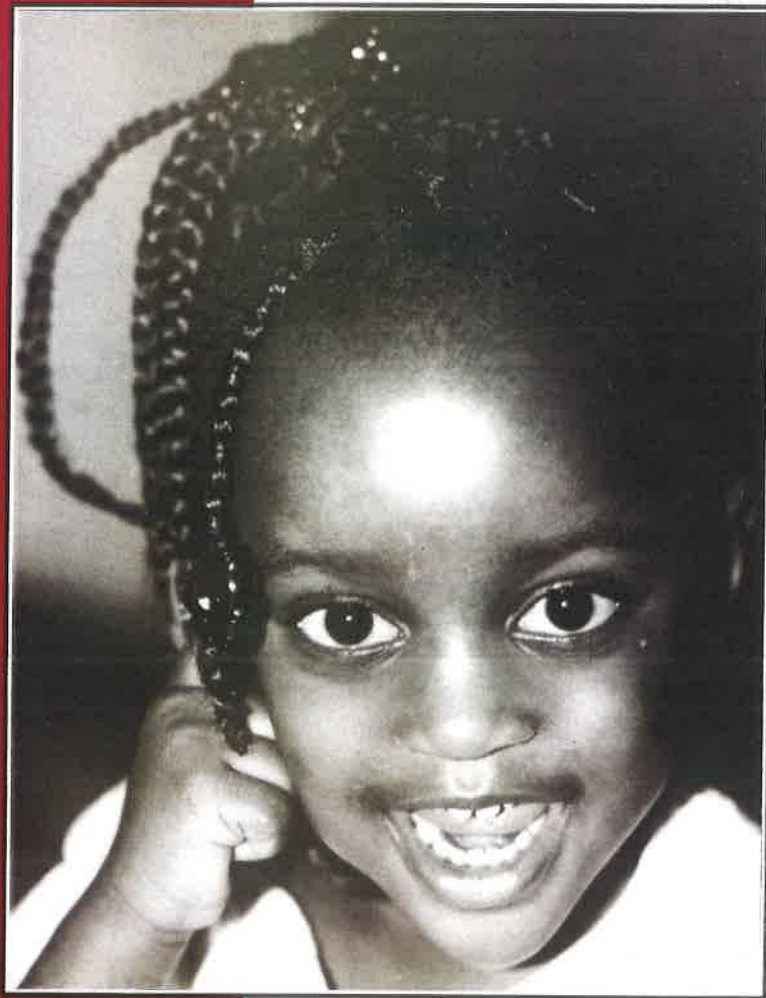


# North Mississippi Rural Legal Services

*Serving 39 Counties in North Mississippi*



## 1999 Annual Report



## *Mission Statement*

**T**hrough constant training, self analysis and community involvement, provide to poor people, the highest quality of legal and technical assistance, which improves the daily quality of life, while contributing to the attainment of social, economic, and political equality.

## *Serving 39 Counties in North Mississippi*

### **Counties Served by Each NMRLS Branch Office**

#### **CLARKSDALE OFFICE**

Bolivar  
Coahoma  
Quitman  
Tallahatchie  
Tunica

#### **GREENVILLE OFFICE**

Holmes  
Humphries  
Leflore  
Sunflower  
Washington

#### **OXFORD OFFICE**

Benton  
Calhoun  
DeSoto  
Grenada  
Lafayette  
Marshall  
Panola  
Tate  
Yalobusha

#### **TUPELO OFFICE**

Alcorn	Pontotoc
Chickasaw	Prentiss
Itawamba	Tippah
Lee	Tishomingo
Monroe	Union

#### **WEST POINT OFFICE**

Attala	Montgomery
Carroll	Noxubee
Clay	Oktibbeha
Choctaw	Webster
Lowndes	Winston

## *History Of NMRLS*

**N**orth Mississippi Rural Legal Services (NMRLS) was born amidst the landscape of the 1960's push for social reform. It was organized in 1966 as a training program for law students at the University of Mississippi (Ole Miss) School of Law. The funding agency was the Office of Economic Opportunity (OEO). Under the first funding grant, services were provided to citizens in Lafayette, Benton, Calhoun, Chickasaw, Marshall, Tippah and Union Counties.

Originally called Lafayette County Legal Services, NMRLS was thought of by its organizers as a combination legal services and teaching program. The first director and his staff lawyers were members of the faculty and worked part-time in each capacity. The goal was to develop a law school curriculum with a focus on legal problems of the poor.

NMRLS opened its first office in Oxford, Mississippi on August 11, 1966. A second office was opened in June 1967 in Holly Springs. Three new branch offices were opened in 1969 which were located in Batesville, West Point, and Greenwood. The Tupelo and Cleveland branch offices were opened in 1977. The Greenville, Clarksdale, Lexington and Grenada branch offices were opened in 1978. The last office to open was in Tunica in 1986.

NMRLS' ties with the Ole Miss Law School were severed in July, 1968. After this break, NMRLS joined several other poverty programs as part of the Community Extension Program of Mary Holmes Junior College. Mary Holmes is a small predominately Black junior college located in rural West Point, Mississippi. The program's operating focus then shifted from being a training tool for law students to a program committed only to providing quality legal assistance to the poor. By 1972 the program boasted impressive gains. It had an operating budget of \$448,000, five branch offices -- Oxford, Holly Springs, Batesville, West Point and Greenwood, and over 37 employees.

The program's connection to local communities during the early days was maintained through social and community workers. The community workers were non-professionals who worked with program attorneys. They played a key role in organizing the poor, working on individual client problems and educating the poor around welfare and consumer issues. They offered essential outreach services to the community. Presently, an effective paralegal program has taken the place of the social and community workers.

Public Law 93-355 was signed into law in 1974 as one of the final acts of then president, Richard Nixon, prior to his resignation, which created the national Legal Services Corporation (LSC). On February 11, 1976, NMRLS was incorporated as an independent non-profit corporation receiving funds from the Legal Services Corporation. Its express purpose being to provide legal services, education and advocacy for people in poverty, in conformity with the LSC Act and Amendments thereto.

At its height, NMRLS had a budget of over 3 million dollars and a total staff of 81 employees, including 21 lawyers, 20 paralegals, 4 legal assistants, and 36 support personnel. It offered services through an administrative office and 12 branch offices to about 372,000 potential clients in 39 north Mississippi counties. Of this number almost 75,000 were elderly residents with only minimal income.

In 1996 the United States Congress cut funding for civil legal services to the poor by



one-third (1/3) and added severe restrictions upon the types of legal services a grantee could provide. Accordingly NMRLS (as did most other programs throughout the country) had no choice but to lay off staff and close offices.

NMRLS currently services its 276,362 eligible poverty population (1990 Census) in its 39-county service area with an administrative office and five (5) branch offices located in Oxford, Tupelo, West Point, Clarksdale and Greenville. Its staff consists of approximately 50 persons with a staffing pattern of three (3) attorneys, two (2) paralegals and three (3) support staff in each branch office, plus the administrative staff.

**NOTE:** NMRLS' history was originally prepared by Joseph Delaney, a former employee. Supplements to Mr. Delaney's original work has been added to cover the most recent years.

## *Greetings From The Executive Director*

I personally want to thank the NMRLS Board of Directors for offering me the opportunity to return to NMRLS as its chief executive officer. I previously worked with NMRLS for approximately 8½ years and the last 15 years as Executive Director of East Arkansas Legal Services in West Memphis, Arkansas. I believe this prior experience has adequately prepared me to meet the many challenges the organization will face in the new millennium. I am grateful for the job my immediate predecessor, Ms. Ava Jackson, has done in steering the program through some difficult times and having the courage to make the hard decisions.

The baton was officially handed to me as of June 1, 1999. My commitment to the NMRLS board, staff, client and broader community is to vigorously and faithfully carry out the awesome task that has been entrusted to me. My previous tenure with NMRLS was during the period which we fondly reflect upon and refer to as the "hey day" of the program in which NMRLS was considered the flagship of legal services programs in this country. I pledge to offer creative and innovative ideas and leadership in the provision of civil legal services to the hundreds of poor Mississippians of north Mississippi. We must utilize the technological advancements which offer unlimited potential for addressing legal problems through new and creative methodologies.



*Ben Thomas Cole, II*

I believe it is very important and significant that North Mississippi Rural Legal Services close the 20th century with the publication of an Annual Report which documents and highlights program activities. I thank the NMRLS staff for its arduous work this past year which is documented and highlighted in the pages which follow.

## *Message From The Chairman of The Board of Directors of NMRLS*

I bring you greetings from North Mississippi Rural Legal Services. I am happy to report that we have completed another successful year of service to people who yearn for justice but lack the means to hire an attorney. We look forward to building on the success we have had over the past few years. I believe we can all agree that we have much to celebrate. Consider:



*Robert Buck*

- ◆ We survived the attempt to defund the program from the federal level;
  - ◆ We successfully restructured the entire program and service area;
  - ◆ We earned the right to annualized funding through the LSC competitive bidding process;
  - ◆ We are operating on a sound financial basis and our financial records are in order;
  - ◆ We adjusted to unionization;
  - ◆ We adopted a much needed salary scale and managed to give all staff members a long overdue salary increase;
- 
- ◆ We have staffed our offices and maintained a reasonable degree of stabilization;
  - ◆ We have, in conjunction with other programs in the state, provided board training; and
  - ◆ Most significantly, we not only survived the resignations of (2) two executive directors within less than two years, but we brought on-board a most competent and professional person, who, I am convinced, will keep the program on an even keel and substantially improve the management of the program and the efficient delivery of professional legal services to our clientele.

Finally, we all must loosen the collar, roll up the sleeves and put our collective hands to the plow. There is much work to be done.

## NMRLS' Program Priorities

To assure the economic and effective use of program resources, NMRLS periodically conducts a comprehensive needs assessment survey and the Board annually reviews them and makes changes and adjustments as needed. As a result of this process, the Board of Directors adopted the following priority areas for use of program resources in 1999.

1. **Advice, Brief Services, and Referral**
2. **Populations with Special Vulnerabilities**
  - A. Elderly.
  - B. Individual Rights/Education (Student Rights)
3. **Support for the Families**

Domestic Cases

  - A. Birth Certificate Correction or Amendment \*
  - B. Guardianship, Conservatorship and Powers of Attorney
  - C. Child Custody.
  - D. Adoptions.
  - E. Filiation, Paternity, and Child Support\*
  - F. Modifications. \*
  - G. Contempt\*
  - H. Parental Terminations.
  - I. Youth Court cases involving neglect, abuse and minor children in need of supervision.
  - J. Visitation
  - K. Wills/Deeds
4. **Safety, Stability and Health**
  - A. Domestic Violence and Abuse
  - B. Health
5. **Maintaining Economic Stability**
  - A. Income Maintenance.
  - B. Employment. .
  - C. Wage Claims
  - D. Consumer Cases
    - i. Bankruptcy.
    - ii. Consumer Claims. that involve patterns or practices of violating state or federal consumer rights laws.
    - iii. Energy Assistance/Public Utility cases
6. **Preserving the Home**
  - A. Housing
  - B. Land



NMRLS' caseload is overseen by Litigation Director, Ruby White.

\*Accepted only under certain circumstances



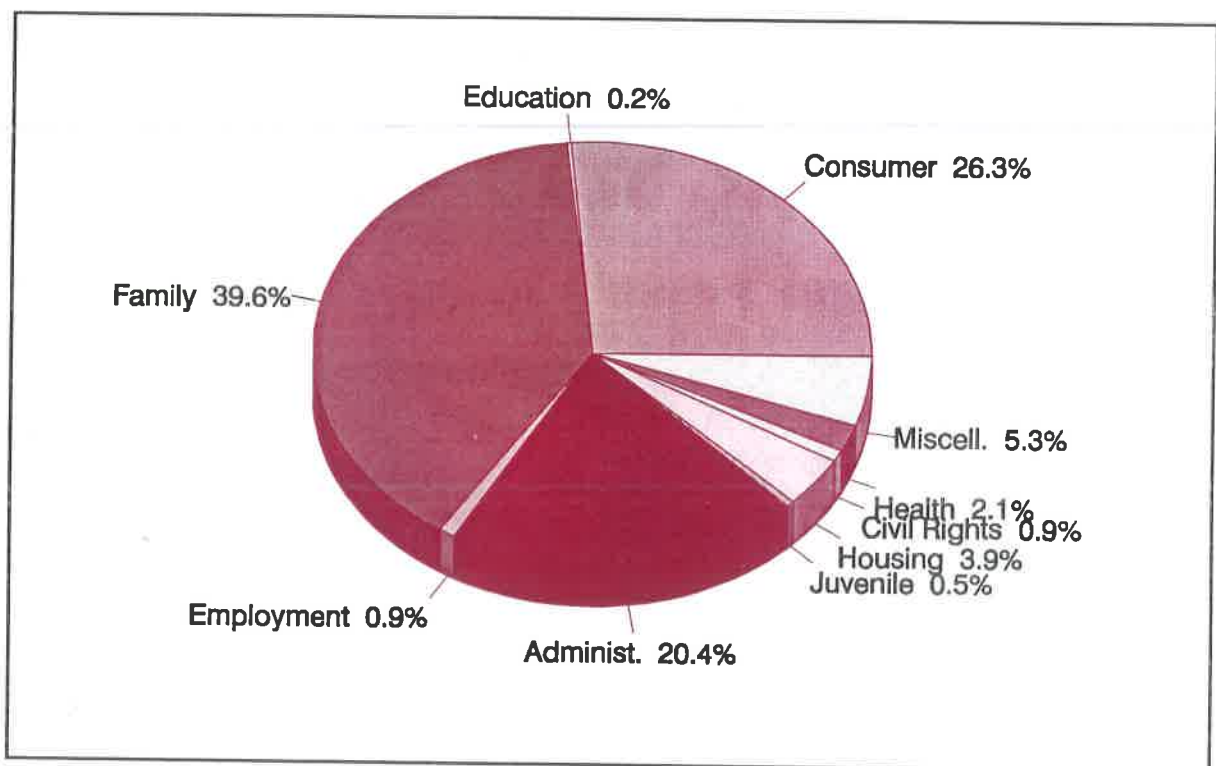
7. **Matters** - Employees of NMRLS are also involved in matters which contribute to the overall delivery of program services that does not involve direct legal advice to or legal representation of one or more specific clients. Such matters include the following direct services:

- A. Community Education Presentation;
- B. Providing *Pro Se* information to potential clients, groups, or community meetings;
- C. Providing information about the availability of legal assistance;
- D. Developing written materials explaining legal rights and responsibilities;
- E. Fundraising;
- F. Intake when no case is undertaken; and
- G. Tracking substantive law developments.

8. **Emergency Cases** - NMRLS staff does not accept any case or matter other than in accordance with the priorities set out above, except in emergency situations and with prior approval from the Executive Director or designee. However, regardless of the emergency, NMRLS does not handle any type case specifically prohibited under Public Law 104-134, or the Legal Services Corporation Act.

## NMRLS' 1999 Case Statistics

### Types of Cases Closed



## *NMRLS' Elder Law Project*

**I**n 1985 NMRLS initiated its Elder Law Project, which has been ongoing for fifteen years. The project was developed to enhance the delivery of high quality legal services to the elderly population in the NMRLS service area. Through the project, NMRLS makes special efforts to overcome the access barriers which increase the difficulty older persons have in obtaining legal representation.

Toward the end of increasing access to legal services the Project maintains an Elder Law Hotline in the Administrative Office of NMRLS. This telephone information, advice and referral service is an excellent resource to the elderly, who are often homebound or unable to travel to the branch office due to frailty or lack of transportation. The hotline is maintained under the auspices of the Project Director, Catherine V. "Ginny" Kilgore, who has 25 years of experience in the areas of the law that impact the elderly.

Also, outreach is accomplished through community education activities and training on legal rights of older persons, which is provided each year to groups of older persons,

advocates for older persons, and/or providers of social services for older persons.

Additionally, when necessary, on-site and home visits are made to the frail elderly who are homebound, or who are in nursing homes, personal care homes or hospitals. NMRLS maintains communications with the institutionalized frail elderly through its contacts with the local and state ombudsmen.

NMRLS also endeavors to involve law students in the provision of legal services to



*Catherine V. Kilgore (standing), The Elder Law Project Director, conducting a community legal education training session with the elderly.*

the elderly. One of the goals of the project is to increase the number of attorneys in the service area who are sensitive to the needs of the elderly population and who are knowledgeable in the areas of the law that impact the elderly.

In order to provide training opportunities for the Bar in the area of law and aging, the Elder Law Project hosts a "Conference On Aging" each year offering Continuing Legal Education (CLE) credit for members of the Mississippi Bar.

The Project Director also serves as a resource for the NMRLS staff, private attorneys and other professionals in the aging network on health and public benefits issues. There is a distinct advantage to clients in having a large staff available to handle cases for elderly clients. The practice of "elder law" is not a neatly drawn body of substantive law which anyone can



readily absorb. When target groups include the rural elderly, the frail/disabled elderly and low-income minority elderly, a complete range of services must be provided. The staff of NMRLS provides a full range of legal assistance to the age 60 and over population in our 39 county service area.

NMRLS is working to serve the elderly, with emphasis on increasing the availability of services to the low income elderly in all of the case priority areas.

## *Protecting our Clients' Interest*

**C**ase Summaries listed below are examples of some of the cases North Mississippi Rural Legal Service handled which protects its client community's interests and rights.

♦ An elderly lady had moved from her home in Marks to live with a daughter in Oxford because she was beginning to have difficulty living on her own. She was finding it more and more difficult to cope with the activities of daily living, such as shopping and cooking. After settling in with her daughter, she became concerned that someone needed to be able to take care of her health care decisions, and to take over her finances and property if she became unable to do so. She also felt that she would like to convey her house in Marks to her daughters, since she did not anticipate returning. She contacted NMRLS for assistance and was advised of her options. After determining what she wanted, NMRLS prepared a health care advance directive, a durable power of attorney and a deed.

♦ A client came to NMRLS in order to file bankruptcy because there was a threat of foreclosure on her home. She had also written several bad checks to the casino and was afraid that she would be prosecuted unless she worked out some type of repayment plan. NMRLS filed a chapter 13 bankruptcy for her and placed both her mortgage arrearage and the bad check debts in a chapter 13 plan whereby she could repay these debts over 60 months. NMRLS also placed her current mortgage payments in the plan so that she would not have to worry about getting behind on them again.



*Greenville paralegal, Margaret Kibbee, represents a Social Security client before Administrative Law Judge Willie Rose.*

♦ A gentleman was buying a house from Jim Walter Homes a/k/a Mid-State; he was working two jobs and took out a second mortgage to improve his home. About two years ago he became ill and could not work. He fell behind with his mortgage notes. It took a number of months to get his Social Security benefits, but when he received his retroactive benefits, he thought he had brought his mortgage payments current. Mid-State started returning his monthly payments requiring more than the monthly payment. They said it was due for insurance premiums from five years before. His notes started falling behind and a foreclosure sale was scheduled for September 1999. He contacted NMRLS, and an emergency Chapter 13 bankruptcy was filed effectively stopping the foreclosure sale. When he was assured that he would not lose his home, he stated that for the first time in three weeks he would be able to go to sleep.

# ***NMRLS Branch Offices & Staff***

## **ADMINISTRATIVE OFFICE**

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(662)234-8731  
FAX: (662)236-3263  
TOLL FREE: 1-800-898-8731  
Ben Thomas Cole, II, Executive Director  
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Ruby White, Director of Litigation  
Catherine V. Kilgore, Director of COA/ALU/RD  
Clarence H. Franklin, Operations Manager  
Charlene Walls-Simpson, Fiscal Manager  
Eunice D. Carter, Special Projects Accountant  
Ruthie G. McEwen, Accounting Clerk  
Johnnie L. Ivy, PAI Coordinator  
Betty Withers, Administrative Secretary

## **GREENVILLE OFFICE**

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Julia Ridley, Paralegal  
Gloria Benson, Fiscal Secretary  
Jeannette Conguista, Case Maintenance Secretary  
Lesia B. Winder, Secretary/Receptionist

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## **WEST POINT OFFICE**

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William Young, Paralegal  
Phyllis Newsom, Fiscal Secretary  
Marilyn Polk, Case Maintenance Secretary  
Nannie Bennett, Executive Secretary

\*Through 8/6/99

\*\* Through 8/3/99

\*\*\*Through 9/15/99

## Board of Directors



*Executive Director, Ben Cole addresses the Board at a recent Board meeting.*

**HON. ROBERT E. BUCK**, Greenville, MS, Chairperson  
**MS. MILDRED QUARLES**, Oxford, MS, Vice-Chairperson



*NMRLS Client Board Members like (l. - r.), Mildred Quarles, Earlene Gardner, Katherine Weathersby and Clarence Chandler always make sure that clients interests are paramount.*

**HON. DAVID O. BELL**, Oxford, MS  
**HON. WILLIAM H. CHAMPION**, Oxford, MS  
**MR. CLARENCE CHANDLER**, Aberdeen, MS  
**HON. LINDA COLEMAN**, Mound Bayou, MS  
**MS. BEVERLY COURTNEY**, Greenville, MS  
**MS. MARY DAVIS**, Enid, MS  
**HON. CARNELIA P. FONDREN**, Oxford, MS  
**HON. JAMES O. FORD**, Tupelo, MS  
**HON. JOHN HALE FREELAND**, Oxford, MS  
**MS. EARLENE GARDNER**, Guntown, MS  
**HON. C. JOY HARKNESS**, Durant, MS  
**MR. ROBERT JAMISON**, Marks, MS  
**HON. KIMBERLY G. JONES**, Greenville, MS  
**HON. SARAH C. JUBB**, Sardis, MS  
**MR. JOE B. LEONARD**, Starkville, MS  
**HON. GEORGE McFALL**, Southaven, MS  
**MR. ROBERT MAYES**, Como, MS  
**HON. JAMES D. MINOR**, Oxford, MS  
**HON. ERICA SUTTLAR**, Greenwood, MS  
**MR. SAMMY SUTTON**, Belzoni, MS  
**HON. CLELL G. WARD**, Greenville, MS  
**MS. KATHERINE WEATHERSBY**, Sallis, MS





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