

MISSISSIPPI
Access to Justice
COMMISSION

JUSTICE *for* ALL

2020 ANNUAL REPORT

Mississippi Access to Justice Commission
Post Office Box 2168
Jackson, Mississippi 39225
601-960-9581
www.msatjc.org

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: Chancery Judge Margaret Alfonso, Gulfport; 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; Chancery Judge Deborah Gambrell, Hattiesburg; law librarian Faith Garbin, Pascagoula; Chancery Judge Tiffany Grove, Jackson; law professor and attorney Shirley Kennedy; Supreme Court Justice Leslie D. King, Greenville; attorney Lisa Ann Koon, Iuka; 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; Jaribu Hill, Executive Director, Mississippi Workers Center, Greenville; Beth Orlansky, Advocacy Director, Mississippi Center for Justice, Jackson; Greta 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 Anna Ward Sukmann, Statewide Human Trafficking Victim Services Coordinator and Special Assistant Attorney General, Mississippi Attorney General, Gulfport.

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.

2020 Commission Meeting Dates

The Commission meets quarterly. In 2020, Commission meetings were held as follows: February 25, May 12, August 25 and November 10. Due to the COVID-19 pandemic, the only in-person meeting was held on February 25, 2020. All other meetings were held via Zoom Videoconference. Special presentations at the 2020 meetings included Adam Kilgore, General Counsel, The Mississippi Bar, “Current Status of Unauthorized Practice of Law (“UPL”) in Mississippi and the pending Petition on UPL”; Commissioner Ammie Nguyen “Self-Represented Litigant Survey 2020: Results and Findings”; Commissioner Michelle Clouse “Court Interpreter Needs Assessment: Results and Findings.”

2021 Commission Meeting Dates

The Commission has scheduled meetings on the following dates: February 23, May 18, August 17 and October 26, 2021.

ACCOMPLISHMENTS IN 2020

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 2020.

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.

Unfortunately, the COVID-19 pandemic caused most of the 2020 free legal clinics to cancel across the State. We are hopeful that 2021 brings the ability to once again host these needed events statewide.

Even though many clinics were cancelled, the Commission was still able to assist at the following 2020 legal clinics as part of this Initiative: Bolivar County Expungement Clinic and Reentry Fair (Cleveland); Union County *Pro Se* Legal Clinic (New Albany); Itawamba County *Pro Se* Legal Clinic (Fulton); Monroe County *Pro Se* Legal Clinic (Aberdeen); Lee County *Pro Se* Legal Clinic (June-Tupelo); Pontotoc County *Pro Se* Legal Clinic (Pontotoc); Prentiss County *Pro Se* Legal Clinic (Booneville); Alcorn County *Pro Se* Legal Clinic (Corinth); Tishomingo County *Pro Se* Legal Clinic (Iuka); and Lee County *Pro Se* Legal Clinic (October-Tupelo).

ABA Smythe Gambrell Award

The Commission was awarded the 2020 American Bar Association E. Smythe Gambrell Professionalism Award on October 3, 2020 in a virtual awards ceremony. The Commission shares this Award with The Mississippi Bar for the work on the Statewide Legal Clinics. MB President Jennifer Ingram Johnson accepted the award on behalf of the two organizations. The following were present for the awards ceremony: MB President Jennifer Ingram Johnson; former MB President Amanda Jones Tollison; former MB President and Dean of MC Law School Patricia Bennett; MB Executive Director Deanne Mosley and MSATJC Executive Director Nicole McLaughlin.

This Award, administered by the ABA Standing Committee on Professionalism and supported by the E. Smythe Gambrell Fund for Professionalism, recognizes the nation's exemplary, innovative, and on-going professionalism programs in law schools, bar associations, courts and other legal organizations that help ensure the maintenance of the highest principles of integrity and dedication to the legal profession and the public. Each award carries a \$3,500 prize. The Commission and The MB will use the award funds to partner on a project to assist the public.

The Gambrell Awards were established in 1991 and are named for E. Smythe Gambrell, ABA and American Bar Foundation president from 1955 to 1956. Gambrell founded the Legal Aid Society in Atlanta, where he practiced law from 1922 until his death in 1986.

More information about the ABA E. Smythe Gambrell Award can be found at: https://www.americanbar.org/groups/professional_responsibility/initiatives_awards/awards/gambrellaward/

Other Legal Clinics

The Commission partnered with the Mississippi Volunteer Lawyers Project to co-sponsor a virtual expungement clinic to coincide with Pro Bono Week. The event assisted Mississippians across the state in obtaining expungements of arrests and convictions. Over 50 attorneys volunteered for this event.

Self-Help Video Projects

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, assisted in drafting the remaining scripts and in the production process. Rex Harsin filmed and produced the videos.

On February 1, 2020, David Calder and Nicole McLaughlin met with Rex Harsin, Jonathan Martin, Christi McCoy, Lee County Court Judge Staci Bevell, Karen Peairs and other volunteers at the University of Mississippi School of Law Moot Courtroom to film the videos for all seven chapters of the video project. The videos were available and distributed in the Spring 2020. The following videos were produced and uploaded:

1. Representing Yourself: How to file a lawsuit;
2. Steps to Schedule Your Day in Court;
3. What is a Subpoena: Getting Documents and Witnesses to Court;
4. How to Dress for Court;
5. Your Day in Court: What to Expect;
6. Testimony: Telling Your Side of the Story; and
7. This is Not TV: What Court is Really Like.

The videos are accessible on the Commission's website and available as a link on other provider and partner websites.

As part of the Commission's response to the COVID-19 pandemic, we partnered on a new project with the MS Center for Justice to produce several videos on Eviction Law for self-represented litigants. We released videos on the following topics:

1. COVID-19 Eviction Issues;
2. Facing Eviction for Breach of Lease;
3. Facing Eviction for Nonpayment of Rent;
4. Repairs by Tenants: When the Landlord Fails to Make Repairs;
5. Security Deposits; and
6. The Federal Fair Housing Act.

A new page on the Commission's website has been added for all of the self-help videos: <http://www.msatjc.org/self-help-videos>.

The Commission has also been working to create a series of videos for parents who are involved in the Youth Court System. This series will be filmed in early 2021. As more funding is available for this project, additional videos will be added to the Commission's video library.

2020 Justice Index Survey

The Commission responded to the 2020 Justice Index Survey and used the questions as guidelines in creating additional resources. As we await the results of the 2020 Justice Index Survey, we are working on the following projects:

- Language Interpreter Program: the Commission will work with the AOC Language Interpreter Program to increase interpreters and to assist with access to justice issues related to language barriers.
- Self-Represented Litigant Survey: the Commission created a SRL survey to determine what resources SRLs are currently using and what resources they identify that could be helpful to them.
- Disability Site Evaluations Pilot Program: MS Courts have not had a disability access survey for all courthouses throughout the state. The Commission has partnered with Disability Rights MS to create a pilot program to complete disability access site evaluations. The Pilot began in the First Judicial Chancery District and will expand from there. DRMS is working to complete the reports from courthouse surveys to submit to MSATJC.
- Judges, Court Clerks and Court Staff Webpage: The Commission added a new webpage on www.msatjc.org to provide resources and information for Judges, Court Clerks and Court Staff. This webpage houses the MSATC benchcards, COVID-19 signs, the Pro-Bono Toolkit, the Clerks' Can/Cannot Handouts and other important resources for judges, clerks and court staff. The link for this page is: <http://www.msatjc.org/judges-court-clerks-and-court-staff> or it can be found by clicking on the "Judges, Court Clerks and Court Staff" tab at the top of the page. We are continually updating the webpage to add new resources for judges and court staff.

MSATJC Resources

Parents' Rights in Youth Court Pamphlets

In partnership with the Mississippi Supreme Court's Children's Justice Commission, we assisted in the editing, printing and delivery of the Parents' Rights Pamphlets for Youth Court. Commissioner David Calder drafted the pamphlet and the Parent Representation Task Force provided suggested edits. The CJC funded the printing of 20,000 of the pamphlets and the Commission distributed them to Courts, MDCPS Staff, Parent Rep Attorneys and legal aid providers.

Evidentiary Cards

The Commission worked with a law student from MC Law School to complete "An Overview of the Mississippi Rules of Evidence" pamphlet. The Delivery System Committee edited the draft and provided the final form to be printed. This resource has been added to the Commission's website and will be provided at Legal Clinics. We are able to mail them out as requested and mailed copies to all Chancery and Circuit Clerks for distribution.

MSATJC Resource Cards

The Commission created Resource Cards for clerks and librarians to hand out to patrons who need legal assistance. The cards provide links to helpful legal resources and many of the Commission's online resources.

ExpungeMississippi website

The Commission worked with our website developer to update the www.expungemississippi.com website. We provided content and links to the developer. The new website has been released and is live. We hope it continues to be a useful resource for Mississippians.

2021 Resources

The Commission has goals for additional resources to create and provide to assist Mississippians in representing themselves and learning more about the legal system. Some of these resources include: Domestic Violence Victims' Resource Guides; A Guide to Default Judgments in Justice Court; additional forms to assist self-represented litigants with pursuing their legal cases as well as instruction sheets and legal issue information sheets.

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.

Conferences and Events

The Commission attended the following conferences and events: Chancery Clerks' Conference, Jackson, MS; Legal Services Corporation Innovations in Technology Conference, Portland, OR; Self-Represented Litigation Network Conference, Nashville, TN; presentation for the New Lawyer CLE, Duty to the Public, via Zoom; ABA Fearless Lawyering for Children Part 1 and Part 2 Virtual Event; MB Summer School and Annual Meeting Virtual Events; ABA/NLADA Equal Justice Virtual Conference; University of MS Duke's Professionalism Program Virtual Event; interview on SuperTalk Radio Show; MSATJC Library Training on MSATJC Resources and Website Virtual Meeting; Mississippi Women Lawyers Association Virtual Day of Leadership event; virtual presentation at the MJC Justice Court Judges' Conference; U.S. District Court for the Northern District Bench and Bar CLE Virtual Seminar; virtual presentation at MJC Court Administrators and Court Reporters' Conference; virtual presentation at MJC Justice Court Clerks' Conference.

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 on a pro bono basis. 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 Northern District reached out to the Commission to partner on a project under the POWER Act in 2019. We co-hosted the conference where speakers discussed access to justice and domestic violence issues. The Northern District asked the Commission to co-host the conference again in 2020. We agreed and scheduled the 2020 event on May 15, 2020 in Tupelo. Unfortunately, a live event was not possible. Instead, the Northern District created a Domestic Violence resource page on its website. The resource page can be accessed here: <https://www.msnd.uscourts.gov/power-act-2020-virtual-event>.

Newsletters, Website, Social Media

The Commission published an electronic newsletter twice in 2020 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.msatic.org/blog/news-and-events-1/post/newsletters-2>). The Commission also increased traffic to its webpage and its presence on social media in 2020.

Pro Bono Week

Pro Bono Week was October 25-31, 2020. The Commission celebrated by co-hosting two live legal clinics. One clinic was in Union County on October 20 and the other was in Lee County on October 27. We also co-sponsored a Virtual Expungement Clinic with the Mississippi Volunteer Lawyers Project, the Magnolia Bar Association, Mississippi Center for Legal Services and the Young Lawyers Division of The Mississippi Bar. We had over 100 volunteer attorneys assist in Pro Bono Week. Additionally, we are thankful to Circuit Judge E. Faye Peterson for holding two public forums and the attorney training and CLE session for the Expungement Clinic.

Outreach

The Commission began to focus on outreach to judges, clerks, legislators and librarians. Resources and information were mailed out to them to continue contact and provide assistance during the COVID-19 pandemic.

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 2020, the Commission partnered with legal aid providers and supported several grant applications. The Commission plans to work toward additional grants and funding increases for the state's legal services providers in 2021.

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.

State Justice Institute Grant

The State Justice Institute requested applications for its Court Pandemic Response and Recovery Grant. SJI funded projects that assist state courts in their response to, and recovery from, COVID-19, with a look toward the future of court operations. The maximum grant amount was \$150,000. The Commission worked with the Mississippi Center for Justice to apply for this grant to fund a project for Justice Court in Mississippi. The project would create a variety of resources including a virtual court navigator and a series of self-help videos.

The MCJ received notification that it was awarded this grant for the Justice Court Access Program. The total grant amount is \$150,000. The Commission is grateful to MCJ for undertaking this project and looks forward to working together on it in 2021.

Continuing Legal Education (“CLE”) Events

GAP Act CLE

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 planned to hold CLE events throughout the State in 2020. On January 31, the Commission hosted a GAP Act CLE in Tupelo at the Lee County Justice Center. The event covered the state's new Guard and Protect (“GAP”) Act discussing guardianships and conservatorships. The speakers were Supreme Court Justice Dawn Beam, Chancellor Joseph Kilgore, Professor Deborah Bell. Attendees received four hours of CLE credit.

The registration fees from the CLE were used to purchase laptops and printers for the Statewide Legal Clinics. Over \$6,000 was raised for the legal clinics.

The event was so successful that we planned another GAP Act CLE in Jackson for March 23, but had to postpone that CLE event due to the COVID-19 pandemic.

Immigration Law CLE

The Commission co-sponsored “A Primer on Representing Clients in Immigration Court CLE” on Friday, February 28, from 1:00 pm – 4:00 pm at the Lee County Justice Center Chancery Courtroom in Tupelo. Amelia McGowan and Max Meyers, immigration attorneys with Mississippi Center for Justice, presented the CLE on asylum and representing individuals before the federal immigration courts. Topics included an overview of asylum law and related protections for migrants fleeing persecution and torture, cancellation of removal, and tips for building a strong application for relief. The 3-hour CLE was free for those willing to handle a pro bono asylum, withholding of removal, or cancellation of removal case before the Memphis or New Orleans Immigration Courts. We had 15 attendees at the event. We hope to partner with other legal aid providers and organizations on additional CLE opportunities in 2021.

SPECIAL PROJECTS AS A RESULT OF THE COVID-19 PANDEMIC

The Commission worked diligently to assist the courts, clerks, legal aid community and Mississippians during the COVID-19 pandemic. In doing so, the Commission hosted weekly Zoom meetings for the legal aid providers and provided information through frequent social media posts. The Commission also provided resources and assistance to the courts and public. One resource provided by the Commission was a guide of low cost internet and cellular phone services. We also created the series of Eviction Videos after determining that evictions will be a main issue once the moratoria were lifted.

Volunteer Interpreters

We solicited volunteers from the Volunteer Interpreter group to translate COVID-19 flyers and resources for the Mississippi Center for Legal Services Corporation. The volunteer interpreter was prompt and pleased to be able to assist in preparing the translations pro bono for MCLSC. The Commission acted as an intermediary and contact between the volunteer interpreter and MCLSC.

Tech Access Survey

We identified that families under MDCPS supervision and in the foster care/Youth Court system might have difficulties with access to technology to continue child and sibling visitation and also to be involved in their case. We created and submitted a survey to Youth Court Judges and Referees and Parent Rep attorneys. We found that some areas are having problems with this issue and also problems with WiFi or cell options. We created a list of low cost cell and internet

plans for Mississippi and provided it widely. We also informed MDCPS about the issue and current leadership informed staff to make tablets and technology available to families in need.

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 2020 on the activities and programs discussed herein. We thank these individuals and organizations for their invaluable contributions to our successes in 2020:

Access to Justice Committee, The Mississippi Bar
James Phipps and BeCloud, LLC
Bill Benson, Lee County Chancery Clerk
Lee County Court Judge Staci Bevill
Kimela Bratton
Family Law Section, The Mississippi Bar
Kaelyn Fillingim
First District Chancery Bar Association
Brett Harrison and Maverick & Mitchell, LLC
Rex Harsin, Rex Harsin Films
Beverly Kraft
Karen Lash, The Justice in Government Project
Lee County Bar Association
Jonathan Martin, Esq.
Neyda Martinez-Covarrubias
Christi McCoy, Esq.
Amelia McGowan, Esq.
The Mississippi Bar
The Mississippi Bar Foundation
The Mississippi Bar, Board of Commissioners
Mississippi College School of Law
Mississippi Commission on Continuing Legal Education
Mississippi Judicial College
Mississippi Library Commission
Mississippi Supreme Court and Mississippi Court of Appeals
Office of General Counsel, The Mississippi Bar
Karen Peairs
Circuit Judge E. Faye Peterson
Prentiss County Bar Association
Union County Bar Association
University of Mississippi School of Law
Keren Welch
Young Lawyers Division of The Mississippi Bar

We will build on our 2020 accomplishments—and your continued support—to further the cause of access to civil justice in Mississippi in 2021 and beyond.