

MISSISSIPPI
Access to Justice
COMMISSION

JUSTICE *for* ALL

2019 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 fifteen (15) *ex-officio* members. Co-Chairs are Chancery Judge Jacqueline Mask (Tupelo) and former Mississippi Bar President Rodger Wilder (Gulfport). Voting members include: Chancery Judge Margaret Alfonso, Gulfport; attorney Kacey Bailey, Meridian; Supreme Court Justice Dawn Beam, Sumrall; law professor and attorney David Calder, Oxford; Court of Appeals Judge Virginia Carlton, Jackson; attorney Kathryn Dickerson Clay, Waynesboro; Itawamba County Chancery Clerk Michelle Clouse, Fulton; Circuit Court Judge Lisa Dodson, Gulfport; attorney Max Edwards, Pontotoc; Chancery Judge Deborah Gambrell, Hattiesburg; attorney Patti Gandy, Ridgeland; law librarian Faith Garbin, Pascagoula; Supreme Court Justice Leslie D. King, Greenville; attorney Ammie Nguyen, Jackson; Chancery Judge Denise Owens, Jackson; attorney Charliene Roemer,

Biloxi; Circuit Judge Lillie Blackmon Sanders, Natchez; attorney and Senator Derrick Simmons, Greenville; attorney Trena Williams, Southaven.

Non-voting *ex-officio* Commission members include: Sam Buchanan, Jr., Executive Director, Mississippi Center for Legal Services, Hattiesburg; Pat Bennett, Dean, Mississippi College School of Law, Jackson; Gayla Carpenter-Sanders, Executive Director/General Counsel, Mississippi Volunteer Lawyers Project, Jackson; Ben Cole, II, 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; Lyndsy Irwin, Director of Child Support Enforcement, Mississippi Department of Human Services, Jackson; Beth Orlansky, Advocacy Director, Mississippi Center for Justice, Jackson; Paloma Wu, Senior Supervising Attorney, Southern Poverty Law Center, Jackson; Catie Marie Martin, Attorney, Disability Rights Mississippi, Jackson; Kristine Simpson, Director, Pro Bono Institute, University of Mississippi School of Law, Oxford; Joshua Tom, Interim Executive Director and Legal Director, American Civil Liberties Union of Mississippi, Jackson; Harry Yoste, Attorney/Director, Northcutt Legal Clinic, Gulfport; and Bridgette Wiggins, Director, Consumer Protection Division, Mississippi Attorney General, Jackson.

The Executive Director of the Commission is Nicole H. McLaughlin.

The Commission's Committees

The Commission is comprised of three Committees—Delivery System, Public Awareness and Resource Development. 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.

Financial Support for the Commission

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

2019 Commission Meeting Dates

The Commission meets quarterly. In 2019, Commission meetings were held as follows: March 5, June 11, September 3 and December 3. Guest presenters at the 2019 meetings included Susan Robison, Director State Relations, Casey Family Programs who presented “The Federal Family First Prevention Services Act” and Anne Marie Lancour, Associate Director and Co-Director of Family First Project, ABA Center on Children and the Law, presented “The Role of Attorneys in the Federal Family First Prevention Services Act.”

ACCOMPLISHMENTS IN 2019

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 free legal assistance in 2019.

Statewide Access to Justice Month

The Mississippi Supreme Court challenged every Chancery Court District in Mississippi to begin hosting pro se legal clinics in June 2018 and requested that the Commission help organize the clinics. The clinics were very successful across the state. Through the Initiative, 37 clinics were held and 851 people were given free legal assistance by 451 volunteer attorneys in 2018. The Supreme Court and the Commission again helped organize the clinics in 2019. The clinics were even more successful in 2019. Through the Initiative, over 1,077 Mississippians received assistance. The clinics assisted with the following types of cases: name change, divorce, child custody and support, expungements, emancipations, estate matters, domestic violence protection orders, child visitation, guardianships and adoptions. The Commission hopes that each Chancery Court District will take on the clinics as an annual project in their respective areas.

In preparation for the Initiative in 2018, the Supreme Court created a webpage listing all of the clinics throughout the state. After the Initiative, the Supreme Court agreed to keep the webpage active as a resource for self-represented litigants and for entities hosting free legal clinics. The list of free legal clinics can be found at: <https://courts.ms.gov/Legal/CivilLegal.php>. The Commission assists in keeping the website updated.

The Commission volunteered at the following 2019 legal clinics as part of this Initiative: Fourteenth District *Pro Se* Legal Clinic (Columbus); Union County *Pro Se* Legal Clinic (New Albany); Lee County *Pro Se* Legal Clinic (June-Tupelo); Pontotoc County *Pro Se* Legal Clinic (Pontotoc); Prentiss County *Pro Se* Legal Clinic (Booneville); Tishomingo County *Pro Se* Legal Clinic (Iuka); and Lee County *Pro Se* Legal Clinic (November-Tupelo).

American Bar Association Harrison Tweed Award

The Mississippi Bar was named the 2019 Harrison Tweed Award winner for its involvement with the Statewide Legal Clinic Initiative. Named for an outstanding leader in the promotion of free legal services to the poor, the ABA Harrison Tweed Award was created in 1956 to recognize the extraordinary achievements of state and local bar associations that develop or significantly expand projects or programs to increase access to civil legal services to persons living in poverty or criminal defense services to indigents. Pat Bennett, The Mississippi Bar President, received the Award on behalf of The Mississippi Bar at the 2019 Annual Meeting of the American Bar Association. It is proudly displayed at The Mississippi Bar building in Jackson.

More information about the ABA Harrison Tweed Award can be found at: https://www.americanbar.org/groups/legal_aid_indigent_defendants/awards/harrison_tweed_award/harrison_tweed_current/

Other Legal Clinics

In addition to the Statewide Legal Clinics, the Commission hosted nine clinics in Tupelo, Lee County, Mississippi in conjunction with the Family First Initiative. The Family First Initiative is an arm of the Supreme Court's Commission on Children's Justice. It aims to promote the safety of Mississippi's children and the stability and self-sufficiency of Mississippi's families by pulling together resources in the community. Lee County is one of the six pilot counties to begin work through the Initiative. The Commission partnered with FFI-Lee County leaders to provide legal assistance to Mississippi families in crises. The nine clinics hosted by the Commission were held at the Family Resource Center in Tupelo. Clients could get legal assistance in preventing the removal of their children to the foster care system. The Family Resource Center also provided childcare and offered other resources including job training and parenting classes to the clients. Through these clinics, 34 clients were assisted throughout the year.

Additionally, the Commission and the Family First Initiative plan to co-host a Re-Entry Fair in Bolivar County in January 2020. The Re-Entry Fair will include an expungement clinic as well as other job training and community resources. The expungement clinic will be led by the Mississippi Volunteer Lawyers Project.

In 2020, the Commission plans to expand its presence at and support of legal clinics. We hope to co-sponsor additional clinics and expand available clinics to other legal topics. Additionally, we are always seeking new partnerships for hosting legal clinics throughout Mississippi.

Family Law Self-Help Video Project

The Mississippi Department of Human Services, the Commission and the University of Mississippi School of Law have partnered to produce a series of self-help videos. The videos are intended to assist individuals represented by counsel and self-represented litigants prepare for court and navigate the legal system. Members of the Family Law Section of The Mississippi Bar

assisted in drafting some of the scripts needed for the project. Jonathan Martin, Lee County attorney and *Member at Large*, Family Law Section of The Mississippi Bar, will assist in drafting the remaining scripts and in the production process. Rex Harsin will film and produce the videos. Filming is anticipated to be in January/February 2020. The Commission expects that the videos will be available for distribution by Spring 2020. Currently, the following topics will be addressed in the videos:

1. How to file a case in the clerk's office;
2. Courtroom etiquette;
3. How to offer testimony at trial (including how to prepare for cross-examination);
4. How to subpoena a witness (including questioning a witness and the hearsay rule);
5. How to set a case for hearing;
6. How to serve process; and
7. How to be a good witness (include direct and cross-examination; examples of good and bad).

The videos will be accessible on the Commission's website and available as a link on other provider and partner websites. As more funding is available for this project, additional videos will be added to the video library.

***In Forma Pauperis* Issues**

The Chancery Court Judges created an *In Forma Pauperis* ("IFP") Committee at the Spring Trial and Appellate Judges' Conference. IFP is a process that allows an indigent to request that their civil filing fee be waived due to his/her lack of financial resources. The Commission, through the Executive Director, held a seat on the IFP Committee. The purpose of the IFP Committee was to study the IFP process and to make recommendations to streamline the process and recommend standards for statewide uniformity.

The IFP Committee met several times by phone and at the University of Mississippi School of Law. The IFP Committee created an *In Forma Pauperis* bench card for family law cases for court staff and Judges to use when processing IFP cases and deciding IFP status. The IFP Committee presented its bench card to the Chancellors at The Mississippi Bar's Annual Meeting. After a comment period, the bench cards were forwarded to all Chancellors and added to the Mississippi Judicial College's bench books for Chancellors and Chancery Clerks. Additionally, the Commission presented and discussed the bench cards at the Judges' and Clerks' Conferences and at the newly elected Clerks' Orientation in December 2019.

The Commission will retain its seat on the IFP Committee and assist when needed.

Online Interactive Forms

The Commission corrected and updated its online interactive forms for Irreconcilable Differences Divorce, Emancipation and Adult Name Change. Members of the Delivery System

Committee tested the newly updated and corrected forms and provided feedback on the new versions. The Commission is proud to have this resource for the public and looks to expanding the Online Form Library in 2020. The funding for this project came from our *Pro Hac Vice* funding source. We continue to thank the Mississippi Supreme Court for its support of the Commission and its projects.

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: The Mississippi Bar's Leadership Forum (Jackson); University of Mississippi School of Law Professor Debbie Bell's Family Law Class Session (Oxford); the Mississippi Seedsmen Association Annual Meeting (Tupelo); the Chancery Clerks' Conference "Access to Justice and Self-Represented Litigant Issues" (Jackson); Lee County Bar Association Monthly Meeting (Tupelo); WTVA Noon Show Interview to promote the Family First Initiative events (Saltillo); Mississippi State University's Pre-Law Society Monthly Meeting (Starkville); The Mississippi Bar's CLE on the Road/Regional Bar Meeting events (Hattiesburg and Tupelo); The Mississippi Department of Corrections' Reentry Symposium (Jackson); Lee County School District Meeting (Tupelo); Mississippi Judicial College New Clerks' Orientation (Jackson); and the Mississippi Judicial College New Justice Court Judges' Orientation (Jackson).

Bar Convention CLE

In July, the Commission sponsored a free CLE session at the Annual Meeting of The Mississippi Bar in Sandestin, Florida. The session titled "The GAP Act: Protecting the Rights of Vulnerable Adults" featured Chancellor Catherine Farris-Carter discussing the new Mississippi Guard and Protect ("GAP") Act. The GAP Act was passed by the Mississippi Legislature in 2019 and will become effective January 1, 2020. Attorneys who attended the CLE session received one free hour of CLE credit.

Mississippi Library Association Conference

In October, the Commission presented at the Mississippi Library Association Conference in Jackson. The presentation included: 1) the Commission and its legal aid providers in the State; 2) online and available resources; 3) statewide legal clinics; 4) what librarians can and cannot do to assist self-represented litigants; 5) which online forms are good to use and which are not;

and 6) goals and projects to assist legal aid for the future. The Commission hopes to expand its partnerships with and presentations to library systems in the coming year.

POWER Act Conference

Congress passed the Pro Bono Work to Empower and Represent Act of 2018 (“POWER Act”), Pub. L. 115-237 during the summer of 2018. The POWER Act highlights the increasing domestic violence problem and the need for attorneys to help victims. The POWER Act requires the chief judge in each federal judicial district to partner with a domestic violence service provider and a volunteer lawyer project to lead a public event that promotes *pro bono* legal services as a critical way to empower victims. The Commission partnered with the Northern District of Mississippi on a project under the POWER Act. On May 30, the Commission co-hosted a conference in Tupelo with speakers discussing access to justice issues and domestic violence issues. We hope to partner with the Northern District and other state and federal courts to promote domestic violence awareness and *pro bono* service to Mississippians in need.

Other Conferences and Events

The Commission attended the following conferences and events: The Mississippi Bar Gandy Lecture Series (Point Clear, AL); the American Bar Association’s National Conference on Access to Justice for Children and Families (Tysons Corner, VA); the American Bar Association’s National Conference on Parent Representation (Tysons Corner, VA); the American Bar Association’s Equal Justice Conference (Louisville, KY); The Mississippi Bar’s Child Advocacy and Welfare Committee Reunification Event (Jackson); the American Bar Association’s Annual Meeting (San Francisco, CA); the University of Mississippi School of Law James O. Dukes Professionalism Program (Oxford); The Mississippi Bar’s Committee Day (Jackson); the Mississippi Volunteer Lawyers Project Awards Banquet (Jackson); the United States District Court for the Northern District Bench and Bar CLE (Oxford); and North Mississippi Food Security Meeting (Tupelo).

Newsletters, Website, Social Media

The Commission published an electronic newsletter three times in 2019 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 (<http://www.msajtc.org/blog/news-and-events-1/post/msajtc-newsletters-7>). The Commission also increased traffic to its webpage and its presence on social media in 2019.

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 works closely with The Mississippi Bar, the Supreme Court, the state's legal services providers and others in an attempt to procure additional support for civil legal services in the state.

In 2019, the Commission explored and researched additional funding options. The Commission plans to work toward several increases for the state's legal services providers in 2020.

Pro Hac Vice Funds

On May 10, 2018, the Mississippi Supreme Court issued an Order providing that the Commission receive one-third of the *Pro Hac Vice* funds received from out of state attorneys. At the same time, the Supreme Court increased the *Pro Hac Vice* fee from \$200 to \$300. In doing so, the divergence of funds to the Commission did not affect the amount transferred to the Civil Legal Assistance fund. The funding increase has allowed the Commission to fund more projects and keep it more self-sufficient in the future. Through this funding source, the Commission began construction of an updated www.expungemississippi.com website, updated and corrected its online interactive legal forms and provided educational CLEs for attorneys and public awareness events.

U.S. Department of Labor Grant

The Commission partnered with Seedco and the Mississippi Center for Justice ("MCJ") for a U.S. Department of Labor grant. Seedco, a national non-profit that operates in six states including Tennessee and Arkansas, submitted a proposal to the USDOL's Reentry Employment Opportunity Funding Opportunity Announcement FOA-ETA-19-A Initiative. The grant would have created the *Mid-South Re-entering Into Society to Excel ("MSRISE")* program, a \$1.5 million initiative to deliver employment, training, case management and legal services to 188 adults (ages 25+) released from prison or jail within two years of program enrollment or currently under supervision in the Mid-South region. This region would have included a contiguous area within two Mississippi counties (Marshall County and DeSoto County) and one Tennessee county (Shelby County). The program was slated to run from July 2019 to September 2022. Seedco would have contracted with the MCJ for the legal services component in Marshall and DeSoto Counties.

Unfortunately, the MSRISE program was not funded in this round of grant awards. The Mississippi Community Education Center in Jackson did receive a grant in the amount of \$1,499,991. We are pleased that the state received some funding through this grant opportunity for reentry efforts.

Continuing Legal Education (“CLE”) Events

In an effort to provide a service to members of The Mississippi Bar and also to raise funds for the legal clinic initiative, the Commission is planning to hold CLE events throughout the State in 2020. The events will cover the state’s new Guard and Protect (“GAP”) Act covering guardianships and conservatorships. The Commission plans to hold CLEs in North, Central and South Mississippi. The funds raised from the events will go toward purchasing computer equipment and supplies for the statewide legal clinics and other projects.

SPECIAL PROJECT

Justice Index Working Groups

In response to the National Center for Access to Justice’s 2016 Justice Index which ranked Mississippi as 50th in providing access to justice, the Commission formed five working groups in 2017 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 worked since formation on the following tasks:

- *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.

Through this special project and in partnership with other Commission projects, the following bench cards have been created for judicial education: Plain English, *In Forma Pauperis* and Unbundling/Limited Representation. Additional bench cards will be created to assist with

judicial education. Also, through this special project initiative, “Can and Cannot Do” handouts were created for Court Staff and Court Patrons. The handouts inform court staff and the public what can be done to assist self-represented litigants. The handouts were approved by the Mississippi Judicial College and distributed at the Circuit, Chancery and Justice Court Clerk Conferences.

A tab titled “Legal Help” has been added to the Supreme Court’s website to assist the public. The tab includes a link to the Commission’s website and lists information and links to assist in waiving civil filing fees if person meets a designated financial eligibility standard.

The Commission continues to work toward its goals of providing greater access to free legal forms in Mississippi. Finally, through this special project, the Commission has recruited volunteer language interpreters to assist legal aid providers throughout the state. The Commission will continue efforts under this Special Project in 2020.

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 2019 on the activities and programs discussed herein. We thank these individuals and organizations for their invaluable contributions to our successes in 2019:

Access to Justice Committee, The Mississippi Bar
James Phipps and BeCloud, LLC
Bill Benson, Lee County Chancery Clerk
Kimela Bratton
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Military Assistance Committee, The Mississippi Bar
The Mississippi Bar
The Mississippi Bar Foundation
Mississippi Board of Bar Commissioners
Mississippi College School of Law

Mississippi Commission on Continuing Legal Education
Mississippi Judicial College
Mississippi Legal Professionals Association
Mississippi Library Commission

Mississippi Supreme Court and Court of Appeals
Office of General Counsel, The Mississippi Bar
Prentiss 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 2019 accomplishments—and your continued support—to further the cause of access to civil justice in Mississippi in 2020 and beyond.