outside the generally agreed upon litigation strategy, that Counsel shall be liable for the assessment. Nothing in this Agreement shall be deemed as acceptance of responsibility or liability on behalf of any of the attorneys as individuals for the fees, costs, or sanctions imposed.
9. Communications. Counsel agree to consult on communications strategy for this case.

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Counsel agree to list all firms as co-counsel in press releases and in other written public statements regarding this case and will provide all Counsel with advance copies of any such statements prior to release to the extent practicable, provided, however, that no Counsel which is a party to this agreement may issue any press release or make any statement to the public about the representation that mentions the name of any other Counsel without the express prior permission of that Counsel.

10. Termination. This Agreement will terminate at the conclusion of the representation as defined in paragraph two, including any necessary monitoring of implementation of the relief obtained. Notwithstanding the preceding sentence, any party to this Agreement may withdraw from it prior to the conclusion of the representation upon prior notice to the other parties and to the Clients. Any early withdrawal from this Agreement or of the representation of the Clients in this matter must be consistent with governing rules of professional conduct and applicable court rules.
11. This Agreement may be amended at any time upon mutual consent of Counsel. Any such amendment shall be in writing.

Signed: *Lee Richardson*
For Legal Aid of Arkansas, Inc.

Date: 10 September 2017

Signed: *Sam Hill*
For Southern Poverty Law Center

Date: Sept 7 2017

Signed: _____
For National Health Law Program

Date: _____

June 18, 2017

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Re: Comments on Arkansas Works 1115 Waiver Demonstration

Legal Aid of Arkansas is a nonprofit law firm that represents impoverished Arkansans in civil legal matters. Our mission is to improve the lives of low-income Arkansans by ensuring equal access to justice, regardless of economic or social circumstances. Our clients are residents of thirty-one counties and, with some limited exceptions, have incomes below 125% of the federal poverty level.

Health-related legal issues are one of the many challenges confronting our clients. Clients may face struggles accessing Medicaid or Medicare, securing needed services under either program, or dealing with collection efforts by hospitals or providers who have not been properly reimbursed. Through advocacy and education, we seek to maximize the health and financial stability of our clients. In addition, Legal Aid hosted certified in-person assisters from 2013 to 2016 to facilitate enrollment in Medicaid expansion and insurance through the federally facilitated marketplace. Through these years of on-the-ground enrollment work, we know that hurdles already exist to accessing meaningful care, and we understand how the modifications sought in the proposed 1115 Waiver Amendment would exacerbate those existing hurdles.

We offer these comments to help the Department of Human Services understand the negative impact its proposed modifications will have on our clients.

1. Lowering the income threshold to 100% of the federal poverty level will disproportionately negatively affect working families

Lowering the Arkansas Works income eligibility limit from 138% of the federal poverty level to 100% will cause losses in coverage, despite availability of coverage from the federally facilitated marketplace (healthcare.gov). This change in coverage will cause premium increases for thousands, but will have the most severe consequences for working families. The coverage offered to qualifying beneficiaries at 100% and 101% of the federal poverty level will not be comparable, as mere access could be cost-prohibitive for those at 101% of the poverty level using federally facilitated marketplace or employer-sponsored coverage.

Employer-Sponsored Coverage



Under 26 CFR § 1.36B-2, individuals who have an offer of affordable employer-sponsored coverage that meets the Affordable Care Act's minimum essential coverage and minimum value standards is not eligible for an Advance Premium Tax Credit through the Federal Marketplace. The Affordable Care Act sets specific standards for affordability, minimum essential coverage, and minimum value and penalizes large employers whose sponsored plans do not meet these standards. The current affordability standard for 2017 is 9.69% of household income for the employee-only plan.¹ Therefore, employer-sponsored coverage is considered affordable if the employee-only premiums cost less than 9.69% of total household income. It should be noted that the expected family contributed increases slightly each year, as it was initially 9.56% for plan year 2014.² For a household of four earning \$24,324 per year (101% of the federal poverty level for 2017), they are expected to spend \$2,357 per year or \$196 per month for health insurance for one person. Under the current Arkansas Works plan, that same family would pay a maximum of \$228 per year or \$19 per month for one person. This will cause a tenfold premium increase for working low-income Arkansans.

The Family Glitch Expands

This issue is compounded by a component of the Affordable Care Act known as the family glitch.³ The family glitch is a gap in coverage that spouses and dependents of low-income workers often fall into, and will expand to catch more Arkansans when the income eligibility limit is lowered to 100%. The Affordable Care Act employer coverage mandate requires affordable coverage that meets the minimum value and minimum essential coverage standards for employees, or certain employers may face a penalty. These cost controls only apply to employee-offered coverage, not spouse and dependent coverage. Likewise, the affordability standard built into the Affordable Care Act looks at the cost of *employee-only* coverage as compared to *household* income. If the coverage is affordable for the employee only and is offered to the rest of the household, then that household is ineligible for Advance Premium Tax Credits. We have seen some Legal Aid of Arkansas clients who are expected to pay ten times the cost of employee-only coverage for their children and spouses.

Health care will become inaccessible for the spouses and children of low-income working Arkansans, potentially creating an incentive to work less than full time so as not to be eligible for medical benefits. A low-income working Arkansan with multiple part time jobs earning the same amount as someone with a single full time job will be eligible for more affordable care, either through Arkansas Works or the federally facilitated marketplace.

The only relief for these families is in the form of a potential exemption from the Individual Shared Responsibility Payment. The employee's family members are eligible for an exemption if their annual premiums for the lowest cost family plan is more than 8.16% of their household income. Relief from the Individual Shared Responsibility Payment is not the same thing as access to coverage, which these working families currently have with the income limit set at 138%.

Cost-sharing Reductions Are Not Available for Employer-Sponsored Coverage

The future of cost-sharing reductions is uncertain,⁴ but while in effect they have been a powerful measure to increase access to comprehensive health care for low-income Arkansans. Federally facilitated marketplace enrollees with incomes up to 250% of the federal poverty level are eligible for a sliding scale cost-

¹ See <https://www.healthcare.gov/glossary/affordable-coverage/>.

² See IRS guidance 2014-37 available at <https://www.irs.gov/pub/irs-drop/rp-14-37.pdf>.

³ See generally http://www.healthaffairs.org/healthpolicybriefs/brief.php?brief_id=129; <https://www.centerforhealthjournalism.org/2016/04/27/family-trapped-aca-glaring-family-glitch-life-gets-harder>.

⁴ See generally <http://healthaffairs.org/blog/2017/02/21/parties-ask-court-to-keep-cost-sharing-reduction-payment-litigation-on-hold/>; <http://www.kff.org/health-reform/issue-brief/the-effects-of-ending-the-affordable-care-acts-cost-sharing-reduction-payments/>

sharing benefit if they select a silver level plan. The cost-sharing reduction will lower premiums, co-pays, and deductibles for those who select it. For an enrollee at 101% of the poverty level, premiums are capped at and the actuarial value of the plan increases to 94%, as opposed to the standard 70% of a silver level plan.⁵ Lowering the income eligibility limit to 100% from 138% will deny low-income working families access to this extra assistance accessing care, as this is another benefit they are excluded from due to their offer of more costly employer-sponsored coverage.

Transitioning to Marketplace Coverage and Administrative Review

Current law requires the state Medicaid agency to assess beneficiaries for all programs for which they may be eligible.⁶ However, we have not seen any of our clients who are denied or terminated from Medicaid based on income or immigration status have their applications timely referred to the federally facilitated marketplace for Advance Premium Tax Credit assistance review. The state agency will be responsible for moving tens of thousands of program enrollees from Arkansas Works to federally facilitated marketplace coverage.

To smooth this transition process with minimal gaps in coverage—beyond the initial transition, and as people continue to move out of Arkansas Works based on elevated income—the state agency must develop a more effective process for moving between the two programs. With the Marketplace’s current policy of coverage start dates the following month (or month after that, if the application is submitted after the 15th day of the month) gaps in coverage are inevitable. Likewise, moving from coverage through the federally facilitated marketplace to Arkansas Works results in gaps in coverage, previously addressed by eligibility for retroactive coverage. The retroactive coverage element of the proposed waiver is discussed in more detail below. One possible solution to these lapse periods is presumptive eligibility, also addressed in more detail below.

The stated purpose in the waiver of moving these individuals to the federally facilitated marketplace is to “at least [double] the size of the population enrolling in QHPs offered through the Marketplace” thereby driving “structural health care system reform and more competitive premium pricing.”⁷ If every current Arkansas Works beneficiary above 100% were to be terminated and told to transition into marketplace coverage, there would be significant losses from employer sponsored coverage, lack of affordability, and added administrative hurdles like delays in obtaining coverage, enrollment limited to Special Enrollment Periods, and the requirement of out-of-pocket advance payments.

This transition is likely to be further disrupted by the proposed elimination of the administrative review process mandated by the Social Security Act. The proposed waiver eliminates the administrative review process whereby the state Medicaid agency is obligated to review beneficiaries who are being terminated from or denied coverage for other Medicaid programs for which they may be eligible. This appears at first glance to be in violation of the Social Security Act because no other measures for smoothing transition between programs is provided.⁸

The proposed waiver claims that lowering the income limit to 100% of the federal poverty level will help address the frequency with which program beneficiaries move between eligibility for state Medicaid and federally facilitated marketplace coverage with subsidies.⁹ This is not a true problem that exists under the current system, at least not when eligibility is properly assessed by both entities. The state Medicaid agency and

⁵ See generally <http://www.healthreformbeyondthebasics.org/cost-sharing-charges-in-marketplace-health-insurance-plans-part-2/>.

⁶ See Arkansas Medical Services Policy Manual Sec. C-140, available at

<https://ardhs.sharepoint.com/sites/DHSPolicy/DCOPublishedPolicy/Section%20C-100%20Application%20Process.pdf>. See also Social Security Act § 1943, 42 CFR 435.1200.

⁷ See 1115 Demonstration Waiver, Sec. II, Pg. 7.

⁸ See Social Security Act § 1943, 42 CFR 435.1200.

⁹ See 1115 Demonstration Waiver, Sec. II, Pg. 7.

federal marketplace do utilize slightly different methods of the modified adjusted gross income measure because the marketplace looks at annual income, whereas the state Medicaid agency looks at one month slices. However, when applications of both assessment measures would create different outcomes—or someone who moved back and forth between Medicaid and federal marketplace coverage—the marketplace measure trumps. There is only one correct answer for which program an individual is eligible for each year. Further, simply lowering the income limit would not address this if it were truly a problem.

Beneficiaries at 100% and 101% will not see comparable pricing in the plans available to them. Arkansas Works has no copays for beneficiaries below 100% of the poverty level and no deductibles for any program beneficiaries. A beneficiary at 101% of the poverty level enrolling in a silver level marketplace plan with cost-sharing reductions—again, their future is uncertain—would still have \$10 copays, 6% coinsurance obligation, a \$100 after deductible admission fee for inpatient hospital services.¹⁰

Medicaid applicants and beneficiaries are legally entitled to prompt action on their applications, and a minimized burden in obtaining or renewing eligibility for benefits.¹¹ Instead of minimizing that burden, these additional administrative hurdles increase it. Transitioning between programs is inherently disruptive to delivery of services, especially where there exists no planned mechanism to smooth that transition. This sort of disruption is a stated goal that the proposed waiver hopes to avoid, but will actually facilitate.

2. Work Requirement

The state's expressed goal in creating a work requirement is to create household independence and stability through employment. Legal Aid of Arkansas supports this goal of household financial stability through employment, but access to affordable health care is an important element of being able to find stable employment. Untreated medical ailments and disabilities can hinder one's ability to obtain and maintain employment and the medical needs must be addressed first, not after employment is secured—if it can be secured at all with untreated medical conditions.

Effects on Legal Aid of Arkansas Clients

One client's scenario who benefitted from the Health Care Independence Program illustrates this point perfectly. Prior to Medicaid Expansion, she worked part-time as a Certified Nursing Assistant, but she had a chronic shoulder condition that limited her ability to provide caregiving services more than 10 to 20 hours per week. The lifting, pushing, pulling, and other physically-demanding tasks simply rendered her unable to work more and threatened her continued employability. One severe injury, and she would not have been able to work at all. Once she had access to insurance through the HCIP, she was able to obtain treatment for her shoulder and, ultimately, increase her working hours. Unfortunately, under the proposed work requirements, this client and others in similar situations would not be able to obtain insurance in the first place. The requirement for 80 hours of monthly employment or job search activities will exclude individuals like this client who are partially employable but struggle due to chronic health conditions.

Also, the work requirements are likely to disproportionately affect rural communities struggling with higher than average unemployment and poverty rates. Even if the state unemployment rate is low for the moment, several Ozark and Delta counties still face unemployment well above the state's overall rate.¹² Individuals in these counties do not have ready access to stable, formal employment that would meet the work requirements. Also, should the downward trend in unemployment reverse, historical data shows that these counties are often the hardest hit. Perversely, the work requirements may strike hardest where the need is highest.

¹⁰ See <http://www.healthreformbeyondthebasics.org/cost-sharing-charges-in-marketplace-health-insurance-plans-part-2/>

¹¹ 42 CFR § 435.1200(a)(3)(i).

¹² <http://www.discover.arkansas.gov/Employment/Unemployment-Rate-Rankings-by-Arkansas-County>

Lockout Periods and Prior Notice

When the state of Arkansas implemented its work requirement for Able Bodied Adults Without Dependents in the Supplemental Nutrition Assistance Program on January 1, 2016 it did not make clear to all program beneficiaries that this policy was taking effect or what the long-term consequences would be. In March of 2016, many former SNAP beneficiaries came to Legal Aid of Arkansas without any understanding of why the benefits had terminated, or how long they would be penalized for using benefits for that three month period. They did not know that they could only receive SNAP benefits for three months every thirty-six months unless they met the work requirement or an exemption from it.

If the state Medicaid agency's waiver request is granted and work requirements are implemented, the state agency must be abundantly clear in informing program beneficiaries and potential beneficiaries about the work requirement, exemptions from the requirement, the lockout period, and their appeal rights regarding all of the above. These notices must be much clearer and provided much sooner than they were for the SNAP program. Without the ability to plan ahead regarding their SNAP benefits, Arkansans could go hungry. Without the ability to plan ahead regarding their medical care, they could suffer severe medical and financial hardships or death.

Brevity of Exemption Periods

The brevity of the exemption periods will create an administrative hurdle to accessing and maintaining care. For example, a program beneficiary who is the primary caregiver for an incapacitated person or a child under six years old is exempt, but must recertify that exemption every two months. Comparatively, the Supplemental Nutrition Assistance Program (SNAP)—which has similar work requirements and exemptions—will allow for six or twelve month certification periods for individuals in similar situations. Often clients will come to Legal Aid of Arkansas because their SNAP benefits terminated due to administrative filing failures. Either they did not receive their recertification forms, or said forms were not processed timely and they have to restart the application process. Under the proposed changes in this program, that same individual could be locked out for the remainder of the benefit year because they have not proven their eligibility for the exemption.

Legality of Work Requirements

Finally, work requirements are an illegal condition of eligibility unsupported by federal law. Medicaid is a medical assistance program. States do not have flexibility here, even in the context of a Section 1115 waiver. As you know, Section 1115 waivers require a demonstration that will test a novel hypothesis. Work requirements involve no hypothesis, only additional obstacles to eligibility. Even federal approval of the 1115 waiver is no guarantee that work requirements are lawful.

3. Elimination of 90 Day Retroactive Eligibility

One of the most common initial points of service for new Arkansas Works applicants is the emergency room. One of the goals of the Affordable Care Act was to bring an end to the uninsured using the emergency room as their primary care physician and going there for non-emergency matters. This is occurring with far less frequency since Arkansas expanded Medicaid, but uninsured Arkansans still utilize emergency room both for emergency and non-emergency services. While there, a financial counselor will usually help the patient apply for Arkansas Works. Through retroactive eligibility, this arrangement is beneficial to both the patient and the health care facility. Arkansas saw a 55% drop in uncompensated care after the Medicaid expansion was

implemented.¹³ A large chunk of this substantial drop could be lost if retroactive eligibility is no longer available to program beneficiaries.

When the Medicaid backlog was at its most severe, we had many clients come to Legal Aid of Arkansas whose applications had been delayed because there were several different ones on file from several different emergency room visits. Because of retroactive eligibility, all of those past emergency room visits were covered once his Medicaid application was finally approved. If a patient presents at the emergency on the last day of the month and his or her medical needs are so severe that an application cannot feasibly be completed, then that person and the hospital are both left with uncompensated care, and the high cost of legal debt collection measures to collect on the bill. Retroactive eligibility exists to provide security when emergencies happen. Eliminating that protective measure will deny program beneficiaries and medical providers security that they both desire.

Presumptive Eligibility

Presumptive eligibility is a positive step towards addressing the problems arising from eliminating retroactive eligibility, but to our knowledge no concrete plans have been taken to implement that policy. Once a potential beneficiary has submitted an application, he or she may not know whether they have been approved for up to 45 days. Presumptive eligibility will help that person make important care decisions while their application is processed, and start to access prescription drugs immediately. Provided the presumptive eligibility screening process is thorough, the margin of error should be slight. As hospitals will be performing the bulk of presumptive eligibility assessments, their vested interest in getting paid for care rendered will motivate accurate accounting.

Eliminating retroactive eligibility without putting presumptive eligibility assessment into place would be highly detrimental for program beneficiaries who make their initial application while getting medical care at a hospital.

Applicability to Medically Frail Populations

The waiver specifically excludes the medically frail population from the work requirements in recognition of their limited or nonexistent ability to satisfy that requirement. This indicates that this group is treated in a similar manner to traditional Medicaid populations. However, they are not exempted from the elimination of retroactive eligibility. The medically frail population is, as discussed above, the one most in need of the medical and financial security that comes with the availability of retroactive coverage.

4. The Department is unlikely to be able to meet the administrative burden.

The modifications sought by the Department impose untold administrative burdens that, based on past performance, the Department will be unable to meet.

Historical context is useful here. First, the Department required two years to address a backlog in Medicaid applications. At one point, at least 35,000 Arkansans had been waiting over 45 days for an eligibility determination, with many of those who came to Legal Aid having waited three to six months. Second, snafus upon first year of renewals forced the Department to send out multiple notices with conflicting information and delay renewals by several months. Third, even after some individuals in the eligibility backlog were approved, “technical glitches” prevented their Medicaid from reading as active to providers. Thus, they were denied treatment while DHS attempted to sort out the problem, rendering the eligibility approval less timely and meaningful. Fourth, even recently, DHS has seen a trend of SSI-related Medicaid beneficiaries being terminated

¹³ <http://www.kff.org/medicaid/issue-brief/a-look-at-the-private-option-in-arkansas/>

from eligibility at the end of each month through technical glitches, only to be reinstated weeks later after manual investigation by DHS workers.

These illustrations are not academic. Legal Aid clients, including pregnant women, were denied needed medical treatment. Many have been harassed or sued by debt collectors because providers are unwilling to wait several months for DHS to render the eligibility determination and produce an active Medicaid number that is not subject to glitches. The lawsuits have resulted in judgments and garnishments of working people for services that should have been covered by Medicaid.

The disruptions to Medicaid beneficiaries with long-standing eligibility have been particularly hard on people with mental health conditions. One Legal Aid client had been released from an involuntary hospitalization, had received some medications to treat his schizophrenia, and then had his Medicaid suddenly de-activated due to a glitch. The mental health clinic could offer samples of a different medication for a short while, but, before Medicaid was restored, the client de-compensated and was re-hospitalized.

The work requirements and reductions in eligibility to 100% FPL will exponentially augment situations of shifting eligibility status. People may be eligible for three months without working, then go to work for four months and maintain eligibility, then face a layoff or cut in hours that drops them below the 80-hour threshold and renders them ineligible for one month. Or, clients near 100% FPL may gain or lose a family member and his/her income, may get a few extra hours one week, or have some other change that will bump them from 95% FPL to 105% FPL with all the attendant implications for eligibility and transition.

As mentioned above, DHS has an obligation under federal law to evaluate individuals terminated from Medicaid in one category for eligibility in other categories. Legal Aid has no evidence that DHS has been fulfilling this obligation. The additional shifts engendered by the modifications sought by DHS will only widen the gulf between what DHS is obligated by law to do and what it actually does.

Additional burdens on DHS will include county workers, already under-resources, who are forced to review work-requirement compliance reporting, field more questions from confused clients, and otherwise deal with problems relating to shifting eligibility.

Furthermore, clients will be burdened with increased reporting requirements, guaranteeing that some people will be terminated not due to substantive ineligibility but due to lost or overlooked or unreceived paperwork. Thus, people who qualify will be denied benefits, a development that should concern DHS. And, of course, some clients will altogether fail to secure insurance for some months when terminated from Medicaid, either because they do not know they need independent insurance or have little help accessing it. This will result in coverage gaps that could lead to thousands of dollars in liability for uncovered services.

The increases in shifting eligibility status will also likely be burdensome to the insurers, who will have to parse through increasingly complex periods of eligibility and ineligibility. It will also disrupt the patient-doctor relationships, both in terms of an individual's ability to access care and in terms of possible antagonism between providers' billing departments and patients regarding insurance status and bills.

In light of these administrative burdens, it is hard to see what the state gains by imposing work requirements and lower eligibility caps that will only make an already-complex program even more complex.

Sincerely,

Casey Trzcinski Sherman, Attorney
Legal Aid of Arkansas

1200 Henryetta St.
Springdale, AR 72762

Kevin De Liban, Attorney
Legal Aid of Arkansas
310 Mid-Continent Plaza, Suite 420
West Memphis, AR 72301

DIRECTOR'S REPORT

October 2, 2017

National Developments

In late September, the House and Senate approved legislation, signed by the President, which combines a Continuing Resolution (CR) to extend funding for the federal government for FY 2018 with an increase in the debt ceiling -- until December 8, 2017. The CR provides continued funding at the FY 2017 levels with a rescission of 0.6791% across the entire federal government. This means that LSC funding under the CR will total \$382,385,465. LSC provides payments to our grantees on a calendar year. The impact of the rescission will not affect LSC's payments to grantees through December, but would negatively impact our January 2018 payment, by approximately \$831.

LSC has asked congress for \$527.8 million for 2018 while the administration's budget called for the elimination of LSC. Congress has shown no intention to cut Legal Aid funding. For the first time in several years, no amendments to eliminate LSC funding were filed in the house. The House subcommittee has marked up a bill containing \$300 million for LSC while the Senate subcommittee is at \$385 million.

The administration has made no appointments to the LSC board at this time and that does not seem to be a priority since the stated intent is to eliminate LSC. The Legal Aid community is not pushing on this issue as currently there is a 6/3 Democrat/Republican split on the board.

Statewide Developments

The 2016 Justice Partners Annual Report is ready for distribution. You can find it, and all the annual reports dating back to 2005, on our [website](#). The [report](#) is also attached.

The Access to Justice Commission met on September 15th in Springdale. In conjunction with the meeting, the Commission hosted a criminal record sealing clinic in Fayetteville where Legal Aid attorneys, commission members, and volunteer attorneys assisted 22 clients, many with multiple problems. A condensed version of the [meeting packet](#), including the agenda, minutes for the June 2nd meeting, minutes from the Access to Justice Foundation meeting on August 18th, and from the Resource Development committee meeting held August 24th, are attached.

The Access to Justice Commission and Foundation will be engaged in a statewide campaign to raise funds for Legal Aid, soliciting the private bar and corporate counsel, in the coming weeks/months. If anyone is interested in assisting with this effort, or being a local campaign chair, please let me know.

Legal Aid has been cocounseling with the Center for Arkansas Legal Services and Bowen School of Law Legal Clinic in the case of Alexander Apartment vs. City of Little Rock. The court recently entered a ruling creating an implied warranty of habitability within the City of Little Rock. The City Housing Code is now implied into all residential leases within Little Rock. Arguably, this ruling could be used as authority in any city in Arkansas with a Housing Code setting forth habitability requirements. The [court order](#) is attached.

Justice Robin F. Wynne, a member of the Arkansas Supreme Court and the court's liaison to the Access to Justice Commission, wrote an editorial entitled [Justice for All](#) which was published in the Democrat-Gazette. A copy is attached.

Program Developments

We have closed 4,230 cases this year as of 9-22-2017. A case statistical report, by problem code, is attached. Closures for 2017 are down 7.8% over the same period last year. Pro bono case closures are down 18.3%.

Our numbers continue to be anemic in some rural areas. Starting in August, we targeted print ads in Stone and Izard County for a month, and placed a Facebook advertisement targeting a larger area of North Central Arkansas. We saw a slight increase in intake from Stone and Izard County, from 10 cases over a month period in 2016 to 14 in 2017. The Facebook advertisement seemed to have no immediate impact, with 101 cases being opened in the targeted counties (10 counties in North Central Arkansas), the exact same number that was opened in the same time period the previous year.

In addition to the attorney's fees and costs in the *Jacobs vs. Gillespie (DHS)* case discussed during Mr. DeLiban's presentation, we received fees in at least two other consumer cases during the quarter. One fee was for \$1,882 and another was \$800. Attorney's fees received are considered derivative income of the funding source used to generate them, and carry the same restrictions. For example, in the Jacobs case, LSC funding was used to prosecute the action and the resulting fee will carry the same restrictions as those on LSC funding.

The latest version of *Arkansas Lawyer*, the magazine of the Arkansas Bar Association, contained a story about the history of Legal Aid of Arkansas which is attached.

Mike Loggains, a former staff attorney with Legal Aid from September, 2007 to August, 2015, passed away on July 30th. Mike assisted more than 1,550 clients during his eight years with Legal Aid, and was a true humanitarian. His obituary is attached.

In early August Bill Waddell of Friday, Eldredge & Clark in Little Rock, won the prestigious ABA Pro Bono Publico Award, which was announced at the American Bar Association Annual meeting in New York. The award was primarily in recognition of his volunteering at our Medical-Legal Partnership at the Mid-Delta Health Clinic in Clarendon. You can find a video honoring Bill at this link. Bill has written a book for children about social justice that can be found here. Bill had previously been named as one of four Legal Aid of Arkansas outstanding pro bono attorneys as part of our 50th Anniversary celebration.

Case Examples

Housing

An applicant came to Legal Aid because the City of Jonesboro ordered her to get rid of her emotional support animal, a miniature pig. The client suffers from severe anxiety and depression, and caring for the pig allows her to focus her attention in a way that substantially improves her quality of life. The City of Jonesboro does not allow swine within the city limits. The mayor sent the client a notice that the City was unwilling to make an exception or an accommodation. Legal Aid worked with the client to make a complaint with the Arkansas Fair Housing Commission for disability discrimination and assisted her in meeting with the Commission's investigator. Legal Aid also worked directly with the Jonesboro city attorney to resolve the issue. After negotiation, the City granted the client's reasonable accommodation request, and the pig returned home.

A single mother contacted Legal Aid because she had been served with an eviction lawsuit alleging non-payment of rent. The mother was confused by the lawsuit since her tenancy was fully subsidized by USDA's Rural Development program. Since she has almost no income, the mother was very concerned that an eviction would mean homelessness for her and her two children. Legal Aid represented the mother and was able to obtain a dismissal of the lawsuit. Because of Legal Aid's intervention, the family retained their home and housing subsidy.

Domestic Violence

Our client, who speaks only Spanish, was an immigrant with a citizen husband. He used immigration issues to control her, harassed her at her job, and attacked her and her brother when she was trying to leave him. After a two hour contested hearing the judge granted our client a final order of protection.

The client came to us for assistance in an Order of Protection case. The adverse party, a law student, strangled our client and the pets in front of the child, telling the child that that our client had been bad and he wanted the dog to die. After a five our hearing, our client was granted a 10-year Order of Protection and possession of the dog, plus a 90 day Order of Protection for a step-child and an order of counseling. We made a referral to the prosecuting attorney's office over his abuse of the animals.

Low Income Taxpayers Clinic

An elderly client had lost his job and was unemployed for a few years, having no income until he began to receive Social Security retirement benefits. He had previously filed for bankruptcy, but still owed \$83,000 to the IRS and \$2,000 to Arkansas. Legal Aid negotiated an offer in compromise with the IRS to take \$10 to settle his federal debt, and convinced the State of Arkansas to take \$467 to settle the state debt.

Elder Justice

An Estate Planning clinic was held at the Berryville Senior Center in August. We assisted 17 elderly individuals with the preparation of 40 estate planning documents, including 6 wills, 7 durable power of attorney documents, 12 power of attorney for healthcare documents, 11 advance directives and 4 beneficiary deeds. Staff from the Harrison and Springdale office, along with volunteer time from a law student, two local attorneys, and a volunteer notary made the event a huge success.

Economic Justice

Our client was due for her annual ARChoices assessment and was determined ineligible for the program. We appealed, challenging the appropriateness with which the assessment was completed. The hearing officer found sufficient problems with the last assessment to order a new one. We gathered supportive records from her doctor and after the reassessment she was awarded 157 hours, more than the 90 hours she was getting prior to her termination.

Our client was a 57 year old African American woman. Her job was taking care of profoundly disabled people in a residential living situation. One of the residents told another caregiver that he overheard the client telling another patient that he was lazy and that was why he'd had a bathroom accident. Our client was fired despite her denial. When they fired her they told her it was for not filling out paperwork properly and the alleged abusive language was never brought to her attention until the employer put it forth as a reason she shouldn't be given unemployment. We lost at the ALJ hearing level, then submitted an appeal and prevailed, obtaining her benefits.

Consumer

Our client was sent a collection letter, which did not contain correct notices of the client's rights. It was for collection of an apartment debt that he disputed. After filing a suit in federal court alleging Fair Debt Collection Practices Act violations. The debt collection company settled the case, agreeing to pay statutory damages and a reasonable attorney's fee to Legal Aid and clearing the client's debt line.

A truck driver came to Legal Aid to have his record sealed under the First Offender Act. His conviction prevented him from going into the dock areas on the coast or into Canada because the felony put hold on his passport. Legal Aid filed a petition to seal and worked with his employer to resolve the problem. The order sealing will remove the hold on his passport and allow him to pursue his job duties as assigned.

Grants/Contracts/Fundraising

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

Our VOCA grant has been renewed for 2017-18 for \$132,192, a substantial increase over the \$78,000 we have been receiving, and an amount equal to that plus the amount of a one-time special VOCA grant we received for 2016-17 that was expiring. This new grant gives us more flexibility to represent domestic violence survivors at Order of Protection hearings throughout our service area.

Our application with Equal Justice Works AmeriCorps to renew our Elder Justice Fellow, Valerie Morato, in the Harrison for a second year was approved. The grant reimburses us about \$25,200 of a position that costs approximately double that. We are using a combination of funding sources to meet the match.

We submitted a Department of Housing and Urban Development Fair Housing Initiatives Program grant for an Education and Outreach Initiative project in the amount of \$125,000. If funded, this will supplement the Fair Housing project we started earlier in 2017 and set us up to complete a much larger grant application in the late summer of 2018. The EOI project, and contemplated Private Enforcement Initiative grant next year, will be statewide.

We submitted a grant to the American College of Trial Lawyers asking for \$100,000 to create and support a project called Monroe County Children in Trust, which will basically be an expansion of our Medical-Legal Partnership in Clarendon into the school setting, hopefully touching all children living in poverty in Monroe County. We should hear the outcome of the grant application in early 2018.

We received donations from two of our corporate partners, \$75,000 from Walmart and \$8,800 from Tyson. We also received \$12,000 from the University Of Arkansas School Of Law Student Bar Association, \$1,200 from Wright, Lindsey & Jennings, and \$2,793 from other sources, for a grand total of \$99,793 for the quarter.

In addition to the above, we have received donations, designations or pledges as follows to support our 50th Anniversary celebration:

- | | |
|--|---------|
| • Walmart Legal Department | \$2,500 |
| • Tyson | \$2,500 |
| • Washington County Bar Association | \$1,000 |
| • Kutak Rock | \$1,000 |
| • Lori Chumbler | \$1,000 |
| • Mutual of America | \$1,000 |
| • Wright, Lindsey & Jennings | \$1,000 |
| • Legal Aid of Arkansas Per Diem (estimate) | \$800 |
| • Center for Arkansas Legal Services Per Diem (estimate) | \$800 |
| • Craighead County Bar | \$750 |
| • Jim & Suzi Dunn | \$750 |
| • Arkansas Bar Association | \$750 |
| • Lee Richardson and Mary Jackson | \$720 |
| • Center for Arkansas Legal Services Union | \$500 |

• Bank of Fayetteville	\$500
• Benton County Bar Association	\$500
• Arkansas Children’s Hospital Northwest	\$500
• Niki Cung and Paul Thompson	\$250
• Jon Comstock (Comstock Conflict Resolution Services)	\$250
• David & Gayle Bowman	\$250
• Arkansas Access to Justice	\$250
• In Kind-Apple Blossom Brewing- 1 Keg	
• First Security Bank	\$100
Total	\$17,670

Staff Changes

We have had several staffing changes since June. I reported then that **Casey Trzcinski**, a staff attorney in our Springdale office and economic justice work group, was moving to Denver, Colorado. She currently continues to work for us, but is being replaced by **Brooke Thompson**, who has just finished her AmeriCorps year in the Jonesboro office and will be transferring to Springdale. Ms. Thompson is licensed in Virginia and will be sitting for the Arkansas bar exam in February. In the meantime, Ms. Trzcinski will move to part-time status on October 16 and continue to assist provide services to Legal Aid clients remotely through the end of 2017.

Mary Claire Hyatt complete her two years of service as an Equal Justice Works Fellow at Arkansas Children’s Hospital and has transferred to a staff attorney position there. We are currently using funds provided by ACH to cover her costs, pending the outcome of a Blue & You grant application submitted to Arkansas Blue Cross and Blue Shield, the outcome of which should be known in December. She is a member of our economic justice work group focused primarily on education law.

Ms. Hyatt’s Equal Justice Works Fellow replacement at ACH is [Jennifer Goodwin](#), a 2017 graduate of Bowen School of Law in Little Rock who just received favorable bar results. A [story](#) about Ms. Goodwin is attached. The fellowship is sponsored by Walmart and Akin Gump.

Brittany Edwards, our staff attorney at the St. Vincent’s MLP, will finish her year at Legal Aid at the end of October and go to work for the Arkansas Attorney General’s office. St. Vincent’s has committed to continue partial funding for this position for an additional year. **Ryan Hill**, another AmeriCorps member rotating out, will transfer to Little Rock from Jonesboro and assume this position as a transitional attorney. Mr. Hill’s AmeriCorps year has been focused on assisting clients with petitions to seal.

Rachael Bakowicz, a 2017 graduate of the Memphis School of Law, has joined Legal Aid as a staff attorney in our housing work group, stationed in our West Memphis and Jonesboro offices. Ms. Bakowicz, who graduated in the top 10% of her class, will be sitting for the Arkansas Bar exam in February.

Lucy Boateng (West Memphis) and **George Butler** (Springdale) rotated out of their AmeriCorps positions at the end of September. Ms. Boateng has taken a job with a public interest firm in Memphis, while Mr. Butler plans to continue to do volunteer work for Legal Aid.

Rachel Pisors, who has been providing services to domestic violence victims in Northwest Arkansas for the past 10 months, left Legal Aid at the end of September. The grant she was serving under terminated at that time with the implementation of the new VOCA grant mentioned in the previous section.

Kelsey Boggan, a recent University of Arkansas School of Law graduate and newly licensed attorney, joined our Springdale office on October 2nd as a transitional attorney. She will be focusing on outreach, assisting with Order of Protection hearings, and sealing criminal records.

Christopher Hussein, another recent University of Arkansas School of Law graduate, also newly licensed, will join us in Springdale on October 16th as a part-time transitional attorney. He will be assisting our consumer law group.

We have secured three new VISTA members for the 2017-18 service year. **Stephanie Blahut**, a 2017 graduate of the Bowen School of Law, will be serving with the Arkansas Access to Justice Commission working on statewide planning and evaluation. She previously worked as our Modest Means program coordinator. **Helen Gratil**, a graduate of the Vermont School of Law, will serve in the Jonesboro office, focusing on capacity building and collaboration between the Center for Arkansas Legal Services and Legal Aid. **Karla Taylor**, who holds a PHD from South Florida University after obtaining her undergraduate degree at Arkansas State, will service in the Jonesboro office, focused on communications. Ms. Taylor and Ms. Gratil will start in November and Ms. Blahut is already serving. We continue to search for two VISTA members, one focused on volunteer recruitment and the other focused on fundraising and development.

A current office directory and organizational chart is attached.



Non-priority, non-emergency case types- None

ANNUAL REPORT


2016 Justice Partners Report



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

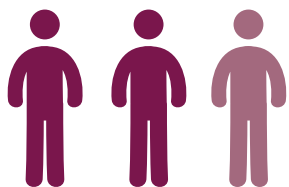


Legal aid often means the difference between employment and joblessness, between staying at home and going to a nursing facility, or between life with a loving family member and a stint in foster care.



**-Kevin De Liban,
Staff Attorney
Legal Aid of Arkansas**

Justice Denied: Unmet Legal Need in Arkansas



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



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



Arkansas has the fewest attorneys per capita in the country, with **one attorney** for every **500 Arkansas residents**.



The state's 25 least populous counties are critically underserved, with **one attorney** for every **1,300 residents** in those counties.



By comparison, there is **one legal aid attorney** for every **16,204 eligible Arkansans**.



1 in 4 Arkansans qualify for civil legal aid.



30,000
CALLS EACH YEAR
FOR HELP

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



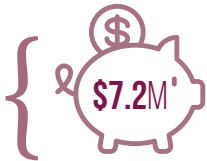
More than half are turned away because they lack the resources or capacity to meet the demand.

Center for Arkansas Legal Services

The Center for Arkansas Legal Services ensures fairness for low-income clients in 44 counties located in western, central, and southern Arkansas. In 2016, we accomplished this with a staff of 27 attorneys and paralegals, as well as 236 volunteer attorneys who accepted cases through our regional pro bono programs: Volunteer Organization for the Center for Arkansas Legal Services (VOCALS) and the River Valley Volunteer Attorney Project (VAP).

2016 AT A GLANCE

25 ATTORNEYS
02 PARALEGALS



25 attorneys and 2 paralegals who provided \$7.2 million worth of services

3,961
CASES IMPACTING



10,134 PEOPLE

3,961 cases impacting 10,134 people, including 4,418 children and 161 veterans

236 VOLUNTEER ATTORNEYS
261 CASES



236 volunteer attorneys who handled 261 cases at a value of more than \$476,520

\$2.8
MILLION



\$2.8 million in financial recoveries or losses avoided for clients

WHO WE HELPED



500
CONSUMERS

500 consumers victimized by scams or harassed by creditors



360
CHILDREN

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



472
ELDERLY/DISABLED

472 elderly or disabled people needing financial security



563
TENANTS/HOMEOWNERS

563 tenants and homeowners facing eviction or foreclosure



1,565
FAMILIES

1,565 families in need of stability through orders of protection, custody, or guardianship

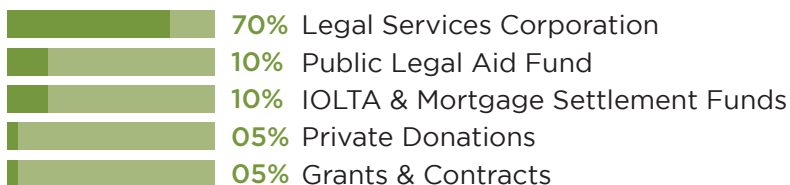


486
INDIVIDUALS

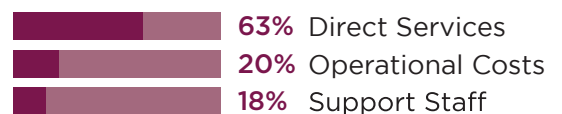
486 individuals needing help accessing employment, health coverage, or education

REVENUES & EXPENDITURES

REVENUES **\$3.11 million**



EXPENDITURES **\$3.41 million**



Center for Arkansas Legal Services

CLIENT STORIES



A mother of two young children reached out to the Center for Arkansas Legal Services for help divorcing her abusive husband. Both she and the children had experienced abuse, with the daughter saying her father had once grabbed her by the neck so hard that she couldn't breathe.

When the client told her husband she wanted a divorce, he threatened to take the children from her. In the past, he'd refused to return the children after visitation. Staff attorney David Rogers helped the client get a divorce and custody of her children. As a result, the mother can rebuild a safe, loving home for her children.

suit dismissed. His success provided this veteran with tremendous emotional relief and an opportunity to get back on her feet.

A 74 year-old veteran contacted CALS for assistance to prevent a foreclosure on his home of thirty years. There had been a pest issue in his home. When he couldn't solve the issue, his homeowners' association resolved the problem, but charged him \$1,000. Our client couldn't afford to pay such a large, unexpected expense and the HOA initiated foreclosure proceedings. CALS staff attorney Joycelyn Bell successfully filed for Chapter 13 bankruptcy on behalf of the client. As a result, this elderly veteran is able to stay in his home while he pays off his debt on a manageable timetable.

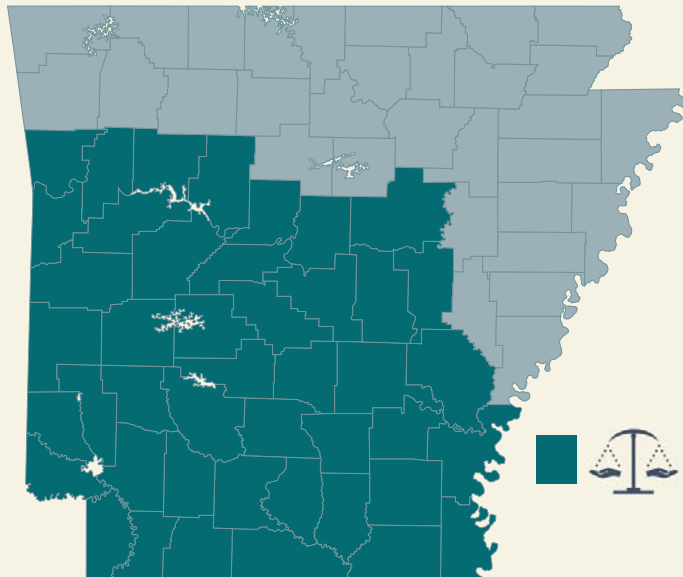


During a January cold snap a few years ago, an Army veteran was admitted to the hospital emergency room and diagnosed with pneumonia. She was uninsured, and the hospital sent her home twice in two days while the pneumonia spread to her second lung. On the third day, she was



taken to the same hospital by ambulance and was treated in the Intensive Care Unit for nine days. More than two years later, the hospital filed an action to collect more than \$28,000 from the veteran who was now living in a homeless shelter in Little Rock. Our AmeriCorps Attorney, Alexander Jones, met her at a legal clinic for veterans and ultimately got the collections

WHERE WE HELP



Legal Aid of Arkansas

Legal Aid of Arkansas ensures fairness for low-income clients in 31 counties located in northern and eastern Arkansas. We also serve clients statewide through our Low Income Taxpayers Clinic and Medical-Legal Partnerships. In 2016, we accomplished this with a staff of 27 attorneys and paralegals, as well as 272 volunteer attorneys who accepted cases through our pro bono programs.

2016 AT A GLANCE

27 ATTORNEYS
05 PARALEGALS



27 attorneys and 5 paralegals who provided \$3.55 million worth of services

7,152
CASES IMPACTING



7,152 cases impacting 19,304 people, including 9,285 children and 456 veterans

272 VOLUNTEER ATTORNEYS
505 CASES



272 volunteer attorneys who handled 505 cases at a value of more than \$874,000

\$7.4
MILLION



\$7.4 million in financial recoveries or losses avoided for clients

WHO WE HELPED



679
CONSUMERS

679 consumers victimized by scams or harassed by creditors



407
CHILDREN

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



474
ELDERLY/DISABLED

474 elderly or disabled people needing financial security



863
TENANTS/HOMEOWNERS

863 tenants and homeowners facing eviction or foreclosure



3,021
FAMILIES

3,021 families in need of stability through orders of protection, custody, or guardianship

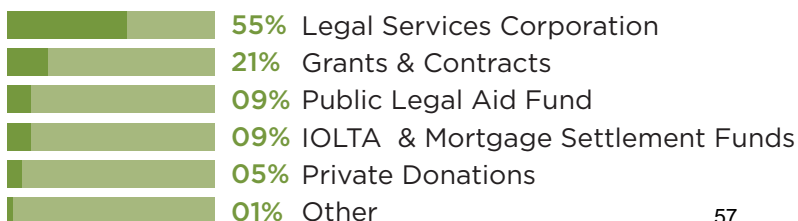


1,172
INDIVIDUALS

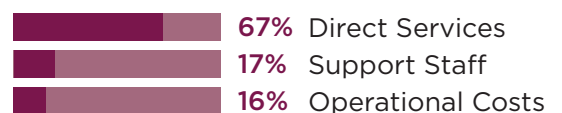
1,172 individuals needing help accessing employment, health coverage, or education

REVENUES & EXPENDITURES

REVENUES **\$2.69 million**



EXPENDITURES **\$2.53 million**



Legal Aid of Arkansas

CLIENT STORIES



Louella Jones, a 54-year old woman with cerebral palsy and multiple sclerosis, was one of dozens of Arkansans with disabilities who came to Legal Aid after DHS started using a computer formula to drastically cut Medicaid home-

care aid hours. In Louella's case, she went from an average of 6 hours of caregiver assistance per day to 3. As a result, Louella was forced to lie in her own waste, go without proper meals, and stay shut in her home without social contact or the ability to get out. Legal Aid staff attorney Kevin De Liban successfully represented our client to have her home-care aid hours fully restored. By winning a federal lawsuit dealing with identical issues, Legal Aid ensured that dozens of individuals in Louella's situation got their hours back. Despite losing, DHS persists in making widespread cuts. The Legal Aid team continues to represent Louella and others to keep the care necessary to staying in their homes with dignity.

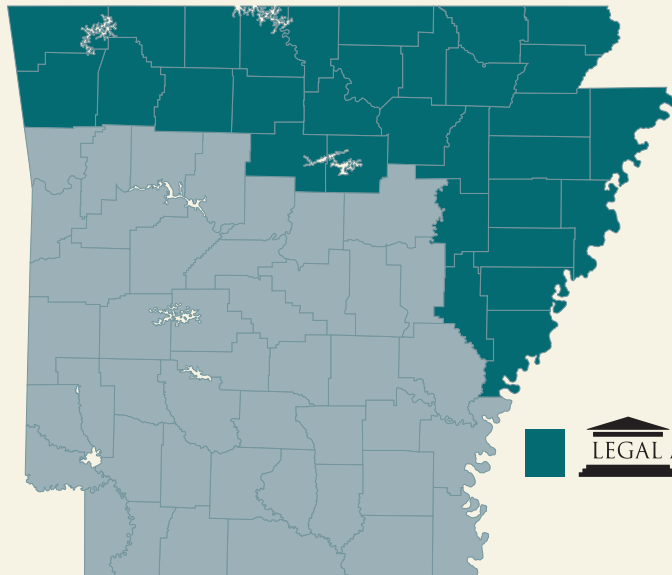
sitive evidence to a judge. The family walked out of the courtroom with an Order of Protection, ensuring the safety of the children.



A client came to Legal Aid of Arkansas seeking help after the father of her children died abroad. The father had left assets overseas that the children were entitled to and which were needed to support them following his passing. To complicate matters further, the mother of the children did not speak English fluently, making an already difficult situation even more challenging for her. Mary Green, a pro bono attorney in Fayetteville stepped in to assist. She was able to obtain a guardianship, a requirement to receive the money on behalf of the children, and then arranged the transfer of the funds to the U.S. Thanks to Mary, the money left to the children is now being used to support their education.

After spending a weekend with their mother, two young girls were terrified at the prospect of returning to their father's home. They were hesitant to reveal details of what their father had done to them, but their mother noticed that they were so scared that they'd stopped eating. She contacted Legal Aid attorney Rachel Pisors to secure an Order of Protection for her girls. Pisors worked tirelessly to collect the evidence necessary to prove that the girls needed protection and helped them to present this sen-

WHERE WE HELP



Pro Bono Attorneys of the Year



**Jefferson County VOCALS
Attorney of the Year**
Pine Bluff Title Company

Jimmy Dill



**10th Judicial District VOCALS
Attorney of the Year**
Hashem Law Firm

Katelyn Busby



**Equal Access to Justice Panel
Outstanding Service Award**
Law Office of John M. Blair

John Blair



**Arkansas Volunteer Lawyers for
the Elderly Service Award**
Davis Law Firm

Steven Davis



**Outstanding Medical-Legal
Partnership
Attorney of the Year**
Friday Firm

William Waddell, Jr.



**Arkansas Volunteer Lawyers for
the Elderly Service Award**
Nickle Law Firm

W. Ray Nickle



**Pulaski County VOCALS
Attorney of the Year**
Cross, Gunter, Witherspoon &
Galchus

Abtin Mehdizadegan



**River Valley Volunteer Attorney
Project Attorney of the Year**
Law Office of Susan Johnson-
Wakefield

Susan M. Johnson-Wakefield



For more information about the 2016 Pro Bono Award winners, visit:
<http://arkansasjustice.org/pro-bono-awards-2016/>

CORPORATE, FIRM, AND FOUNDATION DONORS

Champions of Justice (\$50,000+)

Walmart Stores, Inc.

Benefactors of Justice (\$20,000-\$49,999)

Friday, Eldredge & Clark

Defenders of Justice (\$10,000-\$19,999)

University of Arkansas Student Bar Association

Supporters of Justice (\$5,000-\$9,999)

Hilburn, Calhoon, Harper, Pruniski & Calhoun

Kutak Rock LLP

Mitchell Williams

Oldham Law Firm, PLLC

Tyson Foods, Inc.

Circle of Justice (Gifts up to \$4,999)

Axiom Corporation

Anderson, Murphy & Hopkins LLP

Arkansas Blue Cross Blue Shield

Arkansas Community Foundation

Craighead County Bar Association

First Security Bank

Barber Law Firm

Bartels Law Firm

Baxter, Jewell & Dobson

Conner & Winters LLP

Cross Gunter Witherspoon & Galchus

Design Shoppe Screen Printing

Dillard's - General Counsel

Dover Dixon Horne PLLC

Entergy

Bartels Law Firm

Front Page Cafe

Gary Holt & Associates

Gearhead Outfitters

Grisham Law Firm

Hankins Law Firm, PA

Hardin & Grace PA

Henry Law Firm

Hytrol Conveyor Company, Inc.

Johnson & Vines, PLLC

Kamps & Stotts PLLC

LaCerra, Dickson, Hoover & Roger
PLLC

Laser Law Firm

Law Offices of Baker, Donelson,
Bearman, Caldwell & Berkowitz

Lax, Vaughan, Fortson, Jones &
Rowe, PA

Lueken Law Firm

Mackie Wolf Zientz & Mann PC

McMath Woods PA

McMullan Law Firm

Munson, Rowlett, Moore & Boone

Newland & Associates, PLLC

Public Relations Society of Arkansas

Rainwater, Holt & Sexton, P.A.

Rose Law Firm

R. S. Irving Law Firm, LLC

Sarah Creasman Art

Shults & Brown, LLP

Skinny J's

St. Bernard's Hospital

Stanley & Woodard, PLC

Stephens Inc.

Taylor Law Partners

Temple B'nai Israel Sisterhood

Trammel Piazza Law Firm, PLLC

Trotter Firm

Tyson Foods, Inc.

UAMS Cytogenetics Laboratory

Waddell, Cole & Jones

Warrior Table Soccer

Watts, Donovan & Tilley

Wells & Wells, PLLC

Wells Law Firm, PLLC

Williams & Anderson

Wilson & Associates

Womack, Phelps, Puryear, Mayfield,
& McNeil

Worley, Wood & Parrish

Wright, Lindsey & Jennings LLP

*Donations were received in the 2016 calendar year and were gifts made to the Arkansas Access to Justice Foundation, Volunteer Organization of Center for Arkansas Legal Services, or Legal Aid of Arkansas as part of the Campaign for Legal Aid

INDIVIDUAL DONORS

Champions of Justice (\$5,000+)

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OPEN YOUR IOLTA ACCOUNT AT A PREFERRED BANK

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

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

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

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

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

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

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



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Campaign for Legal Aid | Donation Form

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

I/We would like to remain anonymous

Additional Names _____

Company/Firm _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

I/We want to join the **6.1 Society** with a monthly gift of \$_____ to be debited
from my (mark one) checking savings account credit card

I would like for my account to be debited on the (check one) 1st 15th last day of the month.

Signature: _____

Please return a voided check or fill out the credit card information below.

Please accept my one-time gift in the amount of \$_____

I/We are contributing in the form of: Cash Check Credit Card

Credit card type (Visa, MasterCard, Discover, American Express, Diner's card): _____

Credit card number: _____ Expiration Date: _____

Signature: _____ CVV: _____

Make this donation In honor of In memory of _____

Please include full address of the individual
or family whom we should notify of your
contribution. All memorial and honorary
gifts are acknowledged. The amount of
the gift will remain confidential.

Name _____

Address _____

City _____ State _____ Zip _____

Please return and make checks payable to:

Campaign for Legal Aid

c/o Arkansas Access to Justice Foundation

1111 West 6th Street, Suite D | Little Rock, AR 72201

For more information about the Campaign for Legal Aid, please visit www.arkansasjustice.org/CampaignForLegalAid.

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



Legal Aid of Arkansas

Lee Richardson, Executive Director
714 S. Main Street
Jonesboro, AR 72401
870-972-9224 | www.arlegalaid.org



CENTER FOR ARKANSAS LEGAL SERVICES

Center for Arkansas Legal Services

Jean Carter, Executive Director
1300 West 6th Street
Little Rock, AR 72201
501-376-3423 | www.arlegalservices.org



Arkansas Access to Justice

Amy Dunn Johnson, Executive Director
1111 West 6th Street, Suite D
Little Rock, AR 72201
501-492-7175 | www.arkansasjustice.org





ARKANSAS
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REPRESENTING HOPE

Tyson Foods, 2200 Don Tyson Parkway, Springdale, AR 72762

Arkansas Access to Justice Commission
September 15, 2017
10:00 a.m.

Commissioners:

Rep. Bob Ballinger
Judge Kim Bridgforth
Rep. Mary Broadaway
Jean Carter, ex officio
Judge Teresa French
Don Hollingsworth, ex officio
Sen. Jeremy Hutchinson
Samantha Leflar
Mark Mayfield, Secretary
Prof. Tiffany Murphy

Rod Nagel, Chairperson
Dr. Karama Neal, Vice Chairperson
Prof. Kelly Olson, ex officio
Lee Richardson, ex officio
Kerri Sernel
Judge Thomas Smith
Prof. Tim Tarvin
Glenn Vasser
Andrea Walker
Justice Robin Wynne

Staff:

Stefanie Blahut
Erin Jacobson
Amy Johnson
Jordan Rogers

Guests:

Dustin Duke
Annabelle Tuck

AGENDA

Join the meeting: <https://join.me/arkansasjustice>
Join the audio conference: 1.813.769.0500
Access Code 193-842-017#

1. Welcome and Introductions – Mr. Nagel
2. Minutes of June 2, 2017 Meeting (for approval), *pp. 2-5* – Mr. Nagel
3. Executive Director’s Report (for information), *pp. 6-32* – Ms. Johnson
4. Project and Partner Organization Updates (for information)
 - a. ABA Free Legal Answers – Mr. Rogers
 - b. Self-Represented Litigant Task Force Report – Mr. Rogers & Justice Tuck
 - c. Pro Bono Week – Mr. Rogers
 - d. Access to Justice Foundation Report – Ms. Johnson, *pp. x-x*
 - e. Hope for Justice Writing Prize – Ms. Blahut, *p. 33*
5. Lunch and Strategic Priority Committee Breakouts
 - a. Resource Development, *pp. 34-43*
 - b. Delivery Systems, *pp. 44-54*
 - c. Technical Expertise, *pp. 55-75*
6. Strategic Priority Committee Reports
7. 2017 Meeting & Event Dates
 - a. October 12, 2017 – 50th Anniversary Celebration of Legal Aid – Chancellor Hotel, Fayetteville
 - b. December 8, 2017 – TBD
8. Adjourn



ARKANSAS
ACCESS TO
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REPRESENTING HOPE

Arkansas Access to Justice Commission

June 2, 2017
10:00 a.m.

Commissioners:

Attending Members:

Judge Kim Bridgforth
Jean Carter, *ex officio*
Don Hollingsworth, *ex officio*
Sen. Jeremy Hutchinson
(phone)

Samantha Leflar
Mark Mayfield (phone)
Rod Nagel, *Chairperson*
Dr. Karama Neal
Lee Richardson, *ex officio*

Kerri Michael Sernel
Judge Thomas Smith (phone)
Glenn Vasser (phone)
Andrea Walker (phone)

Absent Members:

Rep. Bob Ballinger
Rep. Mary Broadaway
Judge Teresa French

Prof. Tiffany Murphy
Prof. Kelly Olson, *ex officio*
Prof. Tim Tarvin, *ex officio*

Justice Robin Wynne

Staff:

Amy Johnson
Erin Jacobson
Sarah Purtil
Jordan Rogers

Guests:

Stefanie Blahut
Tony Mansell
Justice Annabelle Imber Tuck
John Webster
Meredith Thomas

MINUTES

Welcome and Introductions

Ms. Johnson began the meeting at 10:20 a.m. She asked everyone present and on the phone to give a brief introduction.

Recognition of Outgoing Members

Ms. Johnson recognized Mr. Bill Waddell, who has served on the Commission since 2008 and who still serves on the Arkansas Access to Justice Foundation. She spoke about his passion for mentorship, volunteering at the Clarendon medical-legal partnership, and his recent authorship of a children's book called *Palindromic Pledge*. His book has inspired the *Hope for Justice* writing contest that will be sponsored by the Foundation.

Mr. Waddell spoke about his continued involvement with the Foundation and his co-chairing of the Resource Development Committee with Mr. Frank Sewall. He added that he was feeling enthused as now is a good time for new members' service. Mr. Nagel thanked Mr. Waddell for his inspirational service.

Minutes of October 28, 2016 Meeting

Mr. Nagel asked for a review of the meeting minutes from the October 28, 2016 meeting of the Commission. Ms. Sernel moved to approve the minutes. Dr. Neal seconded the motion. All members voted in favor of the motion.

Election of Officers

Ms. Johnson reviewed the officer positions, including the Chairperson, Vice Chairperson, and the Secretary. Mr. Nagel to serve as Chair, Dr. Neal to serve as Vice Chair, and Mr. Mayfield to serve as Secretary.

Ms. Sernel moved to approve the officers as slated. Judge Bridgforth seconded the motion. All members voted in favor of the motion.

Executive Director's Report

Legal Services Corporation Funding & Congressional Coordination

Ms. Johnson described the current fears that LSC funding might be cut in 2018 and the importance of building support for the funding by reaching out to the state's congressional delegation. Some groundwork has been laid by both legal aid directors meeting with staff members of the congressmen in their districts. She emphasized that individual Commissioners and Commissions can submit comments on the LSC budget. The current administration has proposed a budget that appears to aim to wind down LSC.

Mr. Nagel spoke to the work that still needs to be done to educate the public as well appears to be a bipartisan and economic issue. It is incumbent upon our Commission to help get the story out to the public. He asked for Justice Tuck's feedback.

Ms. Johnson drew members attention to the DefendLegalAid.org website and encouraged members to visit the site.

2017-18 Commission Budget

Ms. Johnson gave a brief overview of the budget request, adding that the primary funding of the Commission goes to fund the three salaries of the Commission staff members. Outside of two budget item increase requests, the remaining budget items continue at last year's levels. The requests include a salary increase for Ms. Jacobson per her program-related duties in addition to her administrative responsibilities; as well as an increase to the Committee and staff travel budgets.

Website Launch

Ms. Johnson highlighted the recent work on launching the new Commission/Foundation website. The developer has volunteered to provide support *pro bono* for the website. She concluded her report adding that there is still work to be done on establishing the password-protected board portal.

Project and Partner Organization Updates

Modest Means/Low Bono Organization

Mr. Mansell spoke about his recent research on establishing a modest means practice, a nonprofit agency with the purpose of connecting low-income clients with a below-market rate. They would market with brochures, through helplines, and other related means. They plan to line up attorneys on a modest means panel and are prepared to go after 501 (c)(3) status. He discussed ensuring that clients are qualified and that attorneys on panel are properly trained and qualified. The organization would need to operate on a lean budget. He added that he is currently being assisted, on a volunteer basis, by several attorneys and law students.

Ms. Blahut mentioned being a recent law school graduate who has previously worked with the Center for Arkansas Legal Services assisting with veterans which sparked her interest in low bono. For the past two years she has worked with Legal Aid of Arkansas in helping to establish the modest means panel. Approximately 0-50% of cases would be taken for a very minimal fee. She noted that several national models addressing modest means include organizations that deliver direct services, modest means panels, and a third type of organization that is a hybrid of the two. Financial qualifications for referrals vary, often 125-400% of the federal poverty level. Rates also varied based on the attorneys, anywhere between \$50-\$150 per hour across the nation. Quality control includes checking that attorneys are licensed in the state and in good standing. She added that community support seems enthusiastic. Across the country two obstacles seem to include rural counties and getting attorneys willing to travel. Community partners often included United Way, law firms, businesses, and other nonprofits. In 2016 there were only two modest means law firms; now at 4 in 2017 and growing. Ms. Blahut concluded her report stating that Texas, Oklahoma, and Louisiana all have nonprofit law firms.

Mr. Mansell further spoke to the operational requirements as well as the philosophical purpose of the modest means model. Mr. Mansell encouraged questions. Judge Bridgforth mentioned her part of the state's need and asked if Mr. Mansell could present at the local bar meeting in her area. Mr. Hollingsworth asked how modest means is tied to limited scope representation. Mr. Mansell agreed that limited scope

representation could be a part of the panel, but that the modest means panel may involve longer term services. Mr. Richardson agreed that coordination needs to occur as his program currently has 170 modest means panel cases open. He stated that the panel began as part of an American Bar Association grant project, but that it is not sustainable for legal aid to staff and support.

ABA Free Legal Answers

Mr. Rogers described the ABA Free Legal Answers project and gave a tour of the website. He further encouraged interested attorneys to sign up to begin answering questions.

Self-Represented Litigant Task Force Report

Mr. Rogers and Justice Tuck reviewed recent efforts to revive the task force, including updating the committee rosters and setting meetings to discuss progress and needed actions on each element of the task force. The Task Force's subcommittees will continue their work focusing on three areas, including: library and court-based self-help center/forms; limited scope representation; and policies and training for judges and court staff.

Justice Data Mapping

Ms. Purtil discussed her work with the data mapping project. She created three Arkansas maps illustrating the following data: (1) the percentage of licensed attorneys doing pro bono in the state; (2) the poverty population per pro bono attorney; and (3) the legal aid providers' staff cases closed per 1,000 residents in poverty.

Access to Justice Foundation Report

Mr. Hollingsworth highlighted recent developments and work that the Foundation has undertaken. He touched on the *Hope for Justice* story prize, as well as Mr. Waddell's book; any proceeds or donations associated with it will go to the Foundation.

Endowment Campaign

Mr. Hollingsworth further described the Foundation's work to begin an endowment campaign among current and former members of both the Commission and Foundation. The campaign began with a generous \$50,000+ donation from Commission Chair, Mr. Nagel. He mentioned that within two weeks the Foundation has raised an additional \$50,000. The goal is to create funds that will allow funding for legal services to shift in the event federal funding levels change. He touched on *cy pres* awards, charitable giving, and other types of planned giving. He encouraged 100% participation and underscored that all donors would be considered founding members. After the initial board and Commission campaign, the goal will be to approach 200 attorneys across the state for a \$2,500 gift; donations will be matched 1 to 4. He encouraged folks to pass along any contacts they might have with other charitable entities, including churches, nonprofits, etc.

Mr. Waddell added that the annual campaign will still be the priority; Mr. Hollingsworth agreed that this campaign will be conducted in a low profile manner.

Dr. Neal inquired about other methods to donate including stock. Mr. Hollingsworth indicated that the Foundation can receive donations via credit card, check, stock, etc., and that pledges can be fulfilled within three years.

Mr. Nagel emphasized knowing the story of the work that the Commission and its partners do will help encourage donors to give. He further indicated the benefit of passive donations through programs like AmazonSmile, as well as Tyson's efforts to work on a philanthropic matching program.

Strategic Priority Committee Breakouts & Report Back

Ms. Johnson requested that attendees break out into their respective Strategic Priority Committees to discuss and designate key priorities of each group, as well as action steps and timelines for their achievement. Each group reported back their ideas and suggestions.

Resource Development

The Resource Development group stressed the importance of messaging and how it ties into asking for financial support, including outside funding and individual donations. Part of the messaging entails clearly defining partners and telling a concise story. Ms. Sernel volunteered to review and rework the elevator speeches for both the Commission and Foundation. With the potential for LSC funding cuts on the horizon, the group strongly supported continuing efforts to build relationships with the state's congressional delegation and their constituent services staff. They also agreed that assessing the feasibility of state legislative funding and needing Rep. Ballinger and Sen. Hutchinson to be part of the conversation would be another imperative task.

Delivery Systems

The Delivery Systems group identified three clear goals and next steps, including: (1) promoting Arkansas Free Legal Answers; (2) continuing work on the LSR toolkit and promoting the resources once all of the Administrative Orders are in place; and (3) the need for outreach and education with court staff and judges regarding self-represented litigants and limited-scope representation.

Technical Expertise

Dr. Neal reported for the group, stating that they discussed focusing more on improving communications about the research we already have instead of conducting new research. In particular, it seems there is some confusion about the relationship of ATJ to the legal aid providers. They also discussed rewriting some of the priorities so they seem more like SMART goals. For example, instead of "attending meetings," we should be focusing on what we want to gain out of attending those meetings.

2017 Meeting & Event Dates

September 1, 2017 – Springdale

October 12, 2017 – 50th Anniversary Celebration of Legal Aid – Chancellor Hotel, Fayetteville

December 8, 2017 – TBD (Ozark, Searcy?)

Adjourn

Mr. Nagel adjourned the meeting at 1:32 p.m.



ARKANSAS
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1111 West 6th Street, Suite D, Little Rock, AR 72201

Arkansas Access to Justice Foundation
Board of Directors Meeting
August 18, 2017
11:30 a.m.

Board of Directors:

Attending Members

Angela Duran
Don Hollingsworth
Cliff McKinney
John Monroe
Kristin Pawlik (phone)
Frank Sewall
Vicki Smith (phone)
Bill Waddell

Staff:

Amy Johnson
Erin Jacobson
Jordan Rogers
Stefanie Blahut

Unavailable Members

Rep. Sarah Capp
J.D. Gingerich (non-voting)
Tyler Ginn
Dr. Alice Hines
Ron Lanoue
Jim Sprott
Katie Stephens

Guests:

Jean Carter
Marion Fulk – Stephens
Chris Patterson – Mallory & Associates
Justice Annabelle Imber Tuck

MEETING MINUTES

Welcome and Introductions

Ms. Hollingsworth began the meeting at 11:40 a.m., asking everyone giving their own introductions.

Minutes of May 19, 2017 Meeting

Mr. Hollingsworth asked for an approval of the meeting minutes from the May 19, 2017 meeting of the Foundation board. Ms. Duran moved to approve the minutes, Mr. Sewall seconded the motion. All members voted in favor of the motion.

Presentation on Performance of Stephens Portfolio

Ms. Marion Fulk gave an overview of the Foundation's portfolio performance at Stephens. She mentioned that she likes to be conservative in her investments, prefers dividend paying stocks, and keeping a diversified portfolio in different types of companies (pharmaceutical, utility, tech, etc.). Her goal is to gently make money without taking too many risks.

Mr. Waddell asked Ms. Fulk if she believes that we are still prudently invested. Ms. Fulk stated that she believes funds are prudently invested at this time.

Members discussed investing in various tech stocks, including Google and Amazon. Ms. Fulk stated that she is holding off on buying more Google stock until it is priced lower. She further mentioned a previous discussion regarding utilizing put options, but that they tend to be riskier, and therefore are not currently pursuing them. Mr. Waddell added the Board's desire to help insulate and protect Ms. Johnson from making all of the investment decisions.

Mr. Monroe inquired about the cash position of the accounts and their growth. Ms. Fulk stated that there is slow growth and that so far it has not been compelling enough to put money in bonds. They briefly touched on fixed income, cash, and equity, then Ms. Fulk concluded her report and left the meeting.

Governance Committee Report

2016 Audit

Ms. Duran indicated the 2016 audit and Form 990 contained in the meeting packet then different to the Foundation's auditor, Mr. Chris Patterson.

Mr. Patterson stated that the financials were prepared on a modified cash basis and that an unqualified opinion was given. He gave an overview of the audit and highlighted several sections.

Mr. Hollingsworth added that the committee went over and approved the audit prior to the full meeting, but asked members for any questions. Members raised no questions.

2016 Form 990

Mr. Patterson continued with a review of the Foundation's Form 990. Ms. Johnson indicated that the Foundation has all policies in place except for a Whistleblower Policy. Mr. Patterson asked if there were any questions on the Form 990.

Mr. Waddell indicated his question to Ms. Johnson about the Foundation's ability to make student loans. The Foundation also used to make student scholarships.

Mr. Hollingsworth authorized the committee's decision to approve the 2016 audit and Form 990.

Election of Secretary

Ms. Duran indicated Mr. Atkinson's resignation from the board, adding that Mr. McKinney has agreed to serve as the board's Secretary. The committee nominated Mr. McKinney. Ms. Pawlik seconded the nomination. All members approved Mr. McKinney's nomination as board Secretary.

Ms. Duran stated the committee's intention to elect Supreme Court Clerk Stacey Pectol. Mr. Hollingsworth indicated that he would like to have the board elect Ms. Pectol on a contingency basis for the at-large slot, later to be moved into the Supreme Court slot.

Mr. Sewall made the motion to approve electing Ms. Pectol to the board. Mr. Waddell seconded the motion. All members voted in favor of the motion.

Ms. Duran indicated Ms. Johnson's desire to be more proactive in coming up with a slate of new potential board members well in advance of positions needing to be filled. She added that the committee may focus on the strategy of inviting people to join committees in order to groom them to serve on the board.

Executive Committee Report

Termination of Foundation Pension Plan

Mr. Hollingsworth asked Ms. Johnson to discuss the Foundation's need to terminate its pension plan. As the Foundation currently does not have employees, it no longer requires a pension plan. It continued to be an administrative hassle where Ms. Johnson had to file a Form 500 with the IRS every year. The ABA terminated the plan and now it is up to the one participant to roll it over. The Executive Committee approved the termination of the program.

Financial Report

YTD Financial Report and IOLTA Program Performance

Ms. Johnson reviewed the Foundation's year to date financials. She highlighted variances, including the inflated donations due to the restricted endowment fund donations. The program is about \$10,000 behind what Ms. Johnson originally projected to be the IOLTA income revenues. She indicated that several more banks have joined the Preferred Banks Program, which may help to make up for this projection shortfall. She indicated that the Foundation is under on expenses, but that a distribution of campaign money raised for the July 1 to June 30 cycle has not yet been made. Approximately \$50,000 was budgeted, but there is no firm number at this time. She added that telephone and internet costs will be going down, but that there were some issues getting out of our old contract. Pro bono outreach

expenses are high, but the Foundation received a designated donation which has helped to cover those expenses.

Unclaimed/Unidentifiable Funds

Ms. Johnson stated that unclaimed/unidentifiable funds tend to be rather unpredictable. She has reached out to a large local foreclosure firm regarding these funds. She highlighted the types of remittances that tend to come through this program, including unclaimed client funds and funds that firms have retained but can no longer identify. Mr. Hollingsworth mentioned some state's programs that look at firms that are on state lines. Ms. Johnson stated that we will soon have the ability to better monitor IOLTA account compliance.

Endowment Campaign Update

Mr. Hollingsworth indicated that the program has currently received \$106,000 toward the endowment fund; everyone on the board has made a donation or pledge, resulting in 100% participation. He stated that his church Second Presbyterian has recently approved giving the Foundation between \$4,000 and \$8,000. He encouraged members to look at their own faith organizations. He asked members to review the draft solicitation and brochure content contained in the board packet (pages 80 & 81).

Board Approval of Endowment Name

Mr. Hollingsworth asked for the board's authority for he and Ms. Johnson to tweak the endowment's name. Ms. Carter previously pointed out that CALS' endowment has a similar name. Mr. Hollingsworth mentioned the goal to trademark the endowment's name.

Mr. Waddell made a motion in support of Mr. Hollingsworth's request. Mr. McKinney's seconded the motion. All members voted in favor of the motion.

Mr. Hollingsworth added that we are currently \$12,000 short of what is required to begin the \$100,000 endowment. Mr. Hollingsworth and Ms. Johnson would like the board's authority to take the money from one of the Foundation's other accounts to be replenished in the near term. He added that the Leadership Endowment allows for \$50,000 to be taken out the first three years, with no maximum thereafter.

Mr. Sewall made a motion to approve Mr. Hollingsworth's request. Ms. Duran seconded the motion. All members voted in favor of the motion.

Annual Bar Campaign Update

Mr. Waddell and Mr. Sewall met with Mr. Hollingsworth and Ms. Johnson a few weeks ago to discuss the annual bar campaign. They have come up with a list of unanswered questions that many donors may have. They would like to have an email blast to go out during the annual fundraising campaign. They desire to answer the questions of why to give and intend to do so using stories, as answering questions removes obstacles. They came up with a strategy to identify captains in the five counties that have the most attorneys. Ms. Blahut will also be assisting with these efforts. Mr. Waddell and Mr. Sewall will also go to county bar meetings. Ms. Johnson to help organize a committee meeting.

VOCALS Coordination

Mr. Hollingsworth mentioned also dividing up meeting with firms with members of the VOCALS board. He, Ms. Carter, and Ms. Johnson all met with Mitchell Williams recently where the partners agreed to pay the \$400 to VOCALS on behalf of each of their attorneys. Their contribution will increase from about \$2,000 to approximately \$14,000. They also had a meeting with the Barber Law Firm and are currently working on meeting with the Rose Law Firm.

Cy Pres Committee Update

Mr. Waddell mentioned Mr. Rogers' work on helping to research cy pres awards in the state. They have looked at Minnesota's work on cy pres and are working to replicate a brochure they have produced. They agreed that the committee should primarily be made up of non-board members.

Executive Director's Report

Ms. Johnson drew attention to website analytics, which had almost 7,000-page views. The first spike was the announcement of the Palindromic Pledge and the Mr. Waddell's ABA award announcement.

She touched on LSC funding and previous indications that there might be significant cuts, however in late July the Senate appropriations subcommittee approved \$385 million in level funding for LSC for FY2018. Outreach to congressional delegation may have been helpful in this endeavor. New Arkansas Bar Association president, Tony Hilliard is continuing Denise Hoggard's efforts to increase congressional outreach efforts.

Ms. Carter spoke to a potential sequestration that could affect the field programs like her own.

Ms. Johnson mentioned her NAIP meeting last week in New York. She took many good notes from the meeting, including some on how other philanthropy organizations approach civil justice and believes we need to begin going to philanthropy organizations as they are not coming to us. She also received good information on compliance.

Hope for Justice Prize Update

Ms. Johnson mentioned the recent posting and publicizing of the story prize. We have already received one submission and have had at least 1,000-page views. However, we need to think about ways to further publicize to schools. Mr. McKinney suggested getting in touch with the law school for teachers group; Mr. Rogers recently presented to them and will reach back out to them. Mr. Waddell stated he has been trying to think of folks to build the panel. Ms. Johnson mentioned the potential of using a celebrity. Submissions are due October 1st and the committee will convene soon thereafter to review submissions.

Committee Assignments

Mr. Hollingsworth reviewed committee assignments on page 95; they are approved subject to a few tweaks to Ms. Smith's assignments.

2017 Meeting Dates

The next meeting is slated for November 17, 2017, but Mr. Hollingsworth posited if we might want to change to a different day of the week as both Mr. Ginn and Rep. Capp have difficulties making Friday meetings. He asked members to consider this idea.

Adjourn

Mr. Hollingsworth adjourned the meeting at 2:04 p.m.



Resource Development Committee Notes

Date & Time: August 24, 2017 2:00-3:00

In Attendance: Mark Mayfield (Chair), Lee Richardson, Bill Waddell, Amy Johnson (Staff), Erin Jacobson (Staff), & Jordan Rogers (Staff).

Topics Discussed:

1. Kerri Sernel's proposed elevator speech.
 - a. In our nation, all citizens are said to be equal under the law. But many people right here in Arkansas cannot access the civil justice system because they can't afford a lawyer. The Arkansas Access to Justice Commission works with policymakers, attorneys, and legal aid service providers so that all Arkansans get the protections of the law.

The Access to Justice Foundation, our sister organization, funds our state's two civil legal aid organizations - the Center for Arkansas Legal Services and Legal Aid of Arkansas. Together, their lawyers help more than 13,000 Arkansans yearly to understand and enforce their rights, and by being their voice in court.

The Access to Justice Commission and our sister foundation work together to ensure justice for all.
 - b. Lee suggested eliminating unnecessary language, such as "In our nation".
 - c. Amy suggested changing "In our nation" to "In America", based on messaging research regarding legal aid.
 - d. Lee agreed with a comment Karama made in the Technical Expertise Committee that it would be good to include information about the right to counsel in criminal cases vs. the lack of such a right in most civil cases.
 - e. The edited version of the elevator speech will be recirculated and presented to the full Commission.
2. Outreach to Congressional delegation and their constituent services.
 - a. What's the plan and the timeline?
 - i. Amy noted that we need a more coordinated approach.
 - ii. Mark said that he knows and has a good relationship with Sen. Boozman's and Senator Cotton's staff.
 - iii. It was noted that reaching every constituent services office in the state is important.

- iv. Sen. Boozman is the only member of the delegation to advocate for an LSC funding increase. Senator Cotton is the only one to vote in favor of defunding.
 - v. The positions of house members has been more moderate and there's room for education on what legal aid does.
 - vi. Senator Cotton's sister works for the Friday Firm.
 - vii. Amy suggested surveying the full commission about their relationships with the Congressional delegation and Mark agreed that this is a good idea.
 - viii. Amy stressed that we need to build ongoing relationships with constituent services offices and have a plan for emergencies, such as votes on defunding.
 - ix. Lee said that Boozman and Womack have been invited to Legal Aid's 50th anniversary and neither has declined yet, so they may show up.
- b. Would we like to offer training by ATJ staff for constituent services on how to refer constituents to legal aid?
- i. Amy reported that we have created a list of contacts at each constituent services office.
 - ii. Bill liked the idea of providing trainings on how to make referrals and Lee agreed that it could be done if Legal Aid of Arkansas and the Center for Arkansas Legal Services divide the workload.
3. State Legislative Funding
- a. Is this feasible and worth pursuing?
 - i. Need feedback from folks in the legislature.
 - ii. Lee commented that we should try because you won't succeed unless you try. He pointed out that the last funding legal aid received from the legislature (2005) came after they were told there was no chance of it passing.
 - iii. Amy said the last attempt was made in 2009.
 - iv. Amy had drafted a bill for last session, but it was never considered by the Bar Association for its legislative package. She is to circulate the bill.
 - v. Bill questioned what the source of funding would be and Amy indicated that she thinks general revenue would be ideal.
 - b. If so, who would be willing to join the national ATJ calls on state funding?
 - c. Amy informed the committee that Rod had brought up legal aid in a recent meeting with the Governor regarding jobs. He discussed that legal aid's work improves the quality of the state's workforce. Rod indicated that a meeting with the Governor to discuss legal aid's work is possible.
4. Fall Fundraising Campaign
- a. Campaign chairs?
 - i. Bill and Frank will work on identifying chairs from five priority counties (Benton, Washington, Sebastian, Craighead, and Pulaski)
 - b. Feedback on solicitations
 - c. September 15th is set as the kick off.
 - d. Prep work has been done on coordinated asks with CALS to certain LR firms.
 - e. Bill plans and email/social media blast during the campaign highlighting the impact of legal aid. He may have footage of an interview with a Finnish law student at the Friday Firm available to use.

- f. The group discussed striking the right balance between making asks of Commissioners for endowment pledges and annual campaign donations.
- g. The goal for the campaign is \$150,000. Last year's actual number was roughly \$112,000.
- h. Amy pointed out that our new AmeriCorps VISTA member, Stephanie Blahut, will be assisting with fundraising efforts.

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
TWELFTH DIVISION**

ALEXANDER APARTMENTS, LLC

PLAINTIFF

VS.

NO. 60CV-15-6339

CITY OF LITTLE ROCK

DEFENDANT

**ARKANSAS COMMUNITY ORGANIZATIONS;
MELODY BRANCH; CAROLYN FORD;
INGRAM MURPHY; and LINDA WHEELER**

INTERVENORS

**ORDER GRANTING IN PART AND DENYING IN PART TENANT INTERVENORS'
MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST ALEXANDER
APARTMENTS, LLC**

The Court conducted a hearing on the Tenant Intervenor's Motion for Partial Summary Judgment Against Alexander Apartments, LLC. All parties were represented by their respective counsel at the hearing.

The Court hereby FINDS and ORDERS:

1. The issue presented in the Tenant Intervenor's Motion for Summary Judgment Against Alexander Apartments, LLC, is whether residential lease agreements in Arkansas include an implied warranty of habitability. The Intervenor asks the Court to make two alternative findings:

- (a.) That local laws or ordinances establishing minimum standards of habitability must be read into residential leases, and by implication create a warranty of habitability in residential leases which is measured by the standards set out in those local law or ordinances; and

(b.) That a general implied warranty of habitability exists in all residential lease agreements in the State of Arkansas, regardless of the existence of local laws or ordinances.

The Court will address each of these issues separately.

No General Warranty of Habitability

2. The Tenant Intervenors ask this Court to find that there is an implied warranty of habitability in all residential lease agreements in the State of Arkansas.

3. According to the Non-Legislative Commission on the Study of Landlord-Tenant Laws (“Commission”), an implied warranty of habitability, or an equivalent thereto, is now law in every state except Arkansas. See NON-LEGISLATIVE COMMISSION ON THE STUDY OF LANDLORD-TENANT LAWS REPORT TO GOVERNOR MIKE BEEBE, PRESIDENT PRO TEMPORE OF THE SENATE, AND SPEAKER OF THE HOUSE 19 (December 31, 2012).¹ State statutes establish either a warranty or place a duty to repair on landlords in forty-eight states. *Id.* In New Jersey, case law adopts a warranty of habitability. *Id.*

4. The Commission reported that Arkansas has never adopted a general warranty of habitability as to residential lease agreements. As to new home sales, the Arkansas Supreme Court long ago recognized an implied warranty of habitability, sound workmanship, and proper construction. See *Wawak v. Stewart*, 247 Ark. 1093, 449 S.W.2d

¹ In 2011, the Arkansas General Assembly created pursuant to Act 1198 the Non-Legislative Commission on the Study of Landlord-Tenant Laws. Act 1198 stated that the charge of the Commission was to study, review and report on the landlord-tenant laws in Arkansas and in other states, and to issue a report by December 31, 2012, containing the results of its findings and activities and any of its recommendations. See NON-LEGISLATIVE COMMISSION ON THE STUDY OF LANDLORD-TENANT LAWS REPORT TO GOVERNOR MIKE BEEBE, PRESIDENT PRO TEMPORE OF THE SENATE, AND SPEAKER OF THE HOUSE 1 (December 31, 2012).

922 (1970). It also extended the implied warranty of habitability to a sale involving parties who were not in privity with the original vendor-builder. *See Blagg v. Fred Hunt & Co.*, 272 Ark. 185, 612 S.W.2d 321 (1981).

5. As to lease contracts, the Arkansas Supreme Court has held that such contracts include a covenant of quiet enjoyment. *Trace X Chem., Inc. v. Highland Res., Inc.*, 265 Ark. 468, 579 S.W.2d 89 (1979). Arkansas leases also impose upon each party a duty of good faith and fair dealing in their performance. *Cantrell-Waind & Assoc., Inc. v. Guillaume Motorsports, Inc.*, 62 Ark. App. 66, 968 S.W.2d 72 (1998).

The Arkansas appellate courts, however, have consistently upheld the doctrine of *caveat lessee* with respect to lease contracts. *See, e.g., Hadder v. Heritage Hill Manor, Inc.*, 2016 Ark. App. 303, 495 S.W.3d 628; *Thomas v. Stewart*, 347 Ark. 33, 60 S.W.3d 415 (2001); *Propst v. McNeill*, 326 Ark. 623, 932 S.W.2d 766 (1996). The Arkansas Supreme Court has stated that a change in the law regarding a landlord's duty to provide a habitable living space should be addressed by the Arkansas General Assembly, rather than the Supreme Court. *See Propst v. McNeill, supra.*²; *see also Thomas v. Stewart, supra.*³

6. Following the decisions in *Propst* and *Thomas*, in 2005, the Arkansas General Assembly enacted Act 928, which is now codified at Ark. Code Ann. § 18-16-110. This statute substantially limits the liability of a landlord or a landlord's agent to a

² Stating “[b]ecause of the policy considerations and possible impact that would ensue in enlarging a landlord’s liability, there is merit in the argument that such matters might be dealt with better in the legislative arena.”

³ Stating “[Appellant] has not provided the court with any indication that the General Assembly has taken any action [since the decision in *Propst v. McNeill*] on this issue, and in the absence of any such research or authority, we are hesitant to address the matter here.”

tenant or tenant's invitee for death, personal injury, or property damage that is proximately caused by any defect or disrepair on leased premises.

In 2007, the General Assembly enacted portions of the Uniform Residential Landlord and Tenant Act ("URLTA"). In 2011, the General Assembly created the Non-Legislative Commission on the Study of Landlord-Tenant Laws ("Commission") to study, review, and report on the landlord-tenant laws in Arkansas and to issue a report containing its findings and any recommendations as to changes in the landlord-tenant laws. The Commission noted in its report issued on December 31, 2012, that before the URLTA was introduced as a bill, all of the URLTA's pro-tenant provisions were removed⁴, resulting in the General Assembly enacting only the pro-landlord provisions of the URLTA in 2007.⁵ Additionally, the Commission unanimously recommended the enactment of a statute creating an implied warranty of habitability.⁶

7. Arkansas is the only state without a general warranty of habitability in all residential lease agreements. However, in light of the foregoing authority from the Arkansas appellate courts, the Court finds that it cannot imply a general warranty of habitability into all residential lease agreements. Therefore, the Court is denying the Tenant Intervenors' Motion for Partial Summary Judgment Against Alexander Apartments, LLC, insofar as the Tenant Intervenors ask the Court to find a general warranty of habitability in all residential lease agreements in this state.

⁴ See NON-LEGISLATIVE COMMISSION ON THE STUDY OF LANDLORD-TENANT LAWS REPORT TO GOVERNOR MIKE BEEBE, PRESIDENT PRO TEMPORE OF THE SENATE, AND SPEAKER OF THE HOUSE 12 (December 31, 2012).

⁵ *Id.* at 24.

⁶ *Id.* at 22-23.

Implied Warranty of Habitability Created by Local Law or Ordinance

8. The Tenant Intervenors argue that the City of Little Rock Housing Code (“Housing Code”) should be read into the residential leases at issue in this case and that, therefore, an implied warranty of habitability is created by the Housing Code to the extent of the minimum standards set forth in the Housing Code. As this issue has never been addressed by the Arkansas Supreme Court or the Arkansas Court of Appeals, it appears to be an issue of first impression in this state.

9. The parties do not dispute that the apartment complex at issue in this case is located within the City of Little Rock and is subject to ordinances enacted by the City of Little Rock. It is also undisputed that the City of Little Rock has in place a Housing Code as a part of the City of Little Rock’s Code of Ordinances.

10. The Housing Code is found at Section 8, Article V, of the City of Little Rock Code of Ordinances. Section 8-329 of the Code of Ordinances states the intent and purposes of the Housing Code and reads:

This article is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to construction, alteration, repair, removal, demolition, use and occupancy to dwellings, apartment houses, rooming houses, or buildings, structures or premises used as such.

Every building used in whole or in part as a dwelling unit or as two or more dwelling units, or as rooming or boarding houses, shall conform to the requirements of the Housing Code. See Section 8-330. The Housing Code applies to any dwelling, apartment house or rooming house irrespective of when the building was constructed, altered, or repaired. See Section 8-331.

11. The Housing Code requires that all buildings or structures be maintained in a safe and sanitary condition, and that all required devices or safeguards required by the Housing Code be maintained in good working order. See Section 8-333. The Housing Code generally prohibits a person from letting or subletting to another for occupancy any dwelling or dwelling unit which is not in compliance with the requirements of the Housing Code. See Section 8-401.

12. The Housing Code sets minimum standards in several areas. These include sanitary facilities, hot and cold water supply, water heating facilities, heating facilities, cooking and heating equipment, and garbage disposal facilities. See Section 8-403. The Housing Code establishes minimum standards for light and ventilation in habitable rooms, bathrooms, and public halls and stairways. See Section 8-404. It sets minimum standards for electrical systems. See Section 8-405. The Housing Code sets minimum dwelling space requirements. See Section 8-406. The Housing Code establishes minimum sanitation requirements for both owners and occupiers. See Section 8-407. Finally, the Housing Code sets minimum structural requirements covering numerous areas. See Sections 8-421 to -435.

13. The modern weight of authority in the United States is that the minimum standards embraced within a housing ordinance, building code, or other municipal regulation are to be read into and will be implied by operation of law into housing contracts. See, e.g., *Javins v. First Nat'l Realty Corp.*, 428 F.2d 1071 (D.C. Cir. 1970); *Kline v. Burns*, 276 A.2d 248 (N.H. 1971); *Hinson v. Delis*, 102 Cal. Rptr. 661 (Cal. App. 1972); *Gillete v. Anderson*, 282 N.E.2d 149 (Ill. App. 1972); *Boston Housing Authority v. Hemingway*, 293 N.E.2d 831 (Mass. 1973); *King v. Moorehead*, 495 S.W.2d 65 (Mo. Ct. App. 1973). In *Javins*, the D.C.

Circuit held that the District of Columbia's housing code requires that a warranty of habitability be implied in the leases of all housing that it covers. *Id.* The *Javins* court stated that the D.C. housing code was a comprehensive regulatory scheme that set forth in some detail the standards which housing in D.C. must meet; which party, the lessor or the lessee, must meet each standard; and a system of inspections, notifications, and criminal penalties. *Id.* The *Javins* court stated that it was clear that the D.C. housing code created privately enforceable duties, and that the basic validity of every housing contract depended upon substantial compliance with the housing code at the beginning of the lease term. *Id.* By signing a lease, the landlord assumed a continuing obligation to the tenant to maintain the premises in accordance with all applicable law. *Id.* The *Javins* court referred to this as a "principal of implied warranty" and stated that the "housing code must be read into housing contracts." *Id.* It then concluded that "the Housing Regulations imply a warranty of habitability, measured by the standards which they set out, into leases of all housing that they cover." *Id.*

14. The Kansas Supreme Court, in *Steele v. Latimer*, 214 Kan. 329, 521 P.2d 304 (1974), stated "building codes are common today in many urban centers throughout the United States and the modern weight of authority in this country appears to be that the minimum standards embraced within a housing ordinance, building code or other municipal regulation are to be read into and will be implied by operation of law in housing contracts." The *Steele* court then reviewed the City of Wichita Housing Code, which the court described as "broad and comprehensive in its outreach; it sets basic standards to be met by city housing and requires lessors and lessees to meet the same as provided therein; it provides for inspections, notices of violations and procedures for

conducting hearings and appeals; and it provides criminal penalties for violating the act.” *Id.* The *Steele* court held “the provisions of the city’s housing code relating to minimum housing standards were by implication read into and became a part of the rental agreement” between the tenant and the landlord in that case. *Id.*

15. The Arkansas Supreme Court has long held that the laws which are in force at the time when, and the place where, a contract is made and to be performed, enter into and form part of it. *Adams v. Spillyards*, 187 Ark. 641, 61 S.W.2d 686 (1933). This embraces those laws which affect its validity, construction, discharge, and enforcement. *Id.* Parties are conclusively presumed to have contracted with reference to the existing law. *Ellison v. Tubb*, 295 Ark. 312, 749 S.W.2d 650 (1988).

16. Based upon Arkansas law that the law in effect at the time a contract is made enters into and forms a part of the contract, the applicability of the City of Little Rock Housing Code, and considering the weight of authority from other jurisdictions, this Court finds that the minimum standards set forth in the City of Little Rock Housing Code became part of the residential lease agreements at issue in this case, and thereby created implied warranties of habitability in those residential lease agreements. The Court is therefore granting the Tenant Intervenors’ Motion for Partial Summary Judgment Against Alexander Apartments, LLC, on this issue.

17. The issues of any breach of the residential lease contracts at issue in this case, including the warranties implied by the City of Little Rock Housing Code, and any corresponding damages are reserved for the trial of this matter.

IT IS SO ORDERED.

Alice A. Gray
CIRCUIT JUDGE
August 9, 2017
DATE

cc: Michael N. Shannon
Dustin A. Duke
Amy M. Pritchard
Kyla Farler
Jason Auer
Riley Cross
Sherri L. Latimer
Shawn Overton

Justice for all

 nwaonline.com/news/2017/sep/16/justice-for-all-20170916/

By Robin Wynne Special to the Democrat-Gazette

Justice is and always has been a fundamental American value. The framers of our Constitution were explicit in declaring that one of the main reasons for having a constitution was "to establish justice," listing it ahead of "insure domestic tranquility" and "provide for the common defence." They recognized how central this value is to a free and fair society worth defending.

We know that when someone is charged with a crime, that person has the right to an attorney. But what about a woman who needs an order of protection after her abuser gets arrested for punching her in front of their small children? Or a family defrauded by a scam artist who promised to repair their flood-stricken home? People who face serious crises like these have no right to a court-appointed attorney and usually do not have the financial resources to hire an attorney.

Arkansas' two legal aid programs--the Center for Arkansas Legal Services and Legal Aid of Arkansas--deliver life-changing legal help to families in every county of the state. Together, these programs help more than 10,000 of our neighbors each year with a combined staff of only 50 attorneys.

They leverage private support for their efforts: In 2016, they recruited 533 attorneys to take pro bono cases at an estimated value of more than \$1.3 million. And they use technology to provide information to the public so that people can understand their rights and better navigate the court system if they cannot afford an attorney.

Unfortunately, the demand for legal aid far outstrips the resources that our state's programs have. Arkansas receives less than \$11 in funding for every legal-aid-eligible Arkansan each year. If we had the resources of our neighboring states, legal aid would be able to almost double the number of families it helps.

For now, tens of thousands of people in our state must fend for themselves in court, creating major inefficiencies in our justice system and reducing the chances that legal problems will be resolved on their merits. If this problem continues, the public will lose trust in our courts and their capacity to deliver fair results.

Rural communities will especially suffer as the number of private lawyers who live there dwindles. Fewer law school graduates are returning to the towns where they grew up. That can leave towns with no one to help with the kinds of everyday legal problems that most Arkansans face at some point. Legal aid is often the only remaining source of help available to fill the void.

We should all support a robust system of legal aid. Members of Congress should fully fund Legal Services Corporation, which provides the majority of financial support for civil legal aid in the nation and in Arkansas. According to the late Supreme Court Justice Antonin Scalia, Legal Services Corporation "pursues the most fundamental of American ideals and it pursues equal justice in those areas of life most important to the lives of our citizens."

Despite broad bipartisan backing, federal funding for legal aid has been steadily declining since 2010, while the number of people who qualify for legal aid has grown. In addition, while most states provide general revenue funds to support the delivery of legal aid, Arkansas does not.

Finally, the Arkansas Access to Justice Commission's initiatives deserve our attention and support. We must face the growing reality that most people who have legal problems are no longer hiring private attorneys. Whether it's that they do not recognize their problem to be legal in nature or because of ample low-cost online alternatives, it is clear that the market is changing in ways that we must adapt to and embrace.

The commission has proposed rule changes that give attorneys the ability to provide "limited scope" representation as an alternative for those who would otherwise forgo legal representation altogether. Our court has adopted several of these proposed rules, clearing the way for viable business models that make legal representation more affordable and accessible for ordinary folks, and that offer paying work for lawyers in a largely untapped market of prospective new clients.

As the Arkansas Supreme Court's liaison to the commission, I am proud of the progress that we are making and am grateful for the tremendous work that our staff and commissioners have undertaken to advance the cause of justice. I am especially thankful for the work that pro bono attorneys and the dedicated staff of our legal aid programs do every day to bring hope to Arkansas families who would otherwise have nowhere to turn.

-----v-----

Justice Robin F. Wynne is an associate justice of the Arkansas Supreme Court and is the court's liaison to the Arkansas Access to Justice Commission.

Editorial on 09/16/2017

<u>Legal Problem Code</u>	<u>A - Counsel and Advice</u>	<u>B - Limited Action (Brief Service)</u>	<u>F - Negotiate d Settlemen t w/out Litigation</u>	<u>G - Negotiate d Settlemen t with Litigation</u>	<u>H - Administr ative Agency Decision</u>	<u>IA - Uncontest ed Court Decision</u>	<u>IB - Contested Court Decision</u>	<u>L - Extensive Service (not FGHI)</u>	<u>Totals</u>
01 Bankruptcy/Debtor Relief	98	9	0	0	0	8	0	1	116
02 Collect/Repo/Def/Garnsh	97	38	3	8	0	12	4	6	168
03 Contract/Warranties	47	9	2	2	0	1	2	0	63
04 Collection Practices / Creditor Harassment	3	1	0	0	0	0	0	0	4
06 Loans/Installment Purchases (Not Collections)	4	1	0	0	0	0	0	0	5
07 Public Utilities	6	6	0	0	0	0	0	0	12
08 Unfair and Deceptive Sales Practices (Not Real Property)	7	7	0	0	0	1	0	1	16
09 Other Consumer/Finance	15	5	0	0	0	0	0	0	20
12 Discipline (Including Expulsion and Suspension)	3	1	0	0	0	0	0	0	4
13 Special Education/Learning Disabilities	35	21	3	0	0	0	0	6	65
16 Student Financial Aid	1	0	0	0	0	0	0	0	1
19 Other Education	37	14	0	0	0	0	0	2	53
21 Employment Discrimination	12	0	0	0	0	0	0	0	12
22 Wage Claims and Other FLSA Issues	6	2	0	0	0	0	0	0	8
23 EITC (Earned Income Tax Credit)	0	0	3	1	2	0	0	1	7
24 Taxes (Not EITC)	9	8	72	2	1	0	0	1	93
25 Employee Rights	17	0	0	0	0	0	0	0	17
29 Other Employment	15	0	0	0	0	0	0	0	15
30 Adoption	21	1	0	1	0	7	3	1	34
31 Custody/Visitation	252	9	0	5	0	4	6	3	279
32 Divorce/Sep./Annul.	534	22	1	24	0	100	28	45	754

<u>Legal Problem Code</u>	<u>A - Counsel and Advice</u>	<u>B - Limited Action (Brief Service)</u>	<u>F - Negotiated Settlement w/out Litigation</u>	<u>G - Negotiated Settlement with Litigation</u>	<u>H - Administrative Agency Decision</u>	<u>IA - Uncontested Court Decision</u>	<u>IB - Contested Court Decision</u>	<u>L - Extensive Service (not FGHI)</u>	<u>Totals</u>
33 Adult Guardianship / Conservatorship	83	11	0	1	0	29	3	3	130
34 Name Change	4	1	0	0	0	1	0	1	7
35 Parental Rights Termination	6	0	0	0	0	0	0	0	6
36 Paternity	4	0	0	2	0	0	0	0	6
37 Domestic Abuse	61	2	3	100	0	188	155	249	758
38 Support	29	2	0	2	0	0	0	0	33
39 Other Family	14	1	0	0	0	0	1	2	18
41 Delinquent	1	0	0	0	0	0	0	0	1
42 Neglected/Abused/Dependent	16	0	0	0	0	0	1	0	17
43 Emancipation	1	0	0	0	0	0	0	0	1
44 Minor Guardianship / Conservatorship	146	19	0	3	0	26	1	3	198
49 Other Juvenile	26	2	0	0	0	1	0	1	30
51 Medicaid	31	14	1	0	7	0	1	1	55
52 Medicare	9	3	0	0	0	0	0	0	12
54 Home and Community Based Care	16	10	3	0	13	0	0	2	44
55 Private Health Insurance	3	1	0	0	0	0	0	0	4
56 Long Term Health Care Facilities	1	0	0	0	0	0	0	0	1
57 State and Local Health	4	4	0	0	15	0	0	3	26
59 Other Health	9	2	0	0	1	0	0	0	12
61 Federally Subsidized Housing	28	6	0	1	0	0	4	0	39
62 Homeownership/Real Property (Not Foreclosure)	78	10	2	3	0	0	2	4	99
63 Private Landlord/Tenant	232	17	2	1	0	0	1	6	259
64 Public Housing	14	3	0	0	0	0	1	1	19

<u>Legal Problem Code</u>	<u>A - Counsel and Advice</u>	<u>B - Limited Action (Brief Service)</u>	<u>F - Negotiated Settlement w/out Litigation</u>	<u>G - Negotiated Settlement with Litigation</u>	<u>H - Administrative Agency Decision</u>	<u>IA - Uncontested Court Decision</u>	<u>IB - Contested Court Decision</u>	<u>L - Extensive Service (not FGHI)</u>	<u>Totals</u>
65 Mobile Homes	3	0	0	0	0	0	0	0	3
66 Housing Discrimination	14	0	0	1	1	0	0	1	17
67 Mortgage Foreclosures (Not Predatory Lending/Practices)	19	1	1	0	0	1	2	5	29
68 Mortgage Predatory Lending/Practices	3	0	0	0	0	0	0	0	3
69 Other Housing	14	2	1	0	0	0	0	1	18
71 TANF	1	0	0	0	0	0	0	0	1
72 Social Security (Not SSDI)	4	2	0	0	0	0	0	2	8
73 Food Stamps	27	7	0	0	1	0	0	1	36
74 SSDI	13	1	0	0	0	0	0	1	15
75 SSI	103	9	0	0	7	0	0	1	120
76 Unemployment Compensation	9	0	0	0	3	0	0	0	12
77 Veterans Benefits	1	1	0	0	0	0	0	0	2
79 Other Income Maintenance	1	0	0	0	0	0	0	0	1
82 Mental Health	1	0	0	0	0	0	0	0	1
87 Criminal Record Expungement	110	18	0	2	0	46	3	3	182
89 Other Individual Rights	19	2	0	0	0	3	0	0	24
93 Licenses (Drivers, Occupational, and Others)	2	1	0	0	0	0	0	0	3
94 Torts	5	3	0	0	0	0	0	0	8
95 Wills and Estates	96	41	0	0	0	5	0	13	155
96 Advanced Directives/Powers of Attorney	15	44	0	0	0	0	0	8	67
99 Other Miscellaneous	3	1	0	0	0	0	0	0	4
	2,498	395	97	159	51	433	218	379	4,230



Legal Aid of Arkansas Marks 50 Years

This year marks the 50th Anniversary of Legal Aid of Arkansas’s founding. Until 1964, legal aid organizations across the country were a hodgepodge of law school clinics, bar associations, private firms, social services agencies, municipal governments, and other entities that operated with little coordination and sparse funding. Then, the Economic Opportunity Act was passed and it initiated federal funding of legal aid programs across the country.

The first federally-funded legal aid organization in Arkansas was Jackson County Legal Services Project, founded in 1967. Other legal aid organizations began operating over the next decade following the creation of the Legal Services Corporation. In 1974, the University of Arkansas School of Law began a legal aid clinic. By 1978, when LSC began funding legal aid organizations, the clinic, then Ozark Legal Services,

covered counties from Benton to Baxter. Around the same time, East Arkansas Legal Services began in Crittenden County and served those in the Arkansas Delta from Mississippi County to Phillips County.

In 2002, the three organizations combined to form Legal Aid of Arkansas. Today, with six offices spread over 31 counties and a Medical-Legal Partnership office at the Arkansas Children’s Hospital, Legal Aid of Arkansas continues to serve low-income Arkansans facing civil legal crises. Legal Aid of Arkansas is joined in this effort by its sister legal aid organization, the Center for Arkansas Legal Services, which covers Arkansas’s remaining 44 counties.

In the years since legal aid first arrived in Arkansas, both Legal Aid of Arkansas and the Center for Arkansas Legal Services have faced many challenges, ranging from demand that far outstrips capacity to limited

and unstable funding. Despite this, Legal Aid of Arkansas strives to provide access to justice for as many Arkansans as possible. In 2016, the organization closed more than 7,000 cases, impacting over 19,000 household members. The organization’s staff helped low-income Arkansans avoid \$4.95 million in liabilities and recover \$2.43 million in damages.

Legal Aid of Arkansas is helped by a strong pro bono network of more than 800 attorneys, which closed more than 500 cases in 2016.

“The most humble among us should be the peer of the most affluent when seeking justice,” said Lee Richardson, Executive Director of Legal Aid of Arkansas. “In civil cases, that idea becomes a reality thanks to legal aid programs.”

On October 12, 2017, Legal Aid of Arkansas will host a celebration of its 50th birthday at the Chancellor Hotel in downtown Fayetteville. The event begins at 6:30; distinguished speakers will address the attendees and Hillbilly Casino will perform. All members of the legal community are invited to attend the celebration of legal services in Arkansas.

Attorneys are also welcome to join the Statewide Legal Aid Providers Conference beginning at 1pm on the 12th for training on various topics, including: Predatory Collection on Student Loans, Domestic Violence’s Impact on Employment, Statutory Non-Judicial Foreclosure, Ethics in Social Media, Adoption and Guardianship, and more. For more information about Legal Aid of Arkansas’ 50th Anniversary and associated events, visit www.arlegalaid.org or contact Elizabeth Tong at etong@arlegalaid.org. ■

You're Invited!

Celebrating 50 years of Legal Aid!

6:30 pm
October 12, 2017

Chancellor Hotel
70 N East Ave
Fayetteville, AR 72701

PRESENTING

HILLBILLY CASINO

Real American Music

LEGAL AID OF ARKANSAS
1967
50 YEARS
2017

Eddie's Family Funeral Home

Michael Wayne Loggains

(September 20, 1963 - July 30, 2017)

Michael Wayne Loggains of Melbourne, Arkansas

Michael Wayne Loggains, son of the late Kenneth Eulys "Heavy" Loggains and Mary Lou Haley Loggains, was born September 20, 1963 in Batesville, Arkansas. He departed this life July 30, 2017 in Cherokee Village, Arkansas at the age of 53 years, 10 months and 10 days. He was a 1981 graduate of Melbourne High School. After earning a Law degree from the University of Arkansas in Fayetteville, he was a private practice attorney, a public defender and worked for Legal Aid of Arkansas. He was a lifelong musician. As a adolescent he became interested in playing the bass and acoustic guitar. He began playing music with his father and later moved on to playing with local bands, such as; The Night Beats, Chief Martin, The Bill French Band. At the time of his death, he was playing with The Cherry Pickers. He was of the Baptist faith.



He is survived by one brother and sister-in-law: Ken and Melanie Loggains of Mount Pleasant; one nephew: Bill Loggains of Mount Pleasant; his stepmother: Betty Jo Loggains of Melbourne and a host of other relatives and many good friends. He was preceded in death by his parents.

Visitation and memorial service will be held Friday, August 4 at Eddie's Family Funeral Home in Melbourne. Visitation will be held from 12-2 p.m. Memorial service will begin at 2:00 p.m. with Jeff McAnally officiating.


In lieu of flowers, the family requests donations be made in Michael's memory to the following:

Brain & Behavior Research Foundation, 90 Park Avenue, 16th Floor, New York, NY 10016 (bbrfoundation.org).

Legal Aid of Arkansas, 714 S. Main Street, Jonesboro, AR 72401 (arlegalaid.org).

[Back](#)

Quadriplegic single mother graduates Bowen law school

 ualr.edu/news/2017/05/24/quadriplegic-single-mother-graduates-bowen/

5/24/2017

In 2008, Jennifer Goodwin seemed to have it all.

After two years on the road working in pharmaceutical sales, the then-25-year-old had recently been promoted to her “dream job” of drug representative, moved back to her hometown of Benton, and bought her first home.

Her life changed dramatically when Goodwin suffered a spinal cord injury while boating on Lake Hamilton with a neighbor.

After overcoming enormous obstacles, Goodwin, 34, graduated May 13 from the University of Arkansas at Little Rock [William H. Bowen School of Law](#).

After her injury, Goodwin still had feeling in her limbs, meaning that the spinal cord was not severed and she could regain some movement. She began an intense campaign to regain what she had lost, with the ultimate goal of walking again.

During the first year after her injury, she spent two months in the hospital and another four months in in-patient rehabilitation.

“Initially, my goal was to get my hand high enough to scratch my nose,” she said. “I had to relearn how to feed myself and brush my teeth. I couldn’t do any of that in the beginning.”

In 2010, Goodwin joined an intensive, six-month rehabilitative therapy trial in Atlanta.

“I got to the point where I could walk down and back on a basketball court, but it took a walker, two assistants, and electronic stimulation,” she said. “When I got done with that therapy program, I realized I wasn’t going to walk, short of a miracle. I was able to learn to let go of walking and learn to live.”

Focused on rebuilding her life, Goodwin bought a new home and learned to live independently. After deciding that she is not the type of person to sit home all day, Goodwin thought about what she wanted to do with the rest of her life. Her thoughts landed on an old dream of going to law school.

Goodwin bought a book and studied for the LSATs, the entrance exam needed to enter law school. She did so well that she received a full scholarship to Bowen School of Law.

In August 2013, Goodwin met her fellow law school students at what turned out to be a highly memorable mixer in the basement of the Flying Saucer. An unknown thief stole the keys to the elevator, leaving Goodwin trapped in the basement.

“The Little Rock Fire Department had to haul me and my 400-pound chair from the basement,” Goodwin said. “I think everyone from my class remembers that night. I made a lot of really good friends. None of my classmates left until I got to leave that night. I thought that was nice.”



Goodwin's fellow classmates became a great source of support. Because of her injury, Goodwin is slow at taking notes and typing. Her classmates shared copies of their class notes and study guides. She was also inspired by two professors.

"Professor Michael Flannery and Professor Ranko Shiraki Oliver both went out of their way to make me feel comfortable and do anything I needed," Goodwin said. "They were very supportive and helpful."

In 2014, she interned with the nonprofit organization, Disability Rights Arkansas, where she worked with lawyers to provide pro bono legal assistance to people with disabilities in Arkansas.

While in law school, Goodwin decided to tackle another lifelong dream — becoming a mother.

She had considered adoption, but knew agencies would not be lining up to give a baby to a single, quadriplegic woman.

"I decided I wanted to be a mom more than I could breathe," she said. "I was 31 and knew the clock was ticking. With my doctor's and family's support, I picked an anonymous donor and did artificial insemination.



Bowen Professor Ranko Shiraki Oliver and Jennifer Goodwin

Beckham Goodwin arrived in June 2015. He was named after Goodwin's maternal grandparents, who had the last name of Beck. Goodwin's grandparents both died while she was pregnant and never had the chance to meet their great-grandson and namesake.

"I took the fall 2015 semester off to figure out how to be a mom, because there are so many more challenges when you are quadriplegic also," Goodwin said. "I went back to school part time, and it certainly has its challenges, but I had lots of family support. My parents and aunt all stepped up to help babysit when I had late night reading sessions."

Now that she has graduated, Goodwin will spend the summer preparing for the bar exam. Once she passes, Goodwin will begin a two-year fellowship at Arkansas Children's Hospital through Equal Justice Works, a Washington, D.C.-based nonprofit that focuses on careers in public service for lawyers. A professor, Dr. Amy Pritchard, suggested she apply.

"Since I have a spinal cord injury, I want to work with patients in the disabled population," Goodwin said. "I want to give back to all the people that have poured into my life when I had the spinal cord injury nine years ago."

As Goodwin reflects on the obstacles she overcame, she is glad she had the strength to live her life to the fullest.

"I've learned to go after my dreams and that nothing is impossible," she said. "I've also learned to be willing to ask for help and that there are lots of great people in this world. I am a firm believer that the right doors open at the right time. With God, anything is possible."

In the upper right photo, Jennifer Goodwin celebrates her graduation from Bowen School of Law with her parents, Robby and Tracy Goodwin, and son, Beckham.

[Arkansas Children's Hospital](#)[Bowen School of Law](#)[Grad2017](#)[Jennifer Goodwin](#)[Michael Flannery](#)[quadriplegic](#)[single](#)[mother](#)[Ranko Shiraki Oliver](#)[William H. Bowen School of Law](#)

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Legal Aid of Arkansas
Organizational Chart
 October 3, 2017

Lee Richardson
 Executive Director

<u>Domestic Violence</u>	<u>Consumer</u>	<u>Housing</u>	<u>Economic Justice</u>	<u>Pro Bono</u>	<u>Administration</u>
Andrea Walker <i>HelpLine Manager Deputy Director Group Leader</i>	Susan Purtle <i>Group Leader Staff Attorney</i>	Jason Auer <i>Group Leader Staff Attorney</i>	Kevin DeLiban <i>Group Leader Staff Attorney</i>	Elizabeth Tong <i>Communications Pro Bono Coordination</i>	David Bowman <i>Fiscal Officer</i>
Teresa Franklin <i>Delta Regional Managing Attorney</i>	Barbara Griffin <i>Staff Attorney Part Time</i>	Greneda Johnson <i>Staff Attorney</i>	Casey Trzcinski <i>Staff Attorney</i>	Allison Tank <i>AVLE Coordinator</i>	Elizabeth King <i>Human Resources</i>
Makenzie Arnold <i>Staff Attorney</i>	Jennifer Liguori <i>LITC Director</i>	Riley Cross <i>Staff Attorney</i>	Kesia Morrison <i>Staff Attorney</i>	Jessica Prasifka <i>MLP Coordinator</i>	Deedra Thomas <i>Legal Support</i>
Kris Ramsfield <i>Staff Attorney</i>	Cory Crawford <i>Staff Attorney</i>	Rachel Bakowicz <i>Staff Attorney</i>	Mary Claire Hyatt <i>Staff Attorney</i>	Briana Panos <i>Recruitment Vista</i>	Katheenya Willis <i>Legal Support</i>
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Lela Davison <i>Staff Attorney</i>	Ryan Hill <i>Transitional Attorney</i>		Lynda Ware <i>Paralegal</i>		Samantha Davis <i>Legal Support</i>
Blane Swain <i>Staff Attorney</i>			Brooke Thompson <i>Staff Attorney</i>		Aaron Anderson <i>Legal Support Part Time</i>
Hannah Roe <i>Staff Attorney</i>			Valerie Morato <i>EJW AmeriCorps Elder Justice</i>		Molina Bien <i>Support Liaison</i>
Kelsey Boggan <i>Transitional Attorney</i>			Jen Goodwin <i>EJW Fellow</i>		Cody LaBarber <i>Statewide Taskforce Vista</i>
					Breeana Miller <i>Legal Support Part Time</i>

KEY
Ozark Region
Delta Region