

MISSISSIPPI  
**Access to Justice**  
COMMISSION

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JUSTICE *for* ALL

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## **2017 ANNUAL REPORT**

**Mississippi Access to Justice Commission**

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## **About the Mississippi Access to Justice Commission**

The Mississippi Supreme Court created the Mississippi Access to Justice Commission (“the Commission”) on June 28, 2006 to develop a unified strategy to improve access to the civil courts for the poor. The Commission is tasked with investigating the need for civil legal services to the poor in Mississippi, and evaluating, developing and recommending policies, programs and initiatives that will assist the judiciary in meeting needs for civil legal services to the poor.

## **Objectives of the Commission**

The Commission’s stated goals are to:

- Identify the current and future needs of the legal services community in providing access to justice for the poor in Mississippi;
- Develop and establish a strategic statewide plan for delivery of legal services to the poor in Mississippi;
- Develop strategies and ideas to increase resources and funding for access to justice in civil legal matters, and to make recommendations to appropriate entities to ensure that the resources and funding are applied to the areas and organizations of greatest need;
- Work to maximize the wise and efficient use of available resources, including development of local, regional and/or statewide systems that encourage the coordination of resources and funding;
- Develop and implement initiatives designed to expand civil access to justice;
- Work to reduce barriers to the justice system by addressing existing and proposed court rules, procedures, and policies that affect access to justice for poor Mississippians;
- Monitor and evaluate the effectiveness of the statewide system and service providers, and periodically evaluate the progress made in fulfilling their respective responsibilities; and
- Consider relevant topics, including available funds and budgets, expansion of resources, increased public awareness through communications and message development, pro bono matters, and other related matters, and shall make recommendations as it deems.

## **Current Commission Co-Chairs and Members**

The Commission is made up of twenty-one (21) voting members and twelve (12) *ex-officio* members. Co-Chairs are Chancery Judge Jacqueline Mask (Tupelo) and former Mississippi Bar President Rodger Wilder (Gulfport). Voting members include: Harrison County Court Judge Margaret Alfonso, Gulfport; attorney Kacey Bailey, Meridian; Jamie Bardwell, Mississippi State Department of Health, Jackson; Representative David Baria, Bay St. Louis; Court of Appeals Judge Donna M. Barnes, Tupelo; Supreme Court Justice Dawn Beam, Sumrall; law professor and attorney David Calder, Oxford; attorney Beau Cole, Jackson; Chancery Court Judge Deborah Gambrell, Hattiesburg; law librarian Faith Garbin, Pascagoula; Michael L. Jones, UnitedHealth Group, Jackson; Supreme Court Justice Leslie D. King, Greenville; attorney Nicole McLaughlin, Tupelo; Hinds County Chancery Judge Denise Owens, Jackson; Representative Thomas

Reynolds, Charleston; attorney Charliene Roemer, Biloxi; Sixth District Circuit Judge Lillie Blackmon Sanders, Natchez; Dennis Smith, former WLBT News Director, Jackson; attorney Trena Williams, Southaven.

Non-voting *ex-officio* commission members include: Sam Buchanan, Executive Director, Mississippi Center for Legal Services, Hattiesburg; Gayla Carpenter-Sanders, Executive Director/General Counsel, Mississippi Volunteer Lawyers Project, Jackson; Ben Cole, Executive Director, North Mississippi Rural Legal Services, Oxford; Susan Duncan Dean, University of Mississippi School of Law, Oxford; Carlyn Hicks, Director, Mission First Legal Aid Office, Jackson; Jaribu Hill, Executive Director, Mississippi Workers Center, Greenville; Annie Johnston, Staff Attorney, El Pueblo Immigration Legal Services; Beth Orlansky, Advocacy Director, Mississippi Center for Justice, Jackson; Jody Owens II, Managing Attorney, Southern Poverty Law Center, Jackson; Joi Owens, Managing Attorney, Disability Rights Mississippi, Jackson; Jennifer Riley-Collins, Executive Director, American Civil Liberties Union of Mississippi, Jackson; and Harry Yoste, Attorney/Director, Northcutt Legal Clinic, Gulfport.

The Executive Director of the Commission is Tiffany M. Graves.

### **Commission Committees**

The Commission is comprised of three Committees—Delivery System, Public Awareness and Resource Development—and two Subcommittees—Faith-Based Initiatives and Medical-Legal Partnership. A Strategic Planning Committee meets on occasion to assure the Commission is meeting its stated goals and objectives. The Delivery System Committee oversees the development of an expanded and improved system for providing civil legal services to low-income people. The Resource Development Committee is tasked with developing a long-term plan to increase funding to civil legal services programs. The Public Awareness Committee works to raise awareness about the scope of the need for legal services. The Faith-Based Initiatives Subcommittee seeks to foster partnerships between the legal and religious communities in Mississippi to help expand access to justice to the state’s poor. Finally, the Medical-Legal Partnership Subcommittee was formed to explore ways the legal and health care communities can work together to reach more Mississippians in need of assistance.

### **Financial Support for the Commission**

The Commission is funded through the generous support of the Mississippi Supreme Court, The Mississippi Bar and The Mississippi Bar Foundation.

### **2017 Commission Meeting Dates**

The Commission meets quarterly. In 2017, Commission meetings were held as follows: March 7, June 6, September 5 and December 5. Guest presenters at the 2017 meetings included David Udell and Jamie Gambell of the National Center for Access to Justice, and Ken Smith, Kelly Thayer and Andrea Brewer of The Resource for Great Program, Inc.

## **ACCOMPLISHMENTS IN 2017**

Since the Commission is divided into three committees—Delivery System, Public Awareness and Resource Development—the reports on accomplishments for the past year will be provided based on the committee under which a specific program or initiative was completed.

### **DELIVERY SYSTEM**

One of the Commission’s main objectives is to expand and improve the state’s civil legal services delivery system. The need for quality, free legal assistance increases as poverty numbers in the state grow. The Commission worked closely with its committees, nonprofit legal service providers, bar associations and other community partners to coordinate and complete various projects, initiatives and outreach programming to reach Mississippians in need of legal free assistance in 2017.

#### **Expungement Resources**

In January, the Commission launched an expungement web app, [www.expungemississippi.com](http://www.expungemississippi.com), for users who wish determine whether a past arrest, conviction or charge is eligible for expungement. There are no income requirements to use the web app. The site refers those who qualify to upcoming expungement workshops and clinics. It also includes information about nonprofit legal organizations that currently provide expungement services, including the Mississippi Center for Justice, Mission First Legal Aid Office and North Mississippi Rural Legal Services. The Magnolia Bar Association sponsors the app with the Commission. The Commission launched a screening tool for expungement legal clinics late last year.

#### **Kids Seeking Safety: An Introduction to Children’s Immigration Issues CLE**

In April, the Commission partnered with the Young Lawyers Division (YLD) of The Mississippi Bar and Catholic Charities of Jackson (Catholic Charities) to host the “Kids Seeking Safety: An Intro to Children’s Immigration Law” CLE Seminar at the Mississippi Supreme Court. Seventy-three (73) people attended the seminar, which was open to lawyers, judges and non-legal advocates. The seminar addressed issues mainly concerning two common immigration protections for vulnerable immigrant children: special immigrant juvenile status and asylum. The seminar included seven presentations, including a keynote address by Fifth Circuit Court of Appeals Judge Leslie Southwick. A major goal of the seminar was to educate pro bono attorneys on how to handle children’s immigration cases.

#### **Legal Clinic Toolkit for Local Bar Associations**

In May, the Commission released a Legal Clinic Toolkit for county bar associations that want to hold legal clinics for low- and moderate-income individuals in their home communities. The toolkit covers every aspect of holding a legal clinic from forming a committee and planning the

clinic to itemizing what you need to have on hand on the day of the clinic. It also discusses how attorneys can receive hour-by-hour credit for volunteering at legal clinics sponsored by bar associations. The toolkit was designed to help assure legal clinics are successful and impactful for those most in need throughout Mississippi. The toolkit is available on the Commission's website at <http://www.msatjc.org/wp-content/uploads/2015/01/Bar-Association-Legal-Clinic-Toolkit.pdf>.

### **Kids Seeking Safety II: the Nuts and Bolts of Children's Immigration Issues CLE**

In July, the Commission joined the YLD and Catholic Charities for "Kids Seeking Safety II: the Nuts and Bolts of Children's Immigration Issues at Forman Watkins & Krutz, LLP in Jackson. Twenty (20) attorneys attended the seminar, which included the following topics: "Navigating Immigration Court: Protecting Children in Removal Proceedings;" "Special Immigrant Juvenile Status II: Protecting Children from Abuse, Neglect and Abandonment;" and "Children's Asylum II: Protecting Children from Persecution." As with the April 7 seminar, the objective of the seminar was to recruit attorneys to handle children's immigration cases. Whereas the first program provided an overview of children's immigration issues, the second session was more focused on the practicalities of handling these type cases.

### **Taming the Busy (Family) Lawyer: How to Stop Burning the Candle at Both Ends CLE**

Also in July, the Commission joined the Family Law Section of The Mississippi Bar in hosting a joint CLE workshop, "Taming the Busy (Family) Lawyer: How to Stop Burning the Candle at Both Ends," at the Annual Meeting of The Mississippi Bar in Sandestin, Florida. Jeena Cho, Lawyer, Author, and Mindfulness Instructor, led the workshop. Ms. Cho discussed the ways in which a mindfulness practice is the key to increasing focus and productivity. Among other things, the workshop will covered the latest research on lawyer burnout, anxiety, depression, suicide, and other issues lawyers face; tools for stress and anxiety management; practical mindfulness practices lawyers can incorporate into their day; and tips for increasing focus and productivity. The workshop will also included guided meditation exercises that attorneys could integrate into their lives and legal practices.

### **Medical-Legal Partnership Roundtable**

In October, the Medical-Legal Partnership Subcommittee of the Commission hosted an invitation-only "Medical-Legal Partnership Roundtable" at Baker Donelson for health care and legal professionals as a follow-up to the "Medical-Legal Partnership Learning Session" that was held last May. Subcommittee members and guests provided a deeper dive into the medical-legal partnership approach and, through facilitation led by Dr. Corey Wiggins, assisted those attending with thinking about how the medical-legal partnership footprint could be expanded in Mississippi. Presently, there is only one formal medical-legal partnership in the state. The purpose of the event was to increase the number of these collaborations and arm prospective partners with the tools and information they would need to have successful collaborative programs. Topics covered included, "Key Characteristics of Medical-Legal Partnerships,"

"Operating a Medical-Legal Partnership," and "Strategic Dialogue to Increase the Number of Mississippi's Medical-Legal Partnerships." Thirty leaders of medical associations, health law attorneys, physicians, nurses and social justice advocates attended the event

### **Local Access to Justice Initiatives**

1. Faith+Justice United Legal Advice Clinic

The Faith-Based Initiatives Subcommittee held its first Faith+Justice United Legal Advice Clinic with New Horizon Church International in September. Eleven attorneys provided legal advice to twenty-six individuals on the following topics: criminal law and expungement, family law, social security disability and wills and estates. The event was held at New Horizon Church International in Jackson. The Subcommittee will plan 2018 events in the Mississippi Delta and the Gulf Coast.

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2. Free Legal Clinics Community Lunch Meetings

The Commission joined county bar associations in Northeast Mississippi and Commission Co-Chair Chancery Judge Jacqueline Mask in hosting eight community luncheon meetings to discuss the free legal clinics in the area and access to justice generally. The meetings were held the following counties: Alcorn, Itawamba, Lee, Monroe, Prentiss, Pontotoc, Tishomingo and Union. Over 250 school superintendents, local government officials, law enforcement staff, court staff, school counselors, social workers, DHS staff, nonprofit and religious leaders attended the luncheons. The Commission expects to participate in similar meetings throughout 2018.

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3. Lawyers in the Library Legal Advice Clinics

The Commission co-sponsored three "Lawyers in the Library" legal advice clinics with the Young Lawyers Division ("YLD") of The Mississippi Bar. The attorneys who volunteered at the events provided legal advice and counsel on the following topics: expungement, family law, social security and estate planning. Events were held in Cleveland, Gulfport and Jackson. The Commission will continue to partner with the YLD on these events in 2018.

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## **PUBLIC AWARENESS**

Among its more significant accomplishments of the past year, the Commission was able to increase its exposure and bring more awareness to the services offered by the nonprofit legal service provider community as recommended in its stated goals.

## ***Speaking Engagements***

The Commission gave presentations to the following groups and/or at the following events: Mississippi Circuit Court Clerks' Conference (Jackson); Mississippi Chancery Court Clerks' Conference (Jackson); Michigan State College of Law (Lansing, MI); Mississippi Justice Court Judges' Conference (Philadelphia, MS); The Mississippi Bar's Leadership Forum (Jackson); Mississippi Paralegal Association (Jackson); Lauderdale County Bar Association (Meridian); Community Lunch Meetings (Alcorn, Itawamba, Lee, Monroe, Pontotoc, Prentiss, Tishomingo and Union Counties); Community Forum (Meadville); Municipal Court Judges' Conference (Biloxi); Mississippi Bar Convention (Destin, FL); Public Library Directors of the Mississippi Library Commission (Jackson); Access to Justice Fellows (Webinar); Agents of the Mississippi Extension Services Offices (Webinar); Legislative Black Caucus (Jackson); Pre-Law Studies Program at the University of Southern Mississippi (Long Beach); Medical-Legal Partnership Roundtable (Jackson); Mississippi Rural Health Association (Webinar); Chancery Court Judges' Conference (Jackson); Uzbekistan Delegates (Jackson); Mississippi Board of Bar Commissioners (Jackson).

## ***Published Articles***

The Commission prepared articles for four issues of The Mississippi Lawyer magazine in 2017. The articles are available at the following links:

Dispelling Myths about Access to Justice and Civil Legal Aid:

[https://www.msbar.org/MS\\_Lawyer//Winter%202017/mobile/index.html#p=41](https://www.msbar.org/MS_Lawyer//Winter%202017/mobile/index.html#p=41)

Who's Doing Pro Bono in Mississippi and Why:

[https://www.msbar.org/MS\\_Lawyer/Summer%202017/mobile/index.html#p=55](https://www.msbar.org/MS_Lawyer/Summer%202017/mobile/index.html#p=55)

Levering Legal Technology to Improve Access to Civil Justice:

[https://www.msbar.org/MS\\_Lawyer/Spring%202017/mobile/index.html#p=58](https://www.msbar.org/MS_Lawyer/Spring%202017/mobile/index.html#p=58)

Advancing Access to Justice Through Legal Clinics:

[https://www.msbar.org/MS\\_Lawyer/CurrentIssue/mobile/index.html#p=63](https://www.msbar.org/MS_Lawyer/CurrentIssue/mobile/index.html#p=63)

## ***Newsletters, Website, Social Media***

The Commission published an electronic newsletter three times in 2017 and posted periodic announcements in The Mississippi Bar's "Bar Briefs" weekly newsletter. The Commission's newsletter, "What's New(s) in Access to Justice" is available on its website. The Commission also increased traffic to its webpage and its presence on social media.

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## RESOURCE DEVELOPMENT

Among its many directives, the Commission was empowered to develop strategies and ideas to increase resources and funding for access to justice in civil matters. To that end, the Commission has worked closely with The Mississippi Bar, the state's legal services providers and others to procure additional support for civil legal services in the state.

### **Civil Legal Aid Impact Study**

Last year, in partnership with the Mississippi Legal Services Programs and the Mississippi Volunteer Lawyers Project (MVLP), the Commission solicited proposals for a study to analyze the impact civil legal aid programs have on the state's economy. While most states have conducted studies of this type, Mississippi has not, and the Commission believed that it could have a significant bearing on the capacity to generate resources for the state's legal aid programs. States that have conducted impact studies have achieved considerable success with increasing the funding that reaches nonprofit legal programs because they have been able to show the positive impact that legal aid has on the economy.

According to the study's findings, the Mississippi Legal Services Programs and MVLP have an annual economic impact of \$73.4 million in Mississippi. The study, performed by The Resource for Great Programs on data from 2016, put the total direct economic benefits to civil legal services clients at \$32.4 million. The legal aid programs were able to secure for their clients benefits including:

- \$17.1 million in Supplemental Security Income (SSI), Security Disability Insurance (SSDI) and other Social Security benefits, including projected future benefit payments;
- \$5.8 million in Medicare benefits;
- \$7 million in Medicaid benefits;
- \$1.4 million in child support;
- \$275,000 in Supplemental Nutrition Assistance Program (SNAP) benefits;
- \$855,000 in mortgage assistance, tax credits and other awards.

The study estimated that the spending of those benefits, combined with other resources of legal aid clients, amounted to \$39.8 million. The study noted that most of those benefits are spent locally on needs such as health care, food, utilities and transportation. The cost savings to the community was an estimated \$1.2 million in foreclosure prevention and emergency shelter avoidance.

The study is available here:

<https://courts.ms.gov/newsite2/news/2017/MS%20Econ%20Impact.pdf>.

A press release about its findings is available on the Mississippi Supreme Court's website here:

<https://courts.ms.gov/newsite2/news/2017/12.20.17AJ%20economic%20impact.php>.



## SPECIAL PROJECTS

### Statewide Pro Se Legal Clinic Project

In May, the Mississippi Supreme Court asked the Commission to help plan and coordinate a Statewide Pro Se Legal Clinic Project for June 2018. The Commission's leadership conducted a training session for the Chancery Court Judges and attorneys on October 27 in conjunction with the Fall Trial and Appellate Court Judges Conference in Jackson. The Commission will continue to work closely with the Mississippi Supreme Court to schedule the clinics with the hope that these events become sustainable access to justice initiatives, led by the chancery court judges, the attorneys they designate, and county bar associations.

### Justice Index Working Groups

In response to the National Center for Access to Justice's 2016 Justice Index's which ranked Mississippi as 50th in providing access to justice, last fall, the Commission has formed five working groups to address several issues where Mississippi falls short when compared with other states with respect to providing access to civil justice. The working groups have been tasked with addressing the following:

- *Working Group #1:* Work with the Mississippi Judicial College and the Self-Represented Litigant Network to develop a judicial education program with training on how to ensure that self-represented litigants are fairly heard and prepare a desk reference manual for judges.
- *Working Group #2:* Work with state courts to designate court staff members (other than judges) to take specified steps to assist self-represented litigants. Develop resources and training materials for court staff designees.
- *Working Group #3:* Work with the Mississippi Supreme Court and Administrative Office of Courts to designate a place on the state judiciary website to explain: (1) that civil filing fees can be waived if person meets a designated financial eligibility standard; (2) where self-represented litigants can access court-approved legal forms; (3) how and who to contact to request an accommodation because of a disability; (4) how and who to contact to file a disability access complaint.
- *Working Group #4:* Examine the unauthorized practice of law statutes related to the distribution of legal forms by court clerks and others. Determine whether legislation or court rules could facilitate greater access to free legal forms.
- *Working Group #5:* Work with the Administrative Office of Courts to develop a language access plan to ensure that in areas in which a significant number of people speak languages other than English, clerk counter staff has resources available to assist with communication. Research how Mississippi might prohibit courts from charging deaf or hearing-impaired people from paying for sign language interpreters.

All of the groups met for the first time at the September Commission meeting. While no timeline has been established for completing the objectives of the working groups, ideally, the groups would have made significant progress by December 2018.

### **2017 Pro Bono Survey**

The American Bar Association's Standing Committee on Pro Bono and Public Service conducted a national pro bono empirical study of twenty-four (24) states, including Mississippi. Among other metrics, the survey weighed the amount and type of pro bono conducted by respondents in 2016 and respondents' motivations and attitudes about pro bono. The Commission sponsored the survey to help expand pro bono services to the poor in Mississippi and close the state's ever-widening civil justice gap. Highlights from the survey included the following:

- The average annual amount of service provided by attorneys in Mississippi was 39.7 hours, with nearly a third of those surveyed having provided the suggested 20 hours in 2016.
- Among the attorneys who provided pro bono in 2016, nearly 97% provided services to individuals.
- 51.7% of the clients represented by attorneys responding to the survey were single parents.
- Of the attorneys who provided pro bono service, 40.2% indicated that their most recent client came directly to them. Interestingly, only 15% received a referral from a legal aid or pro bono program.
- The most frequently reported pro bono legal tasks consisted of providing legal advice (75.4%), reviewing and/or drafting legal documents (70.4%) and interviewing/meeting with clients (66.2%).
- Over 80% of the attorneys who responded to the service believe it is either somewhat or very important to offer pro bono services to low-income individuals
- According to the respondents, the top three discouraging factors for doing pro bono were lack of time, commitments to family or other personal obligations and the unrealistic expectations of clients. Other discouraging factors include lack of skills or experience in the practice areas needed by pro bono clients, competing billable hour expectations and policies, lack of interest in the type of cases and lack of clarity on time commitments.

The Commission prepared an article for The Mississippi Lawyer magazine that provided more details about the survey results which is available here: [https://www.msbar.org/MS\\_Lawyer/Summer%202017/mobile/index.html#p=55](https://www.msbar.org/MS_Lawyer/Summer%202017/mobile/index.html#p=55).

## ACKNOWLEDGEMENTS

The Commission wishes to acknowledge the generous support it receives from the Mississippi Supreme Court, The Mississippi Bar and the Mississippi Bar Foundation. We would also like to recognize the tireless work of the state's nonprofit legal services providers. We want to acknowledge the individuals and organizations with whom we partnered in 2017 on the activities and programs discussed herein. We thank these individuals and organizations for their invaluable contributions to our successes in 2017:

ATJ Fellows  
Simon Bailey, Esq.  
Capital Area Bar Association  
Itawamba County Bar Association  
Beverly Kraft  
Lauderdale County Bar Association  
Lee County Bar Association  
Legislative Black Caucus  
Michigan State College of Law  
The Mississippi Bar  
The Mississippi Bar Foundation  
Mississippi Board of Bar Commissioners  
Mississippi College School of Law  
Mississippi Judicial College  
Mississippi Library Commission  
Mississippi Rural Health Association  
Mississippi State Extension Services Office  
Mississippi Supreme Court  
Irene Mo  
New Horizon Church International  
Tom Ortega  
Pontotoc County Bar Association  
Prentiss County Bar Association  
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Paheadra Bratton Robinson, Esq.  
Jon Tippens, Esq.  
Tishomingo County Bar Association  
Union County Bar Association  
University of Mississippi School of Law  
Young Lawyers Division of The Mississippi Bar

We will build on our 2017 accomplishments—and your continued support—to further the cause of access to civil justice in Mississippi in 2018 and beyond.