

# Delivering Equal Justice

## What we do with your gift . . .

### Urgent Needs and Basic Necessities of Life

- ◆ Domestic Violence
- ◆ Eviction/Foreclosure
- ◆ Public Benefits
- ◆ Consumer
- ◆ Family Law
- ◆ Health care
- ◆ Education
- ◆ Employment
- ◆ Housing
- ◆ Expungements

### Individual Assistance

- ◆ Advice and Counsel
- ◆ Preparation of documents
- ◆ Representation in administrative and court hearings
- ◆ Private attorney representation, pro bono and reduced fee
- ◆ Self-help clinics

### Special Projects

- ◆ Volunteer Lawyers for Appalachian KY (VLAK)
- ◆ Low Income Taxpayer Clinic
- ◆ Domestic Violence & Elder Abuse Awareness Conference
- ◆ Volunteer Lawyers for Veterans
- ◆ Appalachian Kentucky Crime Victim Assistance Project
- ◆ Appalachian Kentucky Justice Project  
(Legal help for DV victims)
- ◆ Survivors' Smiles Project  
(Help with dentures for DV victims)
- ◆ Appalachian HOPE  
(Financial help for DV victims)

## What our clients are saying . . .

*"My lawyer went above and beyond for me. I actually felt someone cared."*

*"I thank God for your all's services and so thankful to have heard about it from a friend. I am forever grateful to you all. Thank you from the bottom of my heart."*

*"I cannot express in words my heartfelt gratitude for your legal service in my difficult case. I was overwhelmed with worry. My attorney handled it all with professionalism! Thank you."*

*"I was very satisfied. My attorney got me away from my abusive ex-husband. So nothing I can say wrong at this time."*

*"Please note that if all places treated people like they treated me, the world would definitely be a better place. I only wish I had been able to pay them. I thank them and your operation for supporting and taking care of the little guy."*

## Message from Executive Director Robert Johns:

Greetings from Prestonsburg! 2019 has been an excellent year at AppalReD Legal Aid. Some highlights include:

- We are engaged in a strategic planning process that will help us continue to improve our program. The new plan will go into effect in 2020.
- Evan Smith joined AppalReD Legal Aid as our director of advocacy.
- We have received some additional funding that will allow us to add two new attorneys, one in Richmond and one in Barbourville.
- We have received a couple of small grants to conduct some outreach and advocacy related to the SNAP program (formerly Food Stamps). We will be seeking to increase awareness about recipients' rights and to help folks who are denied or face the loss of benefits.
- We have continued to confront the Social Security Disability/SSI crisis involving the former clients of Eric C. Conn. The U.S. Court of Appeals for the Sixth circuit ruled that the Social Security Administration's process was unconstitutional so those who appealed after losing in the first round are in the process of having their benefits restored and will get new hearings. The hearings for the second round of 2,000 facing review of their benefits were delayed during the distribution of Conn's client files by a court-appointed receiver. In 2020, we anticipate facing the new hearings for those in the first round and the hearings for those in the second round. We will do all we can for those affected. We appreciate all the pro bono assistance that has been provided by attorneys from around the country.
- We have made some improvements to our Somerset office which we own. We painted, installed new flooring, built a secure front entrance, repaved the parking lots, and put up a new sign with our updated logo.

Congratulations to our Director Emeritus John Rosenberg and his wife Jean on being named the 2019 Champions of Appalachia by the Christian Appalachian Project. This was well-deserved, and John and Jean are inspirations to us all!

On behalf of our board and staff, we wish you a wonderful holiday season! Thank you for your support!

## SUCCESS STORY

Harold attended an expungement clinic that AppalReD Legal Aid had co-sponsored. He had a degree in social work, but he could not get a social work job because of his criminal record. We represented Harold in pursuing an expungement of his charges. The court granted his expungement requests, and, within a few months, Harold was working as a social worker.



## Message from Director Emeritus John Rosenberg:

It is heartening to read the positive reports of successful cases and new funding developments reported in this newsletter. It

is exciting news that, after years of decreasing numbers of attorneys because of funding losses, that AppalReD will now hire two new attorneys, one each in Barbourville and Richmond. It also appears that there should be some additional funds coming from the Legal Services Corporation in the future. In August, the House of Representatives had passed a significant increase in the appropriation to LSC from its 2019 level of \$ 415 million to \$550 million in FY 2020. Just recently, the Senate approved a proposed appropriation to LSC of \$425.5 million, an increase but substantially less than the House's. The difference will have to be resolved in a conference. Hopefully, it would be at least the midpoint which would still be a significant increase. For now, the funding remains at the 2019 level under a Continuing Resolution. Keep your fingers crossed.

While we celebrate these positive developments, we must be cognizant of the great Justice gap which continues to impact the clients who cannot be served because of the lack of resources- estimated to be as much as 80 percent. In a rural program like AppalReD, it is especially difficult to serve clients at a distance, like the ones previously served by our Columbia and Harlan offices, now closed. So, I appreciate so much the special effort AppalReD staff have made to accommodate the demands on our services by the surge of clients with Conn cases. AppalReD staff handled more than 200 hearings and about 90 appeals in federal court. As Rob wrote, many of these clients are now having their benefits restored. This is such a positive result, since for many of these clients, these benefits were their only source of income. Additionally, AppalReD, through its pro bono director, Mary Going and with help from local attorneys, recruited and referred cases to approximately 150 private pro bono attorneys, a huge accomplishment.

Your contributions to AppalReD are a big help! Please give what you can!

## What impact has AppalReD made in 2019?

3,637 cases closed  
10,021 adults and children helped  
Over \$750,000 recovered  
Over \$1.2 million avoided

61 people given a fresh start with a bankruptcy

53 people's income and assets protected through successfully defending collection lawsuits

85 expungements obtained which increased job and housing opportunities

35 Qualified Income Trusts drafted ensuring Medicaid eligibility

117 families stabilized with custody orders

314 divorces granted protecting parental and property rights

346 victims of domestic and dating violence obtained protective orders

64 evictions avoided

19 homes saved from foreclosure

75 disabled people whose benefits were preserved

## SUCCESS STORIES



Imogene Shepherd

**Black Lung Benefits** – AppalReD Legal Aid won a precedent-setting black lung benefits case for a widow whose claim was denied. Imogene Shepherd from Hueysville in Floyd County, Kentucky is the survivor of a disabled coal miner, Tramble Shepherd. Her claim squarely presented an issue affecting nearly every claim filed around the country: how to measure the length of time that a coal miner is given credit for in the irregular, boom-and-bust nature of the coal industry. Mrs. Shepherd challenged the Department of Labor's approach to calculating tenure before the U.S. Court of Appeals for the Sixth Circuit. In *Shepherd v. Incoal, Inc.*, 915 F.3d 392 (6th Cir. 2019), the court held in Mrs. Shepherd's favor and rejected the more restrictive interpretation urged by the government and the coal industry's lawyer. This decision not only led to an award of benefits for Mrs. Shepherd, but also caused the Department of Labor to change its policy going forward for all other claimants.

**SNAP Benefits (Food Stamps)** - Janice was a victim of severe domestic violence by her boyfriend, and she came to AppalReD Legal Aid for help with a protective order. While helping her with that, we discovered that the Department of Community Based Services (DCBS) was alleging that Janice had trafficked her SNAP benefits, and they were terminating those benefits. The allegations were false. The abusive boyfriend had used her SNAP benefits as a means of control. He would take her SNAP card and hold it hostage if she threatened to leave him. Because he kept taking her card, she had to repeatedly contact DCBS to reissue a new one so she could change the passcode. The allegations of trafficking were based solely on the multiple reissues of the card and some incorrect PIN attempts by the boyfriend with the cards he had stolen. We represented Janice at her SNAP termination hearing, and the hearing officer ruled in Janice's favor. The hearing officer determined that the trafficking allegations were unfounded, and Janice was able to keep her much-needed SNAP benefits.