

# THE SUMMIT

*The official newsletter of AppalReD Legal Aid*



[www.ardfky.org](http://www.ardfky.org)

120 N. Front Ave. Prestonsburg, KY 41653

(606) 886-9876

## IN THIS ISSUE

**OUR 50TH  
ANNIVERSARY:  
INTERVIEW WITH JOHN  
ROSENBERG**

**DOES HUMAN  
TRAFFICKING HAPPEN  
IN KENTUCKY?**

**SHARE YOUR BIRTHDAY**

**PRO BONO VOLUNTEER:  
MARSHA TAYLOR**

**COVID'S IMPACT:  
CLIENT STORIES**

## AppalReD Legal Aid Turns 50

Dear friends,

I hope this newsletter finds you safe and healthy. 2021 is both a time to look forward to the end of this devastating pandemic and a time to look back as we celebrate our 50th anniversary. A dinner and reunion will be held in 2022. However, we plan to hold some virtual events this year so please be on the lookout for our announcements.

We are so proud of our history. Our founder and director emeritus, John Rosenberg, and the other dedicated men and women who have worked for AppalReD Legal Aid over the years have made life in the mountains better for the powerless and often forgotten. In the early years, AppalReD Legal Aid advocates did important work on black lung benefits, mine worker safety, welfare rights, civil rights, and environmental justice. More recently, we have focused on traditional poverty law areas like domestic violence, family law, public benefits, housing, and consumer.

We hope you enjoy John's interview about the anniversary in this newsletter. Throughout the year, we will be sharing memories, and we hope you will share yours with us. Finally, thanks to all of you who have supported our program over these many years. You have helped make our work possible and you share in our successes.

We wish you the best in 2021.

*Robert Johns*

Executive Director  
RobertJ@ardfky.org

# 50th Anniversary History

*Interview with Founder John Rosenberg  
by Sarah Curry*

Talking with John Rosenberg is like meeting the veritable Johnny Appleseed of Justice. He recalls hundreds of AppalReD alumni, clients, and cases by name and has a story about each of them. What a group of interns and lawyers we've had, he reflected. Despite all John has done (we would need several more pages to include all his service, substantial cases, and accomplishments), the desire to help even more comes through. He's still incredibly active in making Kentucky a more equitable place for the poor. He's frank about cases that failed—or cases won that felt like too little, too late.

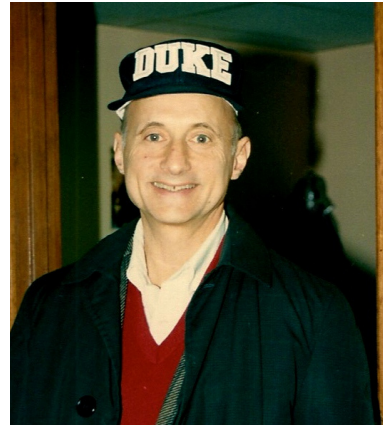
Speaking with John allows us to zoom out—a gift considering the stressful reality of daily life during coronavirus and the urgency of the work that lays in front of us. Of course, it's imperative that we focus on the challenges of the day to day. Certainly, John's story teaches us the power of hard work and perseverance. But John's view from above is critical. It shows just how much AppalReD has accomplished in fifty years. More than that, John is clear that while he's often been the face of AppalReD, there are hundreds of people who have contributed to the beautiful mosaic of work over the past 50 years. Looking back allows us to look forward—to dream and envision the next 50 years.

**SC:** How does it feel to have AppalReD Legal Aid reach its 50th year?

**JR:** I am proud of having seen AppalReD serve the low income population of our region for 50 years and look forward to that continuing on.

**SC:** About 50 years ago, you left the Justice Department and took a long road trip with Jean and your son, a baby at the time. You received a call asking if you would come see if you would be interested in directing AppalReD. When you drove into Prestonsburg for the first time, what did you think?

**JR:** It was early fall and the leaves were starting to change. It was beautiful.



We camped at Jenny Wiley State Park, the only campers at that point. Jean asked me if I saw any bears. Even then, the main roads were pretty good, so you don't get a sense of the country roads winding through poorer housing or the strip mines.



Brenda Campbell,  
Donna Wells  
Griffey, Jo Ann  
Harvey, Rita  
Johnson, Mary  
Conley Hunter,  
and Lisa Barger

**SC:** Initially, you had trouble renting space, right?

**JR:** There was an atmosphere of hostility and suspicion, especially among the “establishment” and local officials. They were wary of outsiders. After the first realtor learned more about who I was and what we were expecting to do he reneged on the place he had agreed to rent to me.

**SC:** What were the first offices like?

**JR:** The one in Prestonsburg was in a small residential home, one of the few places I could find. It was pretty spartan and a bit of a squeeze. We used the room you walked into as reception. There were two small bedrooms for lawyers and an upstairs space. The landlord, a local high school art teacher, put a metal eagle outside to make it look more official. The other office in Barbourville had been a store so we put in partitions. But we quickly put in a good law library in both places. We often had the best law library in town.



**SC:** It seems like your staff had a can-do attitude.

**JR:** Our staff were not concerned with fancy trimmings. We focused on ensuring our offices were well equipped and . . . had a professional look. I took a lot of teasing for the



Taylor Moak Poston, now a lawyer, in front of Rosenberg's VW bus.

AppalReD vehicles (Note: One attorney described them as *Flintstones cars because of the holes in the floorboard*). Among them were VW Things. They were driven long and hard—noisy but practical. Sometimes they broke down. For example, One time, I was driving to a

hearing. So halfway to Lexington the car starts acting up. I stopped, got out of the car, and looked under the hood. My client then locked me out of the car! It was very cold. Eventually he let me in. . . We were suing the Paintsville Housing Authority for racial discrimination. Initially, a mom came to us whose home had burned down, and her application had been denied. She was living with her four children in her car. She had rigged up a lean-to out of the charred pieces of timber and the car. Then we realized there were more qualified people being denied: Black and Native American veterans and single moms.

**SC:** How did you feel when you went to court? Did you get nervous? I've heard that you were always very prepared.

**JR:** I am usually OK. I had very little sleep the night before I argued in the Kentucky Supreme Court—the Broadform Deed Case. I was still wrestling myself about how best to present it. I did not do such a great job, but we won . . .

**SC:** The Broadform Deed fight is such an amazing example of the power of community organizing, coalition building, legal advocacy, and using every tool at your disposal. To quote you to you: "Good lawyering is not behind a desk." AppalReD and Kentuckians For The Commonwealth (KFTC) actually wrote the language to put the Broadform Deed on the ballot and it passed with 92% of the vote. But its constitutionality was challenged.

**JR:** It took almost twenty years to win the Broadform Deed fight. Along the way, we represented numerous groups and individuals in opposing strip mining on their property and efforts to protect and secure safe drinking water for our clients. I'll always remember representing a Pike County group on Marrowbone Creek. They were threatened with



Steve Sanders, Tony Oppegard, and George Lowers (Former MSHA inspector) in Pike County.

surface mining over their homes. They drove with me to Frankfort many times for the hearing and we eventually had the permit denied. Might have been the first time that happened. We represented other surface owners who wanted to protest mining on their property. The operator had many violations so I filed objections. We won and were able to prevent the mining. In fact, the operator later asked me if I could represent him. This reminds me of a comment one of the circuit judges made when he was asked about us: "If I was ever in trouble, I would want AppalReD to represent me." What better comment could a program ask for?

Another of my first clients was seeking Social Security benefits for his black lung disability. I will always remember how he described his daily work which began by walking and crawling a mile before getting to the face where the mining was going on. Having done this for many years, he had become disabled. I was successful representing him and I stayed in touch with his family for years.

Another extended case that stands out was a battle to prevent mountaintop removal on a disabled veteran's



Widows and families of the Topmost Mine Disaster picket a speech by MSHA to a group of coal operators. The families wanted MSHA to convene a public hearing to investigate the mine explosion that killed eight miners on December 8, 1981.

land that lasted several years. When the circuit court ruled against us, the family could not put up enough of a bond to stop the company from surface mining. We appealed and the court ruled in our favor, but it was after the fact. I was able to recover some monetary damages, but the family would have gladly given the money all back to prevent the mining.

**SC:** I know it's hard to narrow down, but what are some of AppalReD's accomplishments you're proudest of?

**JR:** First would be the staff that worked with me during my 30 plus years as Director . . . I am proud of the fact that between 1974-1981, until President Reagan tried to defund legal services, we were able to open eight new offices for a total of eleven offices with 48 lawyers; over 100 folks in different capacities—lawyers, paralegals, secretaries. I am proud that we were able to employ a growing number of women attorneys. Before they came, there were very few in Eastern Kentucky. I am proud of the AppalReD board members—lawyers and client representatives—over the years, and their Chairs, who have guided us in the right direction and protected staff when necessary. I am also proud of the AppalReD alumni, so many of whom have continued in their public interest careers, whether as law teachers, legal services lawyers, public defenders, or in state and federal agencies.



Brenda Campbell, Karen Alfano, and Judy Amburgey

I am proud of the Mine Safety Project, fighting for black lung benefits, fine work on consumer protection, suing the state park system on behalf of Black workers, our work setting up some of the first domestic violence shelters, our work against check cashers, taking on helping migrant farmworkers who had inadequate pay and working conditions, taking a case to the U.S. Supreme Court on behalf of a widow denied UMWA mine worker benefits, and recruiting lawyers to take on the Eric Conn cases.

AppalReD clearly had meaningful impact in environmental and mine safety and black lung. If you think about 5,000 cases per year times 40 years, that's 200,000 folks in this region (more if you count their families) whose lives have been affected, hopefully in a positive way.

**“ I am sure there are hundreds, if not thousands of folks who would say that AppalReD means the world to them—stopping foreclosure, domestic violence, preserving property, and getting benefits. ”**



Jo Ann Harvey, circa 1985



Tony Oppengard and Steve Sanders with client Victor McCoy after they won his mine safety case. Pikeville Office, 1982.







John mentioned nearly 50 people by name in our conversation. Instead of naming them all here, to celebrate AppalReD Legal Aid's 50th anniversary we will be launching a 50 Faces of AppalReD project. We would love to hear your memories and see your photos. We will share some stories in the newsletter and others online. We also hope to create an area at the 50th Anniversary Dinner (Date TBD) where you can walk through pictures and memories.

To nominate yourself or someone else for inclusion in this project, email [SarahC@ardfky.org](mailto:SarahC@ardfky.org) or [jandjrose@suddenlink.net](mailto:jandjrose@suddenlink.net).



Donna Wells Griffey, Jo Ann Harvey, Meshay Tackett

**SC:** AppalReD has accomplished and weathered so much. What do you see as AppalReD's current challenges? What are your dreams for AppalReD's future?

**JR:** For now, we need more funding for more attorneys to serve our low-income population. How to serve the large population of clients across a large geographic area who need representation and assistance was and continues to be a challenge. Staff should be able to work without worrying about living paycheck to paycheck. We simply need more support from everywhere.

I would like to see the housing program for low-income people which started at AppalReD revived. There are also many education issues and people who have special needs who need help. Our client population has many health issues that AppalReD can help with. I am so excited AppalReD is starting a medical legal partnership.

**SC:** If I handed you a magic wand, what would you wish?

**JR:** To eliminate poverty and for peace.

In our 50th year, AppalReD Legal Aid continues to model the tenacity of its founder as its staff, attorneys, and Director fight daily to provide legal help that ensures low-income people across the Appalachian Mountains and rolling hills of eastern and south-central Kentucky have food, shelter, income, and safety.



Lisa Barger, John Rosenberg, and Addison Parker



Dorothy Osborne, John Rosenberg, Debbie Hall

# January is Human Trafficking Awareness Month

Human trafficking is the exploitation of another individual for labor and/or commercial sex through the use of fraud, force, or coercion. While many people think trafficking only happens in foreign countries, it occurs right here in Kentucky—and much too frequently.

According to the 2019 Federal Human Trafficking Report, Kentucky ranked ninth in the nation for human trafficking cases filed. Kentucky's major interstates and location make it particularly susceptible. According to WLKY, in 2019, 136 cases of human trafficking were reported to the National Trafficking Hotline, and 206 incidences against minors were reported to Kentucky's Cabinet for Health and Family Services. A University of Louisville study found that 40% of homeless youth were involved in trafficking.

Critically, human trafficking intersects with AppalReD Legal Aid's mission and service population. The Polaris Project writes:

**“People living in poverty, or foster care, or are struggling with addiction, trauma, abuse or unstable housing, are all at comparatively higher risk for trafficking.”**

As an organization we not only serve victims of trafficking, but we can also aid in preventing sex and labor trafficking.

Let's look at two cases.

Recently, “Martina” fled to Kentucky. She left everything behind, including her name, and wanted to ensure that it would stay that way. AppalReD helped her change her name and get an order to seal her record so her abuser cannot locate her.

Another survivor of trafficking, “Emmy,” came to AppalReD Legal Aid for help finding stable housing. (Through our Appalachian HOPE program, we provide survivors of domestic violence with resources to transition to safety—including housing, new locks, utility connections, or legal documents.) When “Emmy” arrived, staff mistook her for a young teen. In fact, she was a 20-year-old mom desperate for safe housing. Emmy had been sold by her own mother for drugs and money to a family several counties away. She spent years hoping her own father might rescue her. Eventually, she realized no one was coming to help her. And she now had three children who were her responsibility to protect.

So Emmy took her future into her own hands and escaped. These days, Emmy still doesn't go anywhere without her three children. She lived too long in a world where children can be bought and sold.

Not every case will look like Martina and Emmy's. Trafficking can be acted out in a myriad of ways. Below is the action-means-purpose model and power wheel from the Polaris Project, which runs the National Human Trafficking Hotline. It demonstrates how different trafficking can look from the myth of a stranger in a white van.



What can you do to help?

- Familiarize yourself with what human trafficking can look like.
  - Living with employer
  - Poor living conditions
  - Multiple people in a cramped space
  - Inability to speak to individual alone
  - Answers appear scripted and rehearsed
  - Employer is holding identity documents
  - Signs of physical abuse
  - Submissive or fearful
  - Unpaid or paid very little
  - Under 18 and in prostitution

For even more extensive indicators, visit the National Human Trafficking Hotline's webpage “Recognizing The Signs.”

- If someone you know is a victim of human trafficking, call the National Human Trafficking Hotline at 1-888-373-7888 or text 233733.
- Help prevent human trafficking by supporting legal aid and other programs serving vulnerable populations.



I came to Kentucky to escape  
human trafficking. AppalReD  
helped me get my name changed  
and the record sealed so my  
abuser can't find me. Next up? I'm  
getting my driver's license!



AppalReD  
Legal Aid



Roberta was quarantined after she tested positive for coronavirus. When her landlord tried to evict her, she didn't know what to do.

With AppalReD's help, Roberta was able to recover and stay in her home. She's grateful she had time to regain her health and didn't expose others to the virus.



Gabby's unemployment claim was denied and she was facing eviction. Everything changed when she contacted AppalReD. Her claim was approved. She was also paid back benefits.



**She used them to  
put a down payment  
on a new home!**



Jenny has been clean for 9 months and loves taking care of her child. Jenny hasn't been able to depend on a lot, but she is grateful she can depend on AppalReD Legal Aid.

Jenny has called many times over a decade—trapped in a cycle of domestic violence and self-medication. But last year, Jenny got divorced and into a treatment program.

This time Jenny called AppalReD Legal Aid because she was denied housing.

But when Jenny met with the housing authority with the same lawyer by her side who had helped her with protective orders . . . they congratulated her on her hard work and approved her housing!



## Interview with Pro Bono Volunteer Marsha Taylor

Marsha Taylor has volunteered with AppalReD Legal Aid since 2015, accepting over 80 pro-bono and low-bono cases. Recently, we asked if we could learn more about what motivates her and if she would share with us the challenges to access to justice she sees from her unique vantage point as a Deaf lawyer and advocate.

### Can you tell me a little about yourself?

I graduated from Jackson County High, received my BA in sociology from ECU, and my law degree from Ohio Northern in 1999. I was admitted to the Kentucky Bar in 2000 and to the Bar of the Supreme Court of the United States in 2006. I am a member of the Kentucky Bar, the American Bar Association, and the Deaf and Hard of Hearing Bar Association.

### How did you get involved in pro bono work?

While I was in law school, I was in a custody battle for two kids I had practically raised but who were actually my cousin's children. In the end, I adopted them both, but as a struggling student, I couldn't afford an attorney. It's a convoluted story, but AppalReD became involved. That was when I became aware of the work Legal Aid does. The summer before my third year of law school I interned at the Richmond office. I decided I wanted to devote my career to providing legal services to those who can't afford a high-priced attorney.

### What experiences have you gained from your pro bono work that have affected you personally?

Working pro bono or at cheap rates is just fulfilling for me. Looking at intake forms, I often notice that the client I am serving makes more than me . . . I remember what it was like to desperately need an attorney but not be able to afford one. Sometimes after a case, I get an email or a letter from a client thanking me. Those times make it all worthwhile.

### What case are you proudest of?

An appellate court case which successfully overturned the lower court's ruling regarding a de facto custody case. Not only did I get the ruling reversed, but the opinion was published. Published cases are available for other lawyers to

***"There's too much law for those who can afford it, and not enough for those who can't."***  
— Marsha Taylor

use to argue their cases. I am particularly interested in de facto custody cases whereby a non-parent can be given custody based on having had the child physically in his/her care and supporting the child.

### **The need for more pro bono attorneys across eastern Kentucky is tremendous. What would you tell another lawyer about why they should join Volunteer Lawyers for Appalachian Kentucky (VLAK)?**

I think every lawyer should accept some pro bono cases. I really think it should be a requirement. Right now, the Kentucky Bar Association "recommends" so many hours a year but doesn't require it. I think we, as officers of the court, owe it to the system to make sure everyone is afforded equality before the court.

### **I was told that you almost always say "YES!" when asked to take a case. How do you balance private practice with your pro bono work? What motivates you to say YES?**

VLAK's placement specialist knows exactly how to sweet talk me! Lol. The majority of the cases I accept from VLAK are a matter of plugging case specifics into documents I already have prepared. They are really not that time consuming, except when I have to drive two hours, or more, to meet with the clients or attend court. Due to my depression and anxiety, I don't do well with down time. I need to keep busy. Most of my paperwork is done after 6:00 pm. I enjoy being in court. My work is my pleasure. The busier I am, the happier I am.



**Can you tell me a little about your experience practicing law and challenges for the Deaf community (particularly low-income individuals) within the justice system?**

For myself, as an attorney who is Deaf, I face the stigma of not being good enough. Many clients would rather pay more for a hearing attorney than take a chance on me. My clients come from referrals from those who did take a chance and were happy.

The Deaf community at large is at an extreme disadvantage. Few lawyers are willing to hire interpreters to communicate with a client who is Deaf. Most attorneys do not understand the communication needs. For instance, not every Deaf person is fluent in American Sign Language (ASL). Some need the added specialized skill set of a Certified Deaf Interpreter (CDI) to work alongside the hearing ASL interpreter. This is especially true for many in Appalachia where "home signs" (gestures) are prevalent, those experiencing dysfluency due to trauma or any number of health causes, and those with limited language abilities. It can be a huge issue to ask/force a Deaf person to write back and forth for lengthy and complex communications. Most Deaf read and write on a (hearing) 5th grade level, not because they lack intelligence, but because written English is a second language to them after their signed language.

Though federal laws are clear and Kentucky statutes require these agencies to provide qualified communications, we see police, social services, and attorneys often refuse to retain the services of qualified interpreters and often force the Deaf person to write in English. Too often, this leads to misunderstandings which can result in unnecessary arrests, children being removed from the home, and so on.

Because I learned to sign as an adult, I use what is called Signed English. When I have Deaf clients using ASL, it is necessary for me to hire a qualified interpreter to ensure accurate communication because I am not fluent in ASL.

**If you had a magic wand and could create "equal access to justice," what would it look like to you?**

Like we have in criminal court, I would like to see a system that appoints civil lawyers to those who can't afford one. These attorneys would be granted a reasonable fee for their services and every attorney would be on the appointment list. Taking appointed cases would not be optional.

## Share Your Birthday

When you share your birthday with AppalReD Legal Aid, you're changing the lives of vulnerable Kentuckians. For 50 years we've been helping families be healthy and safe. Join us this year by creating a birthday fundraiser for AppalReD.

It's an easy way to help. At [www.ardfky.org/donate](http://www.ardfky.org/donate) you can sign up to share your birthday. As your big day gets closer, we'll send you a reminder email. And don't worry—we'll even include step-by-step instructions on how to create a fundraiser on Facebook or using Kindful, our online donation platform. There's even fun profile pics to help you celebrate.

If you've ever wished to use your birthday to help others, let us make your wish come true.



**Interested in learning how you can take on pro bono or low bono cases?  
Contact Volunteer Lawyers for  
Appalachian Kentucky Director  
Mary Going at [MaryG@ardfky.org](mailto:MaryG@ardfky.org).**

*You know, there's a great story . . .*

FUNDED BY THE LEGAL  
SERVICES CORPORATION,  
THE COMMONWEALTH OF  
KENTUCKY, KENTUCKY IOLTA  
FUNDS, OTHER FEDERAL  
FUNDS AND PRIVATE  
DONATIONS  
WWW.KYJUSTICE.ORG

**LSC**  
America's Partner  
for Equal Justice  
LEGAL SERVICES CORPORATION



**Stephen A. Rosenbaum, MPP, JD**  
University of California, Berkeley

“

## Donor: Why I Give

It was on a dark, cold January morning 48 years ago that I arrived in Prestonsburg on a pre-dawn Greyhound bus, to begin a semester as an undergrad intern at AppalReD--met by the personable and indefatigable John Rosenberg. From black lung disease compensation to the rebuilding of David, KY to being held in contempt by County Judge Stumbo, it was a winter that helped shape me as an advocate for social justice.

There is a great story about Judge Stumbo holding Steve in contempt. Steve sat in on a trial and a defendant who was not there was **convicted without appearing**.

Steve went up to the Judge and said, "How can you do that?"

The Judge said, "I'll show you. Bailiff, take this man to jail. He is in contempt. "

Steve called me from the jail.

We (Cassie Allen, the only woman attorney here at that time and I ) sued to stop the practice locally; and the case was settled. But one of our lawyers, Dean Rivkin, then in Lexington wrote most of the brief in the U.S. Supreme Court when a Harlan lawyer, Gene Goss took the case up- **and the U.S. Supreme Court invalidated the practice.** —J.R.

*You know, there's a great story. . .*

Please email your  
memories and photos  
from your time at  
**AppalReD** to  
**[sarahc@ardfky.org](mailto:sarahc@ardfky.org)**.