

THE SUMMIT

The official newsletter of AppalReD Legal Aid



www.ardfky.org

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Let's Gather for Justice

Dear friends,

I am pleased to invite you to Gather for Justice, a 50th anniversary virtual celebration on Saturday, September 18th. To register, you can go to our website, www.ardfky.org. The highlight of the evening will be an interview of John Rosenberg by *Eastern Standard's* Tom Martin. The evening will kick off with a mixologist lesson you can try at home and will feature musical guests such as *The Voice's* Jordan Smith and *American Idol's* Alex Miller. Please join us as we celebrate AppalReD Legal Aid's proud history.

It is the honor of my life to lead AppalReD and to occupy the seat once held by John Rosenberg. Our past is a constant inspiration as we continue to make a difference in our clients' lives. We are committed to making the next 50 years as powerful as the first 50.

We are always looking for new and innovative ways to connect with and serve our client community. I am excited about a couple of projects we have started this year. We have been part of a pilot project with two recovery centers to serve the legal needs of folks in recovery, and we have formed a medical-legal partnership with Big Sandy Health Care. We are connecting with clients who need our help by meeting them where they are.

Thank you for your support. We could not do what we do without you. I hope to see you all on September 18th!

Robert Johns

Executive Director

Karen Jones

Joy and Comradery: Music Making and Lawyering in the Mountains

As part of our 50th anniversary, we are profiling different alumni on social media and the newsletter.

When you watch Karen Jones play the fiddle, her joy and confidence make an impression. Not to mention the way her fingers move effortlessly up and down the violin's neck. A sway and a smile, her relaxed lanky stance draws you in. I imagine she projected a similar air in the courtroom.

Reel World String Band became a different way to tell the stories of the people Karen and her bandmates fought for. The songs were a kind of rallying cry that could make you weep or dance. These narratives were set to old time rhythms, utilizing fiddle and banjo, but the new part made people take notice—the songs came from a group of entirely women. “Hillbilly feminist lawyers” to be exact.

Look for Karen to pop up during “Gather For Justice” on September 18th and grace us with a song.

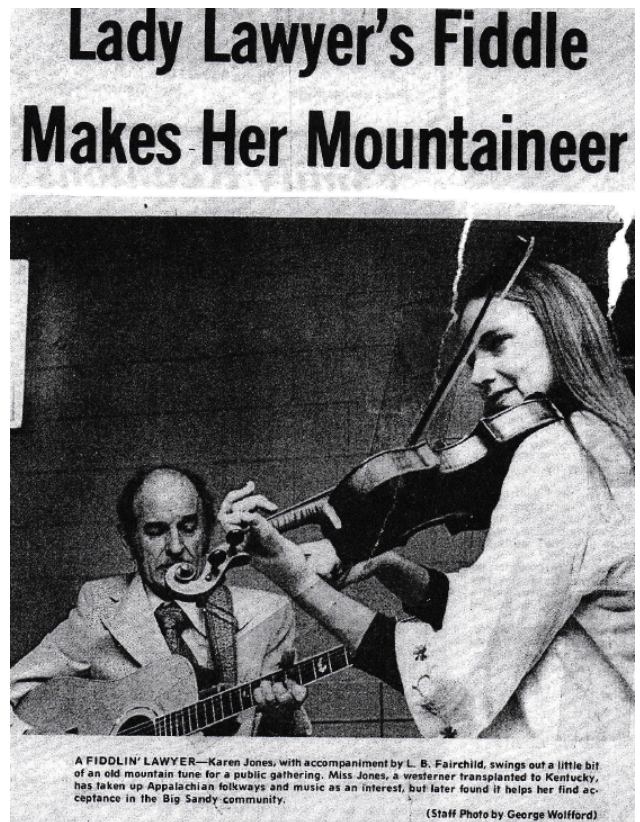
SC: How long were you at AppalReD and what offices did you work for?

KJ: I was hired for a staff attorney position in Prestonsburg as soon as I passed the bar exam in the fall of 1977. I was there 3 years and then on to the Richmond office, and, finally, I worked part-time in the Lexington research office (1984–1989) as I shared legal work with fiddling with the Reel World String Band.

SC: What are some of your fondest memories of your time at AppalReD?

KJ: Certainly, the legal work generated by the “prison condition” class actions, prompted by a statewide effort on prison reform was a highlight of my legal career: *Ball v. Wagers*, 795 F.2d 579 (6th Cir 1986).

But the comradery and joy of sharing our common sense of purpose was extraordinary. The staff was hired from all over the country, so the mix of attorneys and their profound sense of purpose: Kentuckians For the Commonwealth (KFTC) initiatives, domestic violence protections (legislative initiatives), black lung and disability benefit advocacy, health care advocacy (Thank you, Eula Hall), and of course, environmental justice. All were (and are) amazing efforts by



AppalReD staff and community leaders.

SC: Is there a story from your time at AppalReD that still makes you laugh?

KJ: The wild parties of us youngsters as we navigated the isolation of Eastern Kentucky. They included tap dancing, fiddling, square dancing, discussions of Henri Matisse's cut outs, picket lines, gin drinking with Black Lung Association president, a trip to the bootleggers near Loretta Lynn's homeplace (where class rings were the “bitcoin” of its day), and listening to big band jazz with John and Jean.

SC: Will you talk a bit about the women's movement and your contributions through law or music--Including how Reel World String Band was formed and the connection to “feminist lawyering?”

KJ: My journey as a fiddler with the Reel World, and as a lawyer provided an amazing parallel submersion into Appalachian culture, Appalachian struggles and rights advocacy. The overlap is evident by Bev Futrell's songs (and Sue Massek's songs too). Songs like *The Taking*, Bev's response to the legal discussion of the Constitutional “taking” argument asserted in the Broad Form Deed case. Thank goodness that argument was lost and the Broad Form Deed was defeated, but the song speaks to the legal challenges facing lawyers and communities fighting for environmental justice or Crank's Creek, a song of struggle and survival in Harlan County, Kentucky. The band played so many benefits and supported so many Appalachian causes from SOCM, KFTC, Appalachian Community Fund, UMW, Rape Crisis Centers, LGBTQ rights advocacy and so many more.



Listen to "The Taking"



P.S. Bev and I married as soon as the US Supreme Court granted that right to LBGTQ community.

SC: Did you face particular challenges as a female lawyer at that time?

KJ: When I arrived in P'burg, there was such an influx of women lawyers, mostly working at AppalReD, that we just stormed Eastern Kentucky in a way that surprised us and the rural courthouses we frequented. Yes, we had challenges, but the strong feminists John and Paul hired, like Kathleen O'Sullivan from the Bronx, mentored me in such a way that I just carried forth fearlessly.

SC: What cases during your time at AppalReD are you proudest of because of its impact or because they touched you personally?

KJ: *Berrios-Berrios v. Thornburg*, 716 F.Supp 987 (E.D.Ky 1989). Lucy Berrios, a member of the Puerto Rican Nationalist movement, gave birth to a child while at the federal prison, and in conjunction with my work at AppalReD's research office, I sued the prison to challenge their refusal to permit her to breastfeed her child. A preliminary injunction was issued allowing her to breastfeed during visiting hours. Only a partial victory, but a really interesting case, and the advocacy and community effort to support this mother was amazing.

SC: Any words of wisdom for current AppalReD Legal Aid staff and attorneys?

KJ: Enjoy the moment. Pick up an instrument or square dance at Hindman Settlement School. And thank you.

AppalReD 50th Anniversary Bourbon



A special limited-edition bottle of single barrel bourbon will be released by Bluegrass Distillers on September 1st, in time for Gather For Justice. AppalReD Legal Aid staff, board members, and supporters gathered at Bluegrass Distillers to sample from three barrels. Ultimately, they chose a rye mash. It has hints of honeysuckle and apple and a cigar box finish.

For every \$50 bottle sold, Bluegrass Distillers will donate \$20 to AppalReD Legal Aid. Bottles can be purchased by visiting www.ardfky.org/donate.

Order this special bottle directly from Bluegrass Distillers.



John and Jean Rosenberg in front of the stills; Board Counsel Warren Keller signs selected barrel; Rob and Kat Johns show off the bottle.



Chase was stuck in low wage jobs due to his record. After attending substance abuse treatment and becoming aware of AppalReD Legal Aid. Chase got his record expunged. Now he's applying for truck driving jobs and the future finally feels like an open road.

Combating Elder Abuse 2021

Trauma-Informed Care I & II

Victim's Advocate in the Criminal Process

LGBTQ+ Aging & Maltreatment Concerns

Continuing Education Credits approved or requested for:
Attorneys (6), Nurses (5), Licensed Professional Counselors, Psychologist, Nursing Home Administrators, Social Workers



AppalReD
Legal Aid

2021

Domestic Violence & Elder Abuse Awareness Conference
Friday, September 3, 2021

Ramada Inn & Conference Center
Paintsville, Kentucky
*** Virtual Option Available**

Register for this free conference today.



APPALRED Takes on the Opioid Crisis

With one pandemic waning, our attention turns to the longstanding public health epidemic in our communities: the opioid crisis. The opioid crisis is complex. But we know that too many children and families are harmed by this crisis. With coronavirus, we saw that we can beat a pandemic, *together*.

Our community is too important to not have all hands on deck. In *Twilight in Hazard*, journalist Alan Maimon states that in Hazard it would be difficult to find a family not touched by the opioid crisis. This is a tough reality.

In the midst of media coverage, it can be difficult to find "good news." But did you know that people can and do recover from addiction? In fact, success rates for addiction treatment are similar to the success rates of treatment for asthma or diabetes.

Success relies not just on the individual and giving them compassion, but ensuring that they are connected to community resources and have an advocate addressing the structural and legal issues that are critical for recovery.

There are a variety of civil legal aid issues that can assist an individual in recovery and prevent recidivism. Old criminal records and lost driver's licenses make it hard to get jobs. Housing insecurity and domestic violence can make recovery feel impossible.

AmeriCorps member Sarah King hit the ground running in the midst of the COVID-19 crisis. She began screening individuals suffering from substance abuse disorder and referring those with civil legal needs to the Hazard and Barbourville offices. Working with the Volunteers of America Recovery Community Center, AppalReD Legal Aid hosted a legal clinic on-site in mid-July.

Next, we are hiring **four** community resource coordinators thanks to a grant from Kentucky Justice and Public Safety Cabinet. These case managers will be placed in our Prestonsburg, Barbourville, and Richmond offices as well as Central Intake.

We also have **three retirements approaching**. We'll be thanking these folks in the coming months. But please spread the word to talented attorneys in any stage of their career. We are accepting applications.



Kirsten Clancy, Crystal Fisher, and Melissa Tidwell from the Barbourville office at an expungement clinic.

The Rest is History

By Bob Caumissar

I am privileged to have worked with John Rosenberg even before he moved to Prestonsburg in 1970. Along with David Short of Harlan County and Stanley "Cam" Nickell of Greenup I opened the first legal services program in Kentucky under the new War on Poverty of President Lyndon B. Johnson. One of the strongest supporters was Carl D. Perkins who, it is said, made sure that any new "goodies" that came through the Washington pipeline made it to his district.

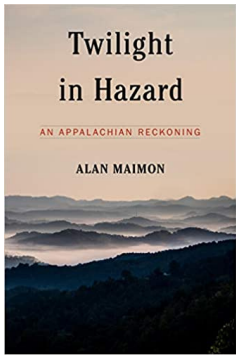
We opened Northeast Legal Services in 1967 covering Greenup, Lewis, Carter, Elliot, Rowan, and Morgan with three attorneys and six secretaries. With hindsight, one my tasks I am most proud of was going to Charleston, WV to meet John Rosenberg and encouraging him to start the trek he has travelled these past fifty years.

"With hindsight, one of my tasks I am most proud of was going to Charleston, WV to meet John Rosenberg and encouraging him to start the trek he has travelled these past fifty years."

Bob Caummisar, Attorney at Law

Is it Twilight?

By Sarah Curry



How to understand the title of journalist Alan Maimon's new book, *Twilight in Hazard: An Appalachian Reckoning*?

An investigative journalist who covered Kentucky Appalachian region for five years, the book is his attempt to be nuanced and an opportunity to correct and extend the limits of the short-form newspaper article.

His very desire sets him on the right course.

Twilight is the light in the sky after the sun has gone down. As any Kentuckian knows, twilight's red and purple hues over our mountains and lakes are transcendent. A prayer after day is done.

But twilight also suggests the dark is near.

Night Comes to the Cumberlands (written by AppalReD board member Harry Caudill) was written nearly 60 years ago. While *Twilight in Hazard* is a much-needed update, it feels as though it could be titled: *It's Still Night, Y'all*.

Maimon leaves out much of the historical context that Caudill covers and rightly so. Caudill provides the textbook, but Maimon brings it into the 21st century. He adds Mountain Dew, UK Basketball, and Wal-Mart. It's all here. And it feels like home. He provides a nuanced portrayal of many, somehow making folks both likeable and a cautionary tale.

Maimon gets a lot right. He tells some family secrets: there is incredible wealth in the mountains. There are folks who say dichotomy and ain't. There are Democrats living alongside Republicans. There is a strong culture of family. And most importantly, *People really do look out for each other*.

Maimon reiterates what many have. But he is clear these problems are so much bigger than any individual person.

These issues are structural and deeply imbedded. There is political corruption, a culture of arson, dependency, and depression, an urgent public health crisis—not just with coronavirus but the long-standing opioid crisis, and an economy that has not yet found new ways to sustain itself.

If there's any fault in *Twilight in Hazard*, it's that it is short. Perhaps, the brevity is intentional.

Maimon knows that Kentuckians don't want prescriptiveness. And Maimon himself mentions the lack of sustainability or transformation from policy solutions like the War on Poverty or Welfare Reform.

As Maimon said in a recent interview, "There are some really smart people with a real vision for the future . . . it doesn't feel like lip service like it did twenty years ago."

The thing is . . . I want to read that book; let's call it *Dawn in Kentucky*. Because Maimon's *Twilight* provides the menu but leaves me hungry.

Dawn would feature chapters on this bright energy flowing across our state. It would include chapters on solar energy, ag tech, reforestation of abandoned mine lands, small businesses and innovation incubators, our rich arts and literary community, education initiatives by our community college system but also smaller play, nature-based, and farm school movements, our strong non-profit sector, and key innovation and research from EKU, UK, and Berea College.

The penultimate chapter would be called, "Give us all your money and also the INTERNET."

The last chapter draws out a collective plan on how to spend it. A connect the dots, if you will.

Something that's hard to remember: constellations, though ancient, aren't something that always were. They are groupings, patterns found and connected, they are a story told over and over until it is so. We've got a thousand bright stars shining over the hills. Who's going to chart, name, and connect them, and then, tell their story?

Maimon's *Twilight in Hazard: An Appalachian Reckoning* brings energy and an insight to a region that for so long has deserved so much more than a death song.

But I've got to ask. What if it is morning and we just haven't opened our eyes yet?

It's a story worth telling ourselves, until it's clear as day.



Sneak Peek: Tom Martin interviews John Rosenberg. The interview will be streamed during Gather For Justice.

Project SafeMode

AppalReD Legal Aid is proud to announce it received a grant from the Honorable Order of Kentucky Colonels in the amount of \$7,885 to purchase 55 Samsung Galaxy Tablets. AppalReD Legal Aid will use the tablets to launch Project Safe Mode, a project to support domestic violence survivors who are often isolated. The tablets will help survivors transition to safe, secure lives.

Legal Assistance to Victims Attorney Jo Ann Harvey states, "Domestic violence survivors often find themselves in very precarious positions as they transition to safety. The Kentucky Colonels support of Project SafeMode will assist survivors in staying safe. Survivors will be able to maintain contact with attorneys, domestic violence advocates, and support groups. They will have resources available at their fingertips to help them navigate the challenging the emotional and legal issues often encountered in domestic violence situations."

Sarah Curry adds, "If a survivor previously had access to a phone or a laptop, they may have tossed it to remain safe or it could be tainted with spyware that reports back to the abuser. Abusers may have their past log-in info and email accounts. A new tablet is out of reach of many of our clients, but it will support them in so many ways."

Clients can use tablets to attend online court, meet with their lawyer via skype--particularly if there are barriers like transportation and lack of child care. When clients have a consistent way to be reached and reach out, submit paperwork, keep logs, or take photographs our attorneys will be able to provide even greater access and quality of legal services.

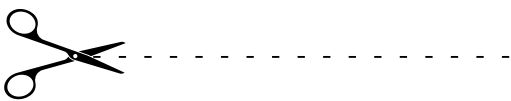
Tablets will be pre-loaded with community resources and apps. For example, there are many apps available to create safety plans, access emergency hotlines, or even provide safety in the moment. Circle of Six allows the user to tap a button and send an alert to their six chosen contacts. Apps like VINEmobile can provide survivors with a notification by phone or email of text when an offender's custody status changes.

Support Our Virtual Auction!



Bidding open!

Bid on a limo ride, travel destinations near and far, unique bourbons, local gift certificates, and the right to take home AppalReD's first VW Bus's hood ornament.



Name:

Address:

Cell:

Email:



I'm ready to Gather For Justice.



Free Ticket

Link to attend will be sent to you.

Orders placed by September 7th should arrive by 9/18.

Order online at ardfky.org.



\$100: WISH YOU WERE HERE



\$250: CHEERS PACKAGE



\$500: FRIEND OF JUSTICE

Includes a Gather For Justice trucker hat and Weisenberger Mill apple muffin mix.

(2) 50th Anniversary Bourbon Glasses, Trucker Hat, and Weisenberger Mill apple muffin mix

Name listed on website and screen during event, Trucker Hat, Weisenberger apple muffin mix, and (2) 50th Anniversary Bourbon Glasses



AppalReD
Legal Aid

120 N. Front Ave.
Prestonsburg, KY 41653

Join us 9/18/21 . . .

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Gather FOR JUSTICE



September 18,
2021
Virtual

Presented by

Warren Keller and Annie Rosenberg

**With American Idol's Alex Miller
The Voice Winner Jordan Smith**



**Karen Jones from
Reel World String Band**

**Tom Martin from
"The Eastern Standard"**

**Mixologist lesson from Bluegrass Distillers
to make your own bourbon cocktail from home**

Free!

Visit www.ardfky.org to
register for a link and
gather round with
AppalReD supporters
near and far.

\$100: Wish You Were Here

Includes a *Gather For Justice*
trucker hat and Weisenberger
mill apple muffin mix

\$250: Cheers Package

Includes the above and 50th
Anniversary Bourbon Glasses

\$500: Friend of Justice

Includes above and listing on
website and screen during event

