

A DRUM MAJOR FOR JUSTICE

Ginny Kilgore, longtime North Mississippi Rural Legal Services (“NMRLS”) lawyer and elder law expert, advocated for the elderly and the needy in north Mississippi through the law, teaching, and documenting legal history.

*Steven White**

“Yes, if you want to, say that I was a drum major. Say that I was a drum major for justice. Say that I was a drum major for peace. I was a drum major for righteousness.”

- Martin Luther King, in his final sermon

“Catherine V. ‘Ginny’ Kilgore was an eloquent champion and diligent spokesperson for the poor, the young, the aged, the infirm and all whom North Mississippi Rural Legal Services is charged to serve.”

- Resolution Commemorating the Contribution of the Late Honorable Catherine V. “Ginny Kilgore to North Mississippi Rural Legal Services and Its Client Community

Ginny Kilgore’s friends and colleagues were on notice that any outing, whether personal or professional, was subject to an unexpected detour if they happened across a stray animal. At her memorial service last year, longtime NMRLS colleague and friend, Minnie Howard, recalled more than one occasion when they were so sidetracked by Kilgore’s insistence that they stop and help the chance animal—be it a turtle, cat, or dog—even when they were far from home, such as making their way back to Oxford after a trip to meet clients deep in the Mississippi Delta. Kilgore even missed a mutual friend’s wedding because she picked up an ailing cat along

* Steven White is a public finance lawyer based in the Portland, Oregon office of Orrick, Herrington & Sutcliffe LLP. He graduated from Loyola University, New Orleans, and Lewis and Clark Law School, Portland, Oregon. Ginny Kilgore was his maternal aunt.

the roadside and delivered it to the local animal hospital before ultimately adopting the stray, whom she named T-Bear.

Kilgore's love and compassion for lost and distressed animals represented in microcosm her career-long focus on doing whatever was necessary to represent the kinds of clients that are often overlooked by both government institutions and private practice attorneys.

Catherine Virginia "Ginny" Kilgore, who graduated from the University of Mississippi School of Law in 1975, passed away at the age of 74 on August 9, 2022, following a protracted illness. She practiced law with NMRLS in both Oxford and Batesville, Mississippi for over four decades. Kilgore was also an associate professor at the University of Mississippi Law School, overseeing its Elder Law Clinic and teaching classes focused on the law and the needs of the elderly. She is survived by her loving husband of fifty-three years, Rance Kilgore of Oxford, Mississippi; her sister, Evelyn Nickerson of Gulfport, Mississippi; her brother, Rev. George Purnell of Evansville, Indiana; and her aunt, Gerry Ofield of Rockdale, Texas. She was preceded in death by her parents, Hawes Purnell and Lula Tuma Purnell, and her brother, Rick Purnell.

Kilgore grew up in Vincennes, Indiana and moved south in 1965 to pursue her undergraduate degree in English at the University of Mississippi. She also earned a graduate degree in literature there, writing her master's thesis on E.M. Forster's examination of the effects of colonialism in the novel "A Passage to India." She taught English and literature at the high school and college levels before shifting her focus to the law. In a Bessie Young Council Spotlight interview published in 2019, Kilgore explained her decision to attend law school.¹ "[A]fter receiving my master's degree, I made a life-changing decision in 1973, to attend the University of Mississippi School of Law, even though I had been accepted into a Ph.D. program in English at the University of Texas," she said.²

¹ *BYC Spotlight – Catherine V. "Ginny" Kilgore*, UNIV. OF MISS. SCH. OF L., <https://law.olemiss.edu/alumni/bessieyoungcouncil/byc-spotlight-catherine-v-ginny-kilgore/> [<https://perma.cc/LQF7-E3DR>] [hereinafter *BYC Spotlight*].

² *Id.*

Law school was difficult, and I wasn't sure that this was the best choice for me. I think, however, as I look back over my career from the perspective I have at the age of 70, that this turn of events could be predicted given the expectation of my mother that her children would try to make a difference.³

In that same interview, Kilgore described her mother as the person who had the biggest impact on her life. "My Mother, Lula Zora Tuma "Toni" Purnell, who was a sharecropper's daughter in central Texas, amazingly went to college on a scholarship for a year during the Great Depression at the age of 15," Kilgore elaborated.⁴

Although she did not have the opportunities that she made possible for her children, she continued to educate herself and inspired all of her children to pursue their dreams through education and the work that they had a passion for. During my formative years, I witnessed her struggles as a widow in the 1960s facing difficulties due to employment discrimination and many other barriers in society that impacted women during that time. She inspired me to go to college and then law school to fight for the rights of women and minorities. I have done that for all of my professional life. She taught the children of our family to pay attention to what was happening around us, to form opinions and try to make a difference. She continued to have an inquiring mind, all of her life, and loved learning about new things. She passed on her passion for education to her children.⁵

Kilgore's impact in the area of elder law was recognized both on a statewide and national level. She received the Mississippi Bar Association's 2000 Legal Services Lawyer of the Year Award, the University of Mississippi School of Law 2002 Public Service Award, and the 2011 National Aging and Law Award from the National Academy of Elder Law Attorneys.⁶

Following her retirement from the practice of law in 2020, Kilgore continued teaching classes and overseeing the Elder Law

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Affiliated Faculty & Staff*, THE SARA ISOM CTR. FOR WOMEN & GENDER STUD., <https://sarahisomcenter.org/affiliates> [https://perma.cc/MB68-SPSP] [hereinafter *Affiliated Faculty*].

Clinic at the University of Mississippi School of Law, activities she had been pursuing since the mid-1990s. She also took on a leadership role in the NMRLS Oral History Project, working with a host of others to conduct and produce films and stand-alone interviews documenting the groundbreaking work of NMRLS lawyers since the program's inception in 1966.⁷ In connection with her work with the Oral History Project, Kilgore was named a Fellow with the Sara Isom Center for Women & Gender Studies at the University of Mississippi.⁸

WORKING TO IMPROVE PEOPLE'S LIVES

"Ginny was involved in so many aspects of improving people's lives through her work as a lawyer," said friend and law school colleague, Debbie Bell, who serves as Senior Faculty at the University of Mississippi School of Law.⁹

She was the State's expert on elder law. She helped establish the Domestic Violence Center in Lafayette County. She was actively involved in death penalty and prisoners' rights work for many years of her career. I loved working with Ginny. She was incredibly meticulous and thorough. It's what made her so effective as a lawyer. She never wavered from her commitment to her clients. She was just as passionate about her work at the end of her career as she was when started out as a lawyer.¹⁰

Kilgore was an active member of the team of lawyers that successfully sued the State of Mississippi for failing to abide by the dictates of the *Brown v. Board of Education* decision in the context of higher education.¹¹ NMRLS carried that case for a quarter of century, ultimately winning a victory before the U.S. Supreme

⁷ N. Miss. Rural Legal Servs. Films, *NMRLS Highlights of Oral History Project*, YOUTUBE (Oct. 9, 2019), https://www.youtube.com/watch?v=gq5sPjbdCuU&t=1s&ab_channel=NorthMississippiRuralLegalServicesFilms [<https://perma.cc/38M7-UY2N>].

⁸ *Affiliated Faculty*, *supra* note 6.

⁹ *Faculty Directory: Deborah H. Bell*, UNIV. OF MISS. SCH. OF L., <https://law.olemiss.edu/faculty-directory/deborah-h-bell/> [<https://perma.cc/CQZ9-N2BQ>].

¹⁰ Telephone Interview with Deborah Bell, Senior Faculty in Service, Univ. of Miss. Sch. of L. (Sept. 16, 2022).

¹¹ *See United States v. Fordice*, 505 U.S. 717 (1992).

Court.¹² Kilgore worked closely with lead counsel and well-known civil rights litigator, Alvin O. Chambliss, Jr., in laying the groundwork on a number of crucial legal and historical matters, including the context in which Mississippi State University was awarded land grant status as contrasted to the land grant status enjoyed by the historically-black institution Alcorn State University.¹³

Minnie Howard praised Kilgore's commitment to service. "She had the public interest at the heart of everything she did, whether it was practicing law or teaching," said Howard. "She felt good about her choices in life, and even after her health faltered, she hoped to continue teaching at the law school. She wanted to remain relevant."¹⁴

After graduating from the University of Mississippi School of Law, Kilgore joined a small firm in Oxford with David Hill. They handled a range of civil cases generally focused on representing clients seeking compensation from parties with asymmetrical resources, including plaintiffs in environmental law cases and employment discrimination cases. Through their work handling these cases, Hill and Kilgore partnered with NMRLS for assistance in bringing cases in federal court.

Kilgore joined the staff at NMRLS in 1978 to continue her pursuit of social justice. During her time there, she served as Staff Attorney, Managing Attorney, Senior Attorney, Director of the Council on Aging Project, and Elder Law Director.

Kilgore detailed her work with NMRLS in a BYC Spotlight interview through the University of Mississippi School of Law:

¹² *Id.*

¹³ Kilgore describes her work on the Ayers case during an interview produced by North Mississippi Rural Legal Services Films. North Mississippi Rural Legal Services Films, *Catherine V. Ginny Kilgore, Founder of the NMRLS Elder Law Project*, YOUTUBE (Aug. 1, 2020) <https://www.youtube.com/watch?v=zYVP8tkr5X0> [<https://perma.cc/4L69-V7MZ>] [hereinafter Kilgore Interview].

¹⁴ Telephone Interview with Minnie Howard, Deputy Dir., NMRLS (Sept. 16, 2022) [hereinafter Howard Interview].

I was inspired by the work of the NMRLS attorneys. During those times, law firms, banks, courthouses, downtown businesses and factories had very limited employment opportunities for Black employees. Also, female employees were limited to traditional jobs. In factories, opportunities for advancement were not publicized and jobs were reserved to friends and family members. Public accommodations were segregated in some cases. The battle of desegregation and equalization of funding in K-12 school systems and in higher education was on-going. NMRLS has been one of the most important sites of legal advocacy for Mississippians otherwise unable to access legal aid. It was established two years after the passing of the 1964 Civil Rights Act, one year after the passing of the 1965 Voting Rights Act, and two years before the passing of the 1968 Fair Housing Act. I was inspired to join in that aspect of the practice of law.¹⁵

“Ginny’s passion was to ensure that people had access to justice,” recalled Ben Cole, executive director of NMRLS.¹⁶

Early in her career, she took on a wide range of cases, criminal cases, prisoners’ rights cases, essentially any eligible case that presented itself. As her career evolved, she was very focused on people’s economic rights, representing clients with respect to their interests in Social Security, Medicare, and Medicaid benefits.¹⁷

In the legislative and policy arena, Kilgore was active in the formation of the Mississippi Coalition Against Domestic Violence, which resulted in, among other things, passage of the first major domestic violence law in the state.

During her legal career, Kilgore also represented several death row inmates, including more than a decade handling appeals at the state and federal levels for Alvin Culberson, who was convicted in 1977 of capital murder.¹⁸ The Mississippi Supreme Court handed

¹⁵ *BYC Spotlight*, *supra* note 1.

¹⁶ Telephone Interview with Ben Cole, Exec. Dir., NMRLS (Oct. 31, 2022) [hereinafter Cole Interview].

¹⁷ *Id.*

¹⁸ See *Culberson v. State*, 348 So. 2d 1025 (Miss. 1977); *Culberson v. State*, 379 So. 2d 499 (Miss. 1979); *Culberson v. State*, 412 So. 2d 1184 (Miss. 1982); *Culberson v. State*, 456 So. 2d 697 (Miss. 1984); *Culberson v. State*, 580 So. 2d 1136 (Miss. 1990); *Culberson*

down six separate decisions with respect to the *Culberson* case before Kilgore and co-counsel were ultimately successful in obtaining a new sentencing hearing, with the result that Culberson was re-sentenced to life with the benefit of parole.¹⁹ Culberson has since been released from prison.²⁰

NMRLS colleague Minnie Howard remembers Kilgore scouring the *Clarion Ledger* newspaper from Jackson, Mississippi in the pre-Internet era for announcements related to the scheduling of Culberson's execution.²¹

As soon as any execution date was set, she had to start filing motions, and you had to physically deliver those documents. In one instance, she had to file a motion with the Fifth Circuit Court of Appeals in New Orleans even though a hurricane was in the Gulf, potentially bearing down on the Louisiana coast. She took off driving, alone, to get those documents filed. She didn't trust anybody else to file those documents that were necessary to save his life. I can still see her driving off in her old Chevy, heading straight into a hurricane, on behalf of her client.²²

Kilgore's work in the civil litigation arena was marked by the same intense commitment to her clients, but that passion for justice was tempered by a quiet, analytical approach to the law. Howard illustrated Kilgore's intense commitment and passion in the following interview:

v. State, 612 So. 2d 342 (Miss. 1992); *Culberson v. Mississippi*, 449 U.S. 986 (1980); *Culberson v. Mississippi*, 449 U.S. 1103 (1981); *Culberson v. Mississippi*, 502 U.S. 943 (1991).

¹⁹ See *Culberson*, 348 So. 2d 1025; *Culberson*, 379 So. 2d 499; *Culberson*, 412 So. 2d 1184; *Culberson*, 456 So. 2d 697; *Culberson*, 580 So. 2d 1136; *Culberson*, 612 So. 2d 342.

²⁰ Telephone Interview with Robert Wiygul, Co-Counsel handling the *Culberson* case (Sept. 19, 2022).

²¹ Howard Interview, *supra* note 14.

²² *Id.*

Ginny was a thinker. Some people might go file a case on general principle, but she would take a more studied approach, do her research, study the law, talk to everyone she could, and come up with a theory of the case that offered the best way to solve her client's problems. By doing the background work and letting the other side know what was coming, she would give them a chance to resolve the problem without the need for protracted litigation. She wasn't given to rash decisions. If you brought a problem to her, she would always say, "Let me think about it." Most of the time, it was worth the wait.²³

FOCUS ON ELDER LAW

Kilgore's focus turned to the area of elder law in the mid-1980s when she was asked by the leadership of NMRLS to develop the Elder Law Program with a mission to implement the legal component of the State of Mississippi's assistance program for the elderly. She founded and directed the Elder Law Program²⁴ and helped launch the NMRLS annual Elder Law Conference. She described the program as a project that provided "free legal assistance to the frail and isolated older and at-risk population who otherwise would not have a voice."²⁵

Kilgore was famous for traveling hundreds of miles around northern Mississippi on any given week to meet with clients and those in need of legal services, including wills and advance directives, often accompanied by either her law students or longtime NMRLS board member and local civil rights activist, Mildred Quarles, or both. In representing elderly clients, Kilgore would, if possible, meet with clients where they lived as opposed to her law office. This provided her with crucial insights into the facts and circumstances of their lives and optimized her ability to communicate with clients not versed in the vocabulary of the law.

Colleague Minnie Howard described the critical role Kilgore's mother played in motivating her to become an advocate for those who needed a voice, particularly the elderly.²⁶ "She adored her

²³ *Id.*

²⁴ *Services: Elder Law Project*, N. MISS. RURAL LEGAL SERVS., <https://nmrls.com/services/elder-law-project/> [<https://perma.cc/PLZ8-SKAL>].

²⁵ *BYC Spotlight*, *supra* note 1.

²⁶ Howard Interview, *supra* note 14.

mother,” said Howard.²⁷ “Her mother was a marvel to her, and she always thought that her mother didn’t get the promotions and consideration that she deserved. It was part of what drove Ginny to advocate for others.”²⁸

According to Howard, the struggles Kilgore’s disabled mother faced in dealing with state and federal agencies prompted her initial interest in elder law.²⁹ “Once she started down that path, she realized that there was an entire population of elderly and disabled who were dealing with these same issues. She saw that as a way to assist others and make a real impact.”³⁰ “She saw a big need and developed an expertise to meet that need,” said Ben Cole.³¹

It was a way for her to have a more direct impact on people who were in need, folks who could not afford private attorneys. She had a huge impact all over the State of Mississippi, representing elderly clients, networking with other attorneys around the state, initiating and growing the Elder Law Conference, and training both NMRLS attorneys and private attorneys.³²

The NMRLS Elder Law Conference, launched in the mid-1990s, continues to be a staple offering of the program, providing up to six hours of CLE credit to practitioner participants and featuring a wealth of expert speakers and teachers in elder law.

In addition to organizing the Elder Law Conference, Kilgore’s work in elder law expanded the scope of her professional relationships, including active membership in organizations such as the Mississippi Gerontological Society and the Lafayette Council on Aging. “Everybody knew Ginny in the aging community,” said Jo Ann O’Quin, professor emerita and gerontologist at the University of Mississippi.³³

“For well over twenty-five years, Ginny was at the forefront of making sure that the people who worked in service of the aging

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ Cole Interview, *supra* note 16.

³² *Id.*

³³ Telephone Interview with Jo Ann O’Quin, Professor Emerita of Soc. Work, Univ. of Miss. (Oct. 14, 2022) [hereinafter O’Quin Interview].

were properly trained,” said Marion Tutor, former Director of the State Division on Aging.³⁴

Her leadership of the Elder Law Conference provided for the training and certification of case workers, social workers, and ombudsmen and helped cultivate the development of assisted living here in Mississippi. She was crucial to making sure that people working directly with seniors knew what they are doing and why. Her training at these conferences had statewide effect. The value she brought to our state was incalculable.³⁵

TEACHING AND BEARING WITNESS

Kilgore became the Elder Law Clinic Professor at the University of Mississippi Law School in the mid-90s, hired by her friend and then Clinical Program Director, Debbie Bell. She relished her work as a teacher, both in the clinic and later in the classroom teaching a lecture-style course in Elder Law in her own practical and down-to-earth manner.

Teaching was a significant part of her life,” said Ben Cole.³⁶ She loved teaching law students, and we appreciated the fact that her work with those same law students helped expand the efforts and capacity of NMRLS. She viewed teaching law students as a way of introducing them to the real legal problems of the poor. Her work as a teacher helped open their eyes to the possibility of working as public interest lawyers or taking pro bono cases as part of their private practice.³⁷

Jo Ann O’Quin recalled Kilgore’s approach to cross-disciplinary collaboration: “She was an active member of our monthly Council on Aging network that brings together psychologists, social workers, and other aging-related professionals. She was eager to learn from others and extend that knowledge to students.”³⁸

³⁴ Telephone Interview with Marion Tutor, former Dir., Miss. Div. of Aging & Adult Servs. (Oct. 25, 2022).

³⁵ *Id.*

³⁶ Cole Interview, *supra* note 16.

³⁷ *Id.*

³⁸ O’Quin Interview, *supra* note 33.

“We collaborated in many ways for several decades,” said O’Quin.³⁹

She would present to my class about legal issues as they related to aging, as well as to the Alzheimer’s and related disorders caregiver support group I facilitate. Ginny had a great heart for training students as well as professionals through the annual Elder Law conference. She exposed her law students to the real-world challenges they would face representing older clients. She would send her law students into elder care settings with my gerontology trainees. They would visit the state veteran’s home, traditional nursing homes, assisted living facilities, and participate in virtual simulations of dementia and other age-related disabilities like glaucoma and macular degeneration, so they could fully understand the viewpoint of the clients with whom they would ultimately be working.⁴⁰

Following her retirement from the practice of law, Kilgore took on a leadership role with the NMRLS Oral History Project, which has used video interviews to document the groundbreaking work of the program. Like her approach to network building in Elder Law, Kilgore forged partnerships with and earned grants from other related organizations including the Mississippi Humanities Council and the Sara Isom Center. She also enlisted the expertise of oral historians Dr. Roy DeBerry and April Grayson, as well as filmmaker and Itawamba Community College English Professor, Morgan Cutturini, who directed the project’s flagship 2019 documentary, “Quest for Justice’ the History of North Mississippi Rural Legal Services.”⁴¹

The North Mississippi Rural Legal Services Project has also made available online many interviews with individual lawyers and staff members who played important roles within the organization

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ North Mississippi Rural Legal Services Films, *Quest for Justice NMRLS Oral History Project* (2022), YOUTUBE (Mar. 25, 2022), <https://www.youtube.com/watch?v=ksa55NuFKH0> [<https://perma.cc/9LTE-S8PT>] (Kilgore is listed in the film credits at the NMRLS Oral History Project Coordinator; the documentary was produced by Ben Cole, II and Minnie Howard; the interview with Kilgore herself that is included as part of the documentary begins at 43:07 minutes).

over its storied history. Kilgore was herself interviewed at length on March 19, 2019.⁴²

“She was tireless in pursuing people’s personal histories with Legal Services,” said Ben Cole.⁴³

She maintained an office here because she was overseeing the Oral History Project. Like her work in Elder Law, when she took on the Oral History Project, she developed a network, cultivated expertise, and successfully pursued grant funding, including a special grant to focus on the contributions of women lawyers and staff at NMRLS.⁴⁴

In her work as an oral historian, Kilgore was particularly interested in documenting the role women played in the work of civil rights. To that end, she, along with April Gray and Morgan Cutturini, produced a twenty-minute documentary entitled “A Rich Untold Story: The Role of Women at North MS Rural Legal Services (NMRLS).”⁴⁵

“Women were a vital part of the Civil Rights Movement, and it was important to Ginny that their essential work be recognized,” said Minnie Howard.⁴⁶

Ginny was focused on recognizing the work not just of female lawyers, but also paralegals and other non-lawyers, those folks who worked behind the scenes and were involved in drafting the lawsuits and discussing strategy. The male attorneys who argued cases in court often got the attention and made more money while women were in the shadows. Ginny pushed against that narrative.⁴⁷

KILGORE’S LEGACY

During her interview with the Oral History Project, Kilgore assessed the most influential matters in her legal career to include

⁴² Kilgore Interview, *supra* note 13.

⁴³ Cole Interview, *supra* note 16.

⁴⁴ *Id.*

⁴⁵ North Mississippi Rural Legal Services, *A Rich Untold Story: The Role of Women at North MS Rural Legal Services (NMRLS)*, YOUTUBE (Nov. 2, 2020), https://www.youtube.com/watch?v=DJhO_INIzWo [<https://perma.cc/34K7-4DQV>].

⁴⁶ Howard Interview, *supra* note 14.

⁴⁷ *Id.*

her work heading up the Elder Law Program including influential litigation on the part of nursing home residents whose Medicaid benefits were improperly extinguished; her involvement in the higher-education desegregation case; her defense of prisoners' rights, particularly those incarcerated at the Parchman Farm state penitentiary; her efforts on behalf of reforming domestic violence laws in Mississippi; and finally her efforts heading up administrative law cases including many cases in which the Social Security Administration cut disability benefits to recipients without a proper showing that their condition had improved.⁴⁸

Minnie Howard described Kilgore as consumed by her sense of service to others. "We all have a soft spot for certain of our clients, but Ginny felt that way about nearly all the people she represented, especially the elderly and disabled," Howard said.⁴⁹ "She took her work very personally, and she would get fired up about the way her clients were being treated."⁵⁰

Howard also described Kilgore's intangible, but no less important, legacy of bringing people from disparate backgrounds together to achieve solutions or even to just connect at a basic human level.⁵¹ "Her ability to treat everyone equally was part of what made her a great lawyer and a great person," said Howard.⁵²

It did not matter who you were or your race, age, gender, sexual identity; she treated everyone with respect. Her life was about integration. She wanted the people in her life to appreciate one another. She didn't have walls or barriers. She really wanted everyone to get along and resolve their issues, and it never occurred to her that anybody might be uncomfortable being around people who are different.⁵³

When asked to describe her own vision of success, Kilgore aptly articulated a standard of achievement that she admirably met and exceeded through her own efforts as a lawyer, teacher,

⁴⁸ Kilgore Interview, *supra* note 13.

⁴⁹ Howard Interview, *supra* note 14.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

historian, colleague, and friend. “Success is a matter of opinion,” she said.⁵⁴

Some people think success means making a lot of money. In my view, to quote Cesar Chavez, “When we are really honest with ourselves, we must admit that our lives are all that really belong to us. So, it is how we use our lives that determines what kind of persons we are.” Success, to me, is to be able to spend your life doing things that you think are important and that you enjoy and to look back on your life and be proud of what you have done.⁵⁵

⁵⁴ *BYC Spotlight*, *supra* note 1.

⁵⁵ *Id.*