(a) Problem statement- According to a recent LSC study, over 80% of low-income citizens have civil legal needs that go unmet. The economic downturn and resulting increase in foreclosures has greatly increased the demand for legal services in Kentucky. Kentucky’s unemployment rate is the highest it has been in over 20 years, and our foreclosure rate is 90 percent higher than the level reported in 2007. Kentucky also has, at 16.3%, the fourth highest poverty rate in the nation. In times of economic crisis, the demand for legal services is especially critical. This is particularly true in Appalachian Kentucky. Appalachian Kentucky is made up of 54 counties in the eastern part of the state. Of the 104 rural counties in Kentucky, 52 are in Appalachia. The Appalachian region has traditionally experienced higher poverty rates, lower education levels, and limited access to health care compared to the state as a whole. Those areas present unique problems for the state, both in respect to their geographic isolation and their extreme poverty. There are significant challenges to providing legal representation to Kentuckians in this region, including: remote locations some distance from legal service providers; the scarcity of private attorneys able or willing to provide pro bono representation; and the artificial barriers created by lack of adequate transportation. A study by the Maine Commission on Legal Needs concluded that individuals living twenty-five miles or more from a civil legal services office were six times less likely to receive necessary legal services and two times less likely to be aware of what type of assistance was available. Rural residents tend to be older, poorer, and less educated than their urban counterparts. For example, rural communities in Kentucky have a higher proportion of residents who are seniors and/or individuals with disabilities who receive Social Security benefits. As a result of the availability of fewer jobs and public resources as well as greater difficulties with transportation and service delivery, Kentucky's rural poor often encounter legal problems that are more difficult to address. Poverty rates in rural communities are higher than in urban areas on the whole, and rural communities contain large areas of persistent poverty. Unfortunately, while the need for legal services has skyrocketed, legal aid budgets have been decimated. Kentucky’s legal aid programs have taken a two-thirds cut in state funding, coinciding with plummeting IOLTA revenues. During this last fiscal year, Kentucky's legal aid programs suffered a loss of over $1 million in state funding and anticipate a loss this fiscal year of over $700,000 in IOLTA funds. As Kentucky's legal programs are forced to cut staff and handle more cases with fewer resources, the need for computer equipment, wireless access to web-based case management systems, online legal research, and the ability to eventually e-file with courts from any location is more critical than ever. Moreover, the use of technology in the severely poverty-stricken areas of Kentucky will help spread the use of the Internet and broadband technologies to these areas and their vulnerable populations. (b) Project Description and Overall Approach to Address the Need-
Funds for this project will purchase wireless and broadband-enabled laptops, smart phones, networks, portable scanners/printers, Internet access, and broadband access technology for legal service attorneys to be utilized in the delivery of services to unserved vulnerable populations in Kentucky. Attorneys will use their mobile technology 'packages' as tools in their work on a variety of legal matters including health, foreclosure, eviction, education, child custody, child support, and family law matters in the office, in the field, in the community, and at the courts. In addition, LAS will contract with a small business owner in the target community of Appalachia to implement a marketing outreach campaign to promote and build awareness of the project to other community anchor institutions, Kentucky libraries, and the courts. Collaborations with Connect Kentucky, Kentucky Information Highway (KIH), Kentucky Telehealth Network, and the Appalachian Regional Commission (ARC) will create a synergistic opportunity to build on other BIP infrastructure projects. Finally, the Kentucky Broadband Access Initiative for Equal Justice will conduct several outreach and training programs in the most poverty-stricken areas of the state to ensure we do our part to promote equal access to justice and close Kentucky's disparate 'digital divide.' (b)(2) Project Innovation- Providing equal access to civil legal services in rural communities is challenging for a variety of reasons: remote locations, lack of adequate transportation and roads, distance from legal service providers, and a lack of attorneys willing to undertake pro bono work for these clients. The BTOP program grant will empower our attorneys to deliver service from anywhere while improving access to justice in the most isolated and economically hardest hit areas of Kentucky. Promoting the use of the technology in the delivery of service is a key objective in LAS's mission, and this initiative would be truly innovative in demonstrating how technology can be used to boost the efficiency of legal aid attorneys and in how it can spread the use of technology by the poor in geographically remote and economically disadvantaged areas. (c) Areas to Be Served in Project- This project will include the Appalachian Research and Defense Fund (AppalReD), which provides service to a 37 county region in the Appalachian mountains of Eastern and South Central Kentucky, Kentucky Legal Aid (KLA) which serves the 35 counties in Western Kentucky, Legal Aid of the Bluegrass (LAB) serving the counties of Central and Northern Kentucky, and Legal Aid Society, which serves the greater Louisville area. The service area of this project is truly statewide and will have a major impact on all regions of the state. (c)(2) Potential Broadband Subscribers- With full implementation of this project, 92 attorneys will have wireless and broadband enabled 'packages', thus increasing the use of broadband by legal professionals by over 700%. Assuming legal services can be delivered from anywhere, the opportunity for thousands of clients to see how broadband is used could stimulate broadband use in the population. Of course, broadband adoption by clients assumes that clients have access to computers, access to broadband in their area, and the money to pay for continuous broadband access. Partnership with local libraries and rural health clinics will help provide access for Appalachia's rural poor. (d) Applicant Qualifications- Leading the project is the Legal Aid Society Law & Technology Projects Manager and Kentucky's Statewide Technology Coordinator, Marc Theriault, who has years of experience facilitating legal services technology projects. The project team also includes two managing attorneys with several years of non-profit experience managing a variety of technology projects. Relevant experience includes work with Technology Initiative Grants for the development of document assembly programs and websites; the funding for these grants is from the Legal Services Corporation (LSC), the national legal services funder for the poor. (e) Jobs To Be Saved and/or Created- More broadband subscribers equals more jobs for broadband providers, and sales (jobs) for
hardware/software vendors. Attorneys providing services anywhere for client legal matters related to health, education, employment, personal safety, and jobs can improve quality of life for the vulnerable, unserved, and underserved population in Kentucky, directly impacting the economy. (f) Overall Cost of the Proposed Project- Federal funding requested for this project is $895,500 with Legal Aid Society providing $25,790 in in-kind contribution; total project proposal is for $921,290. A matching fund waiver is being submitted.