

# ON THE SHOULDERS OF HEROES

MISSISSIPPI CENTER FOR JUSTICE: **THE FIRST DECADE**





# IMAGINE MISSISSIPPI

- ... where every low-income person has health care coverage to meet his or her basic needs.
- ... where all residents recovering from a disaster receive prompt, fair, and adequate help in rebuilding their lives.
- ... where state policies promote equitable and affordable housing for all communities, regardless of race or socioeconomic status.
- ... where predatory financing is outlawed and low-income residents have access to fairly priced financial services.
- ... where all children receive a quality education, benefit from a safe, constructive discipline system, and stay in school to graduate.
- ... where neighborhood residents work with developers, contractors, business owners, and landlords to create vibrant, mixed-income communities for everyone.
- ... where all citizens have equal access to our justice system to resolve their legal problems.
- ... where lawyers and other advocates make a sustained commitment to advancing racial and economic justice statewide.
- ... where poverty has been eradicated.

**Imagine Mississippi...the social justice state.**

**...to find long-term solutions to pervasive problems of disparity, poverty, and racism.**

Ten years ago, a small group of Mississippi lawyers acknowledged the entrenched problems of injustice in the state and dedicated themselves to completing the unfinished business of the civil rights movement. They vowed to bring renewed energy to the struggle and to find long-term solutions to pervasive problems of disparity, poverty, and racism.

During the civil rights era, Mississippi was at the forefront of the nation's struggle for racial equality and opportunity. National legal organizations such as the Lawyers' Committee for Civil Rights Under Law and the NAACP Legal Defense and Educational Fund opened storefront offices on Farish Street in Jackson. Dedicated lawyers provided legal support to organizers and local activists across the state in their fight for freedom and equality.

The civil rights movement led to real progress in Mississippi and across the country. Federal laws and court decisions overturned many of the Jim Crow restrictions that had limited the future of so many for so long. Voting was no longer a privilege for the few but a right for all. Schools and public accommodations were integrated. Most important, hope for more comprehensive change was seeded and began to grow.

Nevertheless, at the advent of the 21st century, Mississippi was still the poorest state in the nation and at or very near the bottom of every measure of societal well-being. Embedded racism was alive and well. By the year 2000, much of the private and government funding for legal services and advocacy had dried up, and the national legal organizations had closed their Mississippi offices.



# THE MISSISSIPPI CENTER FOR JUSTICE



*The first office of the Mississippi Center for Justice was the childhood home of Pulitzer Prize-winning novelist Richard Ford. He helped cut the ribbon on opening day June 12, 2003, and remarked: "Continuity – in this case the continuous survival of human empathy and good in the form of public justice – isn't always apparent or easy to find, and so has to be invented. Probably the only people who know this fact better than novelists are lawyers." Pictured here cutting the ribbon are, from left, **Richard Ford**, **Carol Burnett**, **Fred L. Banks, Jr.**, **Martha Bergmark**, and **Isaac Byrd, Jr.***

# IS BORN

Enter the Mississippi Center for Justice, founded in 2003 by a small group of lawyers who pledged to reinvigorate the fight for economic and racial justice. From the beginning, the board and staff of this public interest law firm had in mind a new model of legal advocacy – a community lawyering approach that includes litigation but also involves advocacy and collaboration with community groups, business, and government to identify problems facing the community and develop strategies to address them. The Center’s leaders knew they had to take on the big fights in both the courtroom and the statehouse. They knew they had to address old problems in new ways. They did not intend to speak for low-income Mississippians but rather to listen and help to realize the aspirations of local activists and community leaders.

Initial contributions from a handful of lawyers and supporters gave the founders the critical support they needed to get started. On June 12, 2003, the 40th anniversary of Medgar Evers’ assassination, the Center board and staff cut the ribbon in front of their first office, a small, red brick duplex in downtown Jackson. With a staff of two and a first year budget of \$300,000 staked by one anonymous donor, the Mississippi Center for Justice was open for business.

**“Continuity – in this case the continuous survival of human empathy and good in the form of public justice...”**

— Richard Ford, author



**They had the audacity to assert – and to believe – that Mississippi could become the social justice state...**



# SETTING THE STAGE AND

The board and staff shared an ambitious vision. They had the audacity to assert – and to believe – that Mississippi could become the social justice state, that 3 million Mississippians could show the rest of the country what it takes to achieve racial and economic justice. They began their work by identifying opportunities for change, a “dirty dozen” critical issues that if addressed could make a huge difference for Mississippians. Among these opportunities were the issues that defined the Center’s work over their first decade:

- adequate public education and fair disciplinary treatment for all children;
- juvenile justice reform and an interruption of the pipeline that all too often shuttles Mississippi children from schools to jails;
- fair lending and financial services and an end to predatory loans that lead to a perpetual cycle of debt;
- adequate and affordable housing;
- access to affordable health care.

The Center’s leaders knew they would need a lot of help and many partners to tackle these problems. While the staff grew, the Center developed partnerships with nonprofit organizations and community leaders, most of whom continue to stand with the Center today. They celebrated their first litigation victory in 2003 in a Holmes County voting rights case that restored the right to one person, one vote in elections for school superintendent. For the 2004 national elections, the Center partnered with the Lawyers’ Committee for Civil Rights Under Law to recruit more than 200 lawyers and law students to assist voters and protect their rights.



# EARLY VICTORIES

## HOLDING ONTO MEDICAID BENEFITS

The Center confronted a major policy opportunity in 2004, when Governor Haley Barbour decided to address a deficit in the state's Medicaid budget by terminating all benefits for elderly and disabled low-income Mississippians. Never mind that saving \$40 million in state Medicaid costs would mean losing \$120 million in matching funds from the federal government. And never mind that medication is often the difference between life and death for many elderly and disabled Mississippians and that keeping their health stable means less public expense for hospitals and doctors' care.

To **Maxine Mahoney**, 82 years old at the time, this situation was a prescription for disaster. Frail in body, but not in spirit, she suffered from heart trouble, arthritis, and neuropathy, a painful nerve condition. She took 13 medications. Her sole income, from Social Security, was \$605 a month. Her medications,

most of which were paid by Medicaid, cost \$890 a month. In addition, there was no advance warning of the pending cuts. Mrs. Mahoney found out about the cuts in a form letter, which advised her to get free samples from her doctors or pharmaceutical firms.

Working with a team that included lawyers from both state and national organizations, the Center filed a suit in federal court to stop the cuts. The federal court granted a temporary restraining order and within two weeks ordered an extension of benefits until January 2005. The Mississippi attorney general intervened and sided with the Center. A grassroots coalition stepped up pressure on the legislature, which enacted a bill reinstating the benefits for the 50,000 Mississippians whose eligibility had been threatened. It was signed by Governor Barbour in April 2005.

## JUVENILE JUSTICE: HELPING CHILDREN WHEN IT REALLY MATTERS

Another early victory came when MCJ turned its attention to youth in the state's two "training schools," which were little more than prisons for troubled youngsters. For years, any significant school disciplinary problem would land children in youth court and from there to Oakley Training School for boys or Columbia, the training school for girls. It cost the state from \$35,000 to \$50,000 a year to incarcerate a child in these two institutions. The majority of the young people there were nonviolent.

MCJ helped form the Mississippi Coalition for Prevention of Schoolhouse to Jailhouse and set out to break the pattern. They had allies. Most judges knew how awful the conditions were at Oakley and Columbia and were not eager to send youth there. But their only alternatives were probation or incarceration. This lack of alternatives was the opening for reform. The Center became counsel for youth at Oakley and Columbia. The coalition pushed for legislative reform, taking up residence in the halls of the state capitol, organizing hearings and rallies, and educating lawmakers. They developed a media campaign to show how the training schools had failed and to urge that resources be placed in community-based alternatives to incarceration.

The work paid off. The legislature passed the Juvenile Justice Reform Act of 2005. The bill aimed not only to improve conditions in the training schools but, more importantly, to provide community-based programs and keep all nonviolent youth in their homes. The law requires the state to provide troubled youth with support from school counselors, mental health professionals, and social workers. The

goal is to ensure alternatives to incarceration across the board in all 82 counties of the state.

Even before the legislation was passed, Oakley was changing, thanks to the focus from MCJ and the coalition, as well as a new commissioner. The maximum-security block was closed. There was more recreation and less

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step.**

lock-down. One former resident, "D," age 17, offered his hopes for Oakley: "I'd get rid of most of the walls, the doors and have more counselors talk to the kids, more psychologists. Me, I feel most of the kids aren't really supposed to be here. . . . Oakley and Columbia were made to help somebody, but they failed at that. It's hard to feel cared about in a place like this."

There is still much work to be done to support troubled youth in Mississippi, and the Schoolhouse to Jailhouse Coalition remains active to this day. But the Juvenile Justice Reform Act was a first and crucial step. Within a few years, the number of children kept in state custody at these two institutions was cut in half. In 2008, Columbia Training School closed its doors permanently.



### “R’s” Story

“R” was 15 when he was first sent to Oakley Training School. He had not committed a crime. He got into fights at school and needed help for psychological problems. Instead of help, he was sentenced to 12 weeks at Oakley.

His first response was to run away, which earned him another 10 months of incarceration and a stint in Oakley’s maximum-security block. Here, he was kept in solitary confinement. He was not allowed books, writing materials, or a radio. He got no rehabilitation and no services. Depending on the mood of the staff, he received two hours of inadequate schooling a day.

“R’s” story began to change with the formation of the Coalition for Prevention of Schoolhouse to Jailhouse. When “R” was released, he came to Jackson and testified at legislative hearings, telling lawmakers that he and others at Oakley were “more than a bunch of bad kids.” He was part of the major and successful campaign that changed the law and reformed the juvenile justice system in Mississippi.







# HURRICANE KATRINA:

## SUPPORT FOR THE RECOVERY RIGHTS OF LOW-INCOME MISSISSIPPIANS

The Center and its partners conducted scores of law clinics across the coast. Thousands of residents stood in line for hours to talk to advocates who helped them understand and navigate the claims process for federal and state emergency assistance. Residents had nowhere to live. FEMA trailers sprouted like weeds in yards across the coast. Greedy landlords increased rents on the housing stock that remained habitable.

Working with legal and community partners, the Center helped thousands of individuals get disaster assistance grants and interceded when claims were denied. Staff also advocated for systemic policy changes to ensure equitable and timely delivery of assistance. When necessary, they litigated. Over the course of several years, the Center, its partners – and Mississippians living on the coast – scored a host of victories to celebrate. Among its many achievements, the Center:

- secured a doubling of the cap on recovery grants for low-income residents, from \$50,000 to \$100,000, resulting in \$100 million more in compensation for thousands of vulnerable storm victims;
- forced FEMA through a class action settlement to include disability access features in FEMA trailers to accommodate elderly and disabled evacuees;
- ensured that an employee's refusal to violate price gouging laws following a disaster could not be grounds for an employer to deny unemployment benefits;
- advocated on behalf of evacuees to prevent evictions from FEMA trailers and to extend eligibility to occupy the trailers for three years;
- protected the rights of low-income public housing tenants to remain in rental units that were still livable when landlords planned to shutter the entire housing project;
- secured changes to zoning restrictions that were used to evict residents living in modular "Katrina cottages";
- helped Moore Community House and its child care center to successfully appeal FEMA's denial of reconstruction funds on grounds that child care was not considered an "essential service." The rebuilt child care center opened its doors in 2008.





# A DEFINING CALL TO ACTION

The Center's ambition to secure racial and economic justice faced an unimaginable challenge when Hurricane Katrina slammed into the Gulf Coast in August 2005, causing unprecedented devastation and affecting hundreds of thousands of lives. More than 60 percent of single-family dwellings on the coast were destroyed or rendered uninhabitable. Half of the rental units were destroyed or became unlivable; rents in the remaining rental properties rose by 30 percent. The damage disproportionately affected – and displaced – low-income Mississippians. Katrina was a call to action and an opportunity to effect change that no one predicted.

The Center responded immediately by hiring two veteran coast lawyers who opened an office in Biloxi and galvanized a large and diverse group of local advocates, law students, and pro bono lawyers, many from outside the state. They focused on the legal needs of individual survivors as well as the need for equity in the development and implementation of recovery policies. It was with Katrina that MCJ honed its model of community-based legal advocacy and took it to a new level of depth and practicality.







## A Tale of Two Recoveries

In the midst of the storm, when wind and flood waters surged inland, neighbors took care of neighbors, even people they did not know. The Chamberlains, a white family, lived in a Gulfport home near the beach. When five feet of sea water surged into their house, they fought their way through the winds and rising waters across the railroad tracks to a predominantly African-American community called Soria City. There, Irene Walker welcomed them inside and sheltered them as they waited out the storm together, remaining safe, even though the hurricane severely damaged Ms. Walker's home.

Months later, the Chamberlains received a \$150,000 state recovery grant in addition to their insurance. Ms. Walker was turned down for state recovery aid because she suffered only wind damage and not flooding from the storm surge. She was one of thousands on the wrong side of the railroad tracks whose homes were heavily damaged by the hurricane and who were nevertheless denied assistance to rebuild by an arbitrary state policy.

Five years later, U. S. Housing and Urban Development (HUD) Secretary Shaun Donovan cited Ms. Walker as an example of injustice to be remedied by a \$132 million housing repair program that the Center negotiated with HUD and the State of Mississippi. The Walker home was the first to be repaired under the program and stands today as a testament to the progress that can be made when disaster programs are evaluated for racial disparities.

Thousands of families like Ms. Walker's, living in low-income communities on the wrong side of the tracks, consistently faced more difficulties, and more denials, in getting assistance. In 2006, on the first anniversary of Katrina, the Center issued the first in what became a series of annual reports on Katrina recovery. The many stories of "two recoveries" helped raise awareness of Mississippi's forgotten storm victims in Congressional hearings, national editorial pages, television, and film.

*At left, Ms. Walker's niece **Occletta Norwood** and her husband, **Robert**, stand in front of the repaired Walker home.*

## FIGHTING CONTRACTOR FRAUD

Once insurance and disaster home repair grants started to flow after Katrina, unscrupulous contractors began to prey upon families seeking to rebuild. Far too often, storm victims were victimized once again as families were left with unfinished homes and massive debt. As they tried to enforce their rights, they discovered that redress against predatory contractors can be as daunting a challenge as getting fair treatment on disaster aid itself. Collette Washington's story is illustrative.

Ms. Washington's home near the coast was demolished in the storm. She got a settlement from her insurance company and took out a loan from the Small Business Administration (SBA) to rebuild further inland. She paid a contractor \$130,000. He dug up the backyard, laid a shabby foundation and frame . . . and then disappeared. Ms. Washington was left with bills and payments on her SBA loan and no home. She took out a loan on her car – at 30 percent interest – to pay for materials the contractor had charged in her name.

She went to a law clinic sponsored by the Center, and her file was turned over to a pro bono attorney from San Francisco who helped her untangle her debts, apply for additional state homeowner grants, and file suit against the contractor. Shortly afterward, the contractor was indicted. In the meantime, volunteers provided the labor to finish her house, and she finally moved in in 2008.



*After Katrina, retired longshoreman **George Watson** (left) purchased a replacement mobile home only to discover pervasive construction defects. After viewing Watson's carefully videotaped evidence, pro bono attorney **George Riley** persuaded the manufacturer that repairing Mr. Watson's trailer would be preferable to meeting him in court. Soon afterward a team of repairmen swarmed over Mr. Watson's trailer and quickly fixed the problems. Mr. Riley then recruited dozens of colleagues from his firm, O'Melveny & Myers, who took on almost 100 contractor fraud cases on the coast. With Mr. Riley's help, the Center also proposed changes to strengthen residential contractor regulations to reduce contractor fraud.*

**...a \$132 million housing repair program that the Center negotiated with HUD and the State of Mississippi.**

# THE BP OIL DISASTER PROMPTS

## APPLYING LESSONS LEARNED FROM KATRINA

Hurricane Katrina taught the Center many things, chief among them that access to justice following a disaster requires legal advocacy, especially for low-income and minority residents. With Katrina, Center staff identified the barriers to recovery and took the discussion to a national level, testifying in Congress and offering policy solutions for reconstruction and recovery. With the oil disaster, the Center again called in their pro bono law brigade and added a Vietnamese-speaking lawyer to the staff to support the fishing industry.

The Center also learned from Katrina that a regional disaster requires a regional response, which is why they helped organize the consortium of groups to help claimants across the Gulf. In the three years since the explosion of the oil rig, the consortium has assisted more than 11,000 individuals and businesses across five states recover nearly \$14 million. In 2012, when settlement of the oil disaster litigation transferred administration of claims to a new Settlement Authority, MCJ secured a contract to continue providing legal assistance to thousands of low-income victims through the multi-state consortium. In 2012, the American Bar Association recognized the success of this ongoing initiative and awarded the Center and its consortium partners the prestigious John Minor Wisdom Public Service and Professionalism Award.



**Tai Vo**, a lifelong fisherman, moved his family to the Gulf in pursuit of the American dream. He was barely back in business after Hurricane Katrina when the oil rig explosion wrecked his business. Feeling left out of a claims system that did not take into account the nature of his seasonal business, he asked the Mississippi Center for Justice for help. A Vietnamese-speaking Equal Justice Works fellow helped Mr. Vo and hundreds of others access the claims system.

Five years after Katrina, some 5,000 families on the coast were still struggling to find permanent homes. But in 2010, the region was hit with yet another environmental disaster, this time a man-made one. In April 2010, the BP Deepwater Horizon oil rig exploded in the Gulf of Mexico, sending more than 200 million gallons of oil gushing into the water and onto the beaches and wetlands of five states. Thousands of people who depended on the Gulf for their livelihood were suddenly in crisis, especially fishermen and tourism industry workers.

In Mississippi, the Vietnamese community makes up half the commercial fishing industry. Paul Tran owns a convenience store and gas station in Long Beach, Mississippi. His store was shut down along with the rest of Long Beach for three months after Katrina, but he fought back and rebuilt. Just when he was feeling confident again, the oil rig exploded. "Nobody fished, and we couldn't sell gas or anything," he explained. "We had no fishing, no tourists either."

In response to pressure from the White House, BP established a \$20 billion claims fund, the Gulf Coast Claims Facility (GCCF), to compensate residents for lost wages and income. The Center took the lead in organizing a consortium of 12 legal aid and public interest organizations in five states to provide free legal assistance to claimants.

GCCF began to issue emergency checks. But for many, including Mr. Tran, getting what they were due turned into an administrative nightmare. Mr. Tran filed his application early on. He heard nothing for three months, only to find out his application had somehow been transferred from a business to an individual claim, which meant a lower payment. He refiled and eventually received a check, but for only \$3,700, an amount far below the payment he qualified for as a small business. A year later, with support from the Mississippi Center for Justice, he refiled again and is still waiting for a fair settlement.



# A REGIONAL RESPONSE



**Kenneth Feinberg**, Gulf Coast Claims Facility Administrator, provided funding for the five-state network of nonprofit and public interest organizations offering free legal assistance on the coast. Here, he talks with MCJ President/CEO **Martha Bergmark**.



**“I feel like I’m doing what I’m supposed to be doing.”**

— Noah Shaw, Mintz Levin, Boston

# BUILDING PARTNERSHIPS WITH PRO BONO ATTORNEYS

From the beginning, the founders of the Mississippi Center for Justice knew they could not do it all on their own. The Center’s plans always included alliances with other attorneys to augment their work. But the Center had no idea about the extent of the help it would get – and the capacity it would have to build in order to manage that help.

Pro bono attorneys from Mississippi and across the country helped staff legal clinics after Katrina. They took on cases involving foreclosure, contractor fraud, FEMA denials, and more. During the four years after Katrina, pro bono attorneys donated more than 60,000 hours, valued at more than \$20 million.

Some of the volunteer attorneys from other states knew little if anything about Mississippi and even less about the Center. Take for example Noah Shaw, a litigator at Mintz Levin in Boston and an expert in intellectual property law. In November 2005, he flew to Jackson for a conference on post-Katrina housing needs. He was shocked by the lack of legal resources there. When he got home, he developed a long list of things his firm could do to help and recruited his colleagues to join him. Mr. Shaw explained that he had become a lawyer because injustice “drives me crazy.” In Mississippi, he said, “I’ve been exposed to a world I would never have been exposed to. I feel like I’m doing what I’m supposed to be doing.”





# AND LAW STUDENTS



*During 2009, 25 students from the University of Chicago Law School came to the Gulf Coast to help Katrina victims.*

## Adding the Energy of Law Students

In addition to pro bono attorneys, law students flocked to the coast after the hurricane. In the first year after Katrina, MCJ hosted more than 200 students, some for a week or two, others for the entire summer. They did essential leg work to gather information for MCJ staff attorneys. The students conducted research to assess the level of destruction of various neighborhoods; surveyed residents about housing-related problems; and observed eviction proceedings at small claims courts to document the outcomes of these cases. This research was critical to the implementation of MCJ's advocacy and legal strategies.

The students also brought energy to an over-worked MCJ staff. The fact that they gave up their vacations and often raised their own funds to finance the trips boosted morale all around.

Since Katrina and continuing up to the present, more than 2,000 law students have volunteered at MCJ. One law school – the University of Maryland School of Law – created a Katrina Summer Clinic that engaged both students and faculty in an eight-week legal clinic in MCJ's Biloxi office. MCJ attorneys worked with Maryland faculty to design and teach this clinic, which operated for three summers in a row and included both academic and practical skills components. The students returned to Baltimore with stories of personal transformation resulting from their Mississippi experience, and MCJ continues to employ best practices learned during their summer clinics.

The work these volunteer law students do is invaluable to MCJ. But just as important is what they take home and how their experience with MCJ might influence their future careers. Being in Mississippi breaks down a lot of stereotypes young people have about the South. Some said they were not as surprised at the degree of poverty they saw as they were by seeing so many local people so committed to social justice. Sylvia Novinsky, an assistant dean at the University of North Carolina School of Law, said their trip to Mississippi was "life-changing" for her law students. These students, she said, "met true civil rights leaders who are in the trenches every day. They got to experience their education, and they grew as people."

MCJ introduces students to career public interest lawyers who have committed their lives to change. The students see social justice campaigns in action. They go home with awareness of injustice and racism, but more importantly they go home with the conviction that they, too, can make a difference.

# THE MISSISSIPPI DELTA: EXPANDING

The Mississippi Delta has the largest concentration of African-Americans in the country, nearly 60 percent of the population. If Mississippi is last or near last in the nation on most markers of well-being, the Delta is last in the state: more racial disparity, more poverty, fewer opportunities for quality education, and poorer health outcomes. Yet there is a strong commitment to progress here and a legacy of civil rights pioneers and leadership. MCJ is building on that commitment. In October 2011, the Center opened an office in Indianola, the county seat of Sunflower County. Their focus is on access to quality education and health care, with special emphasis on people living with HIV/AIDS and implementation of the Affordable Care Act.



photo credit: Mark Howell

## THE RIGHT TO A DECENT HOME

Even before they opened the Indianola office, MCJ staff had footprints on the ground in the Delta. The issue was affordable housing, one of the “dirty dozen” issues identified when the Center first opened its doors. In 2009, residents of the South Delta Regional Housing Authority began calling the Center. South Delta, which manages low-income housing in six counties in the Delta, had more than doubled the rent, with no advance notice and with no regard to income. The units are pre-fabricated homes dating back to the 1970s, and for years South Delta had been unresponsive to tenants living in deplorable conditions. Leaky roofs, shifting foundations, chronic sewage and septic problems, and exposed wiring were just a few of the problems. Many of the tenants are elderly, living from month to month on their Social Security checks.

**Tommie Akins**, 72, is a retired hospital worker in Belzoni, Mississippi, who has lived in a South Delta home for 13 years. Her only income is her monthly Social Security check. Her home is filled with beautiful furniture, and her yard is an oasis of decorative plants. But her life was in turmoil when she received a bill that more than doubled her rent. “I wondered why they were raising the rent,” she said, “because they never fixed the houses. When you called them, they didn’t respond.” Ms. Akins’ back door was broken and did not lock; she did not feel safe leaving her house. When her toilet wouldn’t flush, it took South Delta a month to come out, and the repairman said he had to take it in to be fixed. So he pried it off the floor. “He busted it,” said Ms. Akins. South Delta’s solution to this problem was to charge her \$700 for a new toilet.

Stories like Ms. Akins’ moved the Center staff to action. Surely an affordable rent and a well-maintained home are not too much to ask of a housing authority mandated to serve low-income families. In 2009, the Center filed a lawsuit on behalf of 250 tenants. Tenants organized, protested, and showed up in court to demand fair rent and timely maintenance. A settlement in 2011 resulted in lower rents and better maintenance. In addition, the director of the authority was convicted of multiple counts of fraud as well as perjury in the Center’s lawsuit. “I was glad in my heart” after the settlement, said Ms. Akins. “There isn’t anywhere else to go in Belzoni. There aren’t too many decent houses here.”

TO MEET THE NEED







Plaintiffs in MCJ's Nichols lawsuit include **Ethel Clay**, pictured here with her granddaughter, **Eboni**.

### Nichols Elementary: Saying 'No' to a Bad Decision

The Mississippi Center for Justice is the first to criticize an under-performing school that does not meet the high expectations every child deserves. But nothing is more frustrating than closing down a high-performing school for no good reason and with no notice. That is exactly what happened in East Biloxi with Nichols Elementary, the highest performing school in the Biloxi public school system and one that served mainly African American students. Nichols was a "star-rated" school, the highest state ranking, and had earned a national Blue Ribbon award from the U.S. Department of Education for high achievement. Built in 2004 with \$10 million in taxpayers' funds, Nichols was also a shiny new school, with a state-of-the-art computer lab and an imagination center.

Nichols suffered damage from Hurricane Katrina, but it was repaired and reopened in 2006. Students continued to excel. As the librarian noted, "In spite of traumatized students and faculty who had suffered great personal, psychological, and emotional distress [due to Katrina], our teachers were able to maintain high standards of instruction."

So imagine the surprise when in April 2010, the school board decided to close Nichols down. They made the decision with no notice to parents, no communication with African American educators, no dialogue with the community. Community members did not take the closure lightly. This was "a storm of a different kind," as the librarian pointed out. Parents, educators, and community leaders launched a Save Our Schools Coalition and went to work. The Mississippi Center for Justice joined the campaign and continues to litigate a legal challenge to the closing.



## THE RIGHT TO A QUALITY EDUCATION

Poor educational performance in Mississippi accounts for more than half the state's economic gap, according to a recent study by the Southern Education Fund. All children have a right to a quality education. Yet in Mississippi, children with disabilities, whose behavioral problems are related to their disabilities, are too often paddled or suspended or even expelled rather than helped. This is true despite the fact that it is a federal violation to suspend or expel a student with a disability.

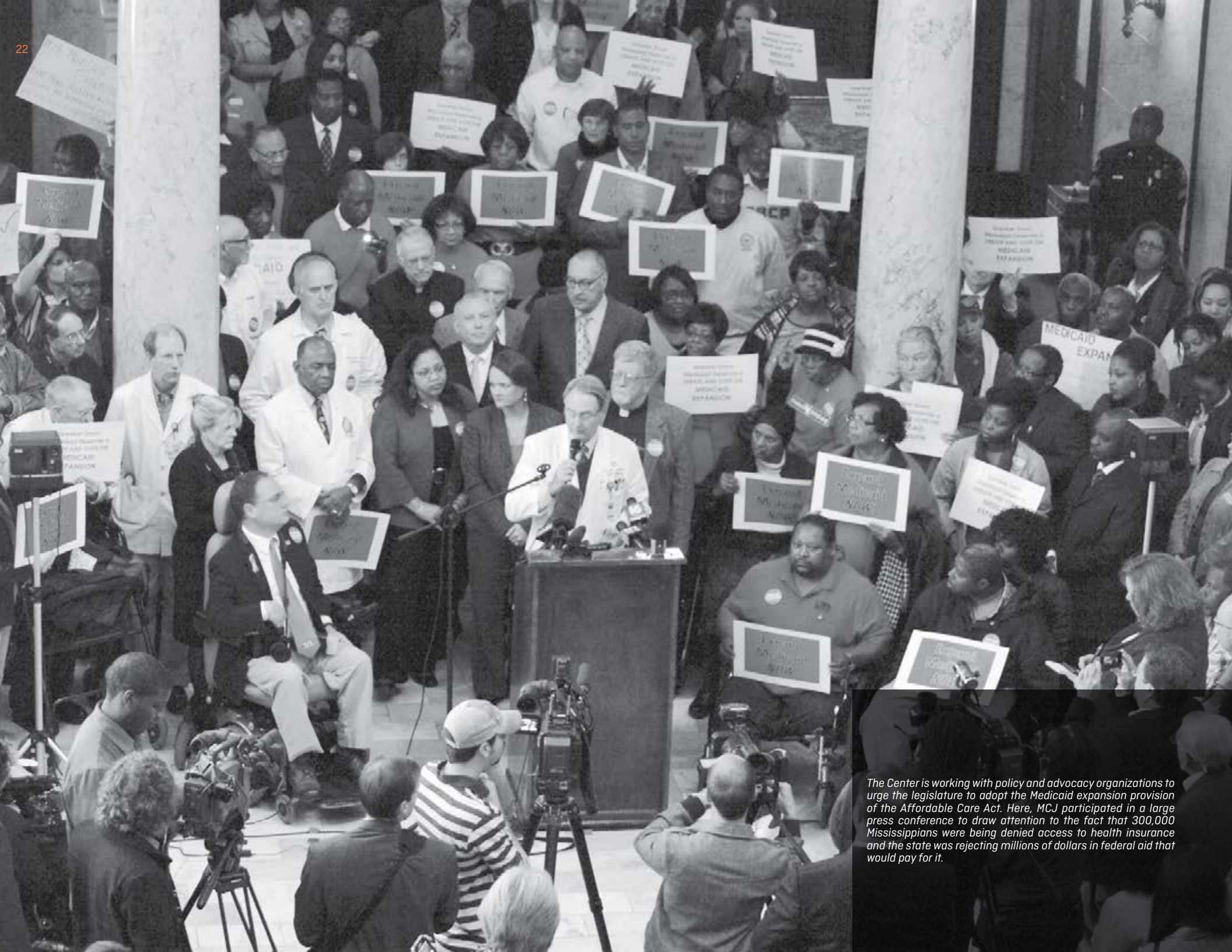
In the Delta, the Center is addressing educational inequities with its trademark blend of legal advocacy, community organizing, and direct representation. The Delta office intervenes in cases such as "T," a 13-year-old from Grenada. "T" is an honor roll student who suffers from bipolar disorder. In 2011, he missed nearly three weeks of school because of suspensions and was expelled after arguing with a teacher. His father was referred to MCJ, and the Center's education law director intervened on "T's" behalf. The school got the message. "T" is back in school and takes his medication regularly. He is doing well. His father is more engaged in helping "T's" teachers understand his disability.

There is no quick solution to these problems, and case-by-case representation can be time consuming and expensive. For this reason, the Center recruited 75 Mississippi lawyers to participate in a training program and accept pro bono referrals of children with special education needs or disciplinary issues.

**...the Center recruited 75 Mississippi lawyers to participate in a training program...**







The Center is working with policy and advocacy organizations to urge the legislature to adopt the Medicaid expansion provision of the Affordable Care Act. Here, MCJ participated in a large press conference to draw attention to the fact that 300,000 Mississippians were being denied access to health insurance and the state was rejecting millions of dollars in federal aid that would pay for it.

## THE RIGHT TO AFFORDABLE HEALTH CARE

Lack of affordable health care was another of the “dirty dozen” issues identified when the Center opened its doors in 2003. Mississippi has the dubious distinction of having the lowest life expectancy in the country. The Center is working hard to change that reality. Early action by the Center resulted in reversal of the governor’s denial of Medicaid coverage for the elderly and disabled. Staff also focused on easing the Medicaid recertification process for children, which requires a face-to-face meeting for each child, each year, in one of only 30 regional offices serving all 82 counties in the state. Since that regulation went into effect the number of eligible but uninsured children in Mississippi rose from 99,000 to 156,000, a 56 percent increase.

With passage of the federal Affordable Care Act, the Center’s advocacy grew to promote the full benefits of the new legislation for all Mississippians. Between expansion of Medicaid and the new health care exchange, this legislation could open access to health care for almost 600,000 Mississippians who do not currently have health insurance. The Center brings media advocacy to this cause as well as public outreach and community organizing to educate Mississippians about their rights under the law. The Affordable Care Act may not be on the top of the list of a typical high school conversation, which is exactly why the Center’s community organizer in the Delta office works with students to understand the law and why it is important in their community.



### The Next Generation Takes the Mic

*“I believe that you and I, I believe that you and me, can achieve the ACA.”*

This is the chorus in a music video about the Affordable Care Act, a video written and performed by teens in Shelby, a small town in the Delta. As the opening of the video points out, not much happens in Shelby; there is not even a grocery store. But these teens worked with the Center’s community organizer and a local group called Students Involved in Community Change, and they focused on health care. They surveyed their community, discovering who did and did not have health insurance. They learned why it matters.

In the video, one of the teens sings about a 17-year-old friend who is paralyzed from the waist down; he has no insurance. To young African Americans in poor communities who have seen more than their share of violence, the need for medical insurance is upfront and very personal. These teens have a message to share with those in power.

View the video at [www.youtube.com/watch?v=hDyR\\_TtyAzY](http://www.youtube.com/watch?v=hDyR_TtyAzY)

*Background scene from music video by Shelby youth about the Affordable Care Act*



## CONFRONTING DISCRIMINATION AGAINST HIV/AIDS PATIENTS

Mississippi has one of the highest HIV infection rates in the country. African Americans, who are 37.5 percent of the state's population, account for 75 percent of new HIV infections. The Delta leads the nation in heterosexually acquired HIV/AIDS infections. Those with the virus face stigma and discrimination across the board: in housing, employment, and even in their own doctors' and dentists' offices. When the Center hired a lawyer to address this set of issues, it was the first such support in the Delta.

In 2011, the Center staff began working with HIV/AIDS direct service organizations to identify legal issues affecting people living with the virus. The goal, as partner Linda Stringfellow of AmeriCorps/VISTA puts it, is to help people in the Delta "pull our heads out of the sand." Ms. Stringfellow has been working in the HIV trenches for some time, beginning as a community advocate and now as a trainer. She is determined to spread the message about testing and safe sex, especially among teens, and about the legal rights of those who have the virus. She collaborates with the Center on outreach and legal education. "Everybody saw stars," Ms. Stringfellow said, when the Center came to town. "A lot of businesses, agencies, and staff are not aware of things they're doing that are illegal," she added.

In 2013, the Center began an innovative medical-legal partnership in which lawyers and health care providers stand together with HIV patients to confront stigma and ensure appropriate medical care. This collaboration between MCJ, the University of Mississippi Medical Center, the Mississippi State Department of Health and the Jackson Medical Mall Foundation brings the powerful resources of the medical and legal communities together to provide a holistic approach to care for people living with HIV. The collaboration marks the first-ever medical-legal partnership in Mississippi.



*(Right) **Anthony Kyser**, a 35-year-old African American living in Greenville, has been HIV positive for 15 years and has seen it all when it comes to stigma and discrimination. He knows how hard it is to get the care he needs to stay healthy while being HIV-positive. He devotes his life to outreach, educating others about the virus and focusing on prevention, testing, and access to services. Here he consults with **Marni von Wilpert**, a staff attorney based at MCJ's office in Indianola.*

...an innovative medical-legal partnership in which lawyers and health care providers stand together...



When it comes to necessary financial services, too many Mississippians are at the mercy of pawnshops, check cashers, and payday lenders who trap them in a cycle of debt like sharecroppers of another era. One-quarter of Mississippians rely on such vendors to meet their everyday financial needs. More than 16 percent have no checking or savings account, the worst rate in the nation. The Center is determined to bring thousands of Mississippians into the mainstream of economic life and lift working families out of the poverty caused by spiraling debt.



# OPENING THE DOORS



**Victoria Leasy**, a single mother of two in Greenville, had a full-time job but needed some extra help during the holidays. So one day she stopped by a payday loan store and walked out with a \$300 loan, for which she paid \$65 in fees. When she could not afford to pay it back in two weeks, the store offered her a new loan – with a new fee – to cover the balance. When she lost her job and tried to work out an installment payment plan, the payday lenders would not work with her, turning her account over to a collection agent who posed as a law enforcement officer and threatened to arrest her. “I didn’t dispute or argue about my debt,” she said. “I simply needed more time to repay it. I was so fearful, not knowing if I would be arrested or not.” She was referred to the Mississippi Center for Justice and found the support she needed to fight back.

## PREDATORY LENDING AND THE CYCLE OF DEBT

Predatory lending is a national problem, but it is particularly insidious in Mississippi, which has the highest per capita number of payday loan stores in the country. In Mississippi, there are more payday loan stores than fast food establishments, and most of them are concentrated in low-income communities of color.

Payday lending storefronts line the highways, sporting colorful signs that say: “Cash in a Flash,” “Quick Advance Here,” “Speedy Cash.” If a family needs a little extra money – for a car repair, emergency medical needs, house repairs, or even something as innocent as holiday presents for the kids – they can get a loan easily. No questions asked, no credit check. Just stop in, and within minutes, walk out the door with a check.

The problem is that this loan has to be paid back within two weeks. If it is not, borrowers are encouraged to take out another loan to pay back the original loan, and then a third loan to pay for the second, and so on. Thus begins the modern day version of the sharecropper plantation store, a crushing cycle of debt in which a \$300 loan costs a Mississippian on average more than \$1,000 in fees. Interest rates on payday loans can legally rise to a whopping 521 percent in Mississippi. That’s why it is called predatory lending.



# EXPRESS check TO ECONOMIC JUSTICE

## FORECLOSURE PREVENTION

The economic recession hit Mississippi families hard, and in 2009 the Center formed a statewide pro bono foreclosure prevention initiative to help Mississippians keep their homes. The state bar association recruited attorneys to participate, and MCJ provided a two-day training with more than 60 attorneys in attendance. The Center took on cases, too. In 2011 alone, the Center represented 251 Mississippians facing foreclosure, advising them at every stage of the process and working with mortgage servicers to correct errors and renegotiate loans when possible.

In 2012, the state attorney general asked MCJ to participate in a statewide Foreclosure Prevention Consortium with funding from the National Mortgage Foreclosure Settlement of 2012. Alongside its network partners, the Center organized its signature legal clinics, and once again, people lined up for advice and help. The Center got more than 300 referrals in just the first six months of the grant. By the end of the consortium's first year, the Center's team of lawyers had assisted 500 homes facing foreclosure.

**Julie Danko** and her family live in Kiln, MS, near the coast. They were still struggling to recover from Hurricane Katrina when her husband's job was cut back and the couple fell behind on their mortgage payments. Ms. Danko called several loan-modification companies and paid one of them \$1,750 to take their case. Three months later, they received a foreclosure notice. "I couldn't believe we had been scammed," Ms. Danko said. "And we had absolutely no more money to throw at the problem. At that point you can't help but feel defeated." The Dankos found MCJ and filed complaints against the loan modification company. They also found Hope Community Credit Union – the Center's longtime partner in promoting fair lending alternatives – which helped them to get a loan modification under a federal program.



POLICY SOLUTIONS AND A NEW ROOTS CREDIT PARTNERSHIP

One-on-one help for families trapped by payday loans is helpful, but the Center seeks to halt the growth of payday lending stores and to reduce the exorbitant legal interest rates that consumers must pay. The Center thus launched an integrated campaign against predatory lending, working simultaneously at both the local and the state level.

In 2009, at MCJ’s urging, the Jackson City Council passed a moratorium preventing the opening of any additional payday lending stores in the city. Twenty other municipalities soon followed suit with moratoriums or resolutions protesting the abuses of payday lending. In 2011, the state’s payday lending statute was up for renewal, an opportunity to limit the legal interest rate and make other changes. The House Banking and Finance Committee held a meeting, which, along with media coverage and positive editorials, increased support for reform. The Center, along with a coalition of faith-based groups and Mississippians for Fair Lending, pushed hard for reform and came within four votes of success in the House. But in the end, the payday lending industry fought back with a well-funded lobbying effort, which temporarily ended the effort to pass reform legislation.

This outcome motivated the Center to explore a new approach. Welcome to the New Roots Credit Partnership, a bold new initiative to ring in MCJ’s second decade. Aimed at loosening the stranglehold of predatory lenders across the state, New Roots is a joint venture with financial institutions, corporate partners, and community leaders that will offer alternatives to predatory lending through fair loans and financial education.

Too many Mississippians are alienated from mainstream financial institutions, and many banks do not offer products that serve low-income wage earners. New Roots will meet people where they are, in their communities and in their workplaces. Partners will provide financial literacy training so people will not be tempted to rely on payday loans. Banks and credit unions will offer loans with a fair interest rate and a reasonable time to pay it back. The Clinton Global Initiative accepted the New Roots Credit Partnership as a “commitment to action,” a vote of confidence in the Center’s innovative approach to problem-solving.



# CONCLUSION: FAR FROM DONE

The board and staff of the Mississippi Center for Justice have a decade of experience and wisdom under their collective belts. They have peeled back the layers of injustice in the state, achieved significant progress, and built practical policy solutions across sharp political divides. The Center's work is an innovative blend of legal action, policy reform, and community empowerment. Working hand-in-hand with residents and organizational partners, they have exposed and helped to break the pattern of disregard for the lives and circumstances of low-income Mississippians. Along the way, they have supported thousands of Mississippians who, for the most part, had nowhere to turn until they found the Mississippi Center for Justice.

The Center staff now numbers 35, with offices in Jackson, Biloxi, and Indianola. They have handled thousands of individual cases and secured victories in game-changing impact litigation. They have built the capacity to support major partnerships with hundreds of pro bono attorneys from coast to coast. They have introduced more than 2,000 law students to the challenges and rewards of public interest work, thus helping to groom the next generation of advocates for justice. Access to justice in Mississippi is no longer just a dream.

Along the way, MCJ staff attorneys have become regional and national leaders, called on regularly to share social justice expertise. For example, after the Japanese earthquake and tsunami in 2011, Center staff flew to Japan, and three Japanese attorneys visited Mississippi. After Hurricane Sandy in 2012, four Center attorneys were invited to New Jersey and New York to advise public interest law groups on equitable disaster recovery.

As the Center enters its second decade, its mandate – a future of racial and economic justice for all Mississippians – holds. Many obstacles remain to be conquered, and the work is far from done. But the Center stands firm, looking ahead to a new decade of progress built on experience and lessons learned during the first 10 years. The Center's staff and board are committed to continuing this remarkable journey. Their optimism endures: They still believe that Mississippi can become the social justice state, showing other states a viable path to equal opportunity.



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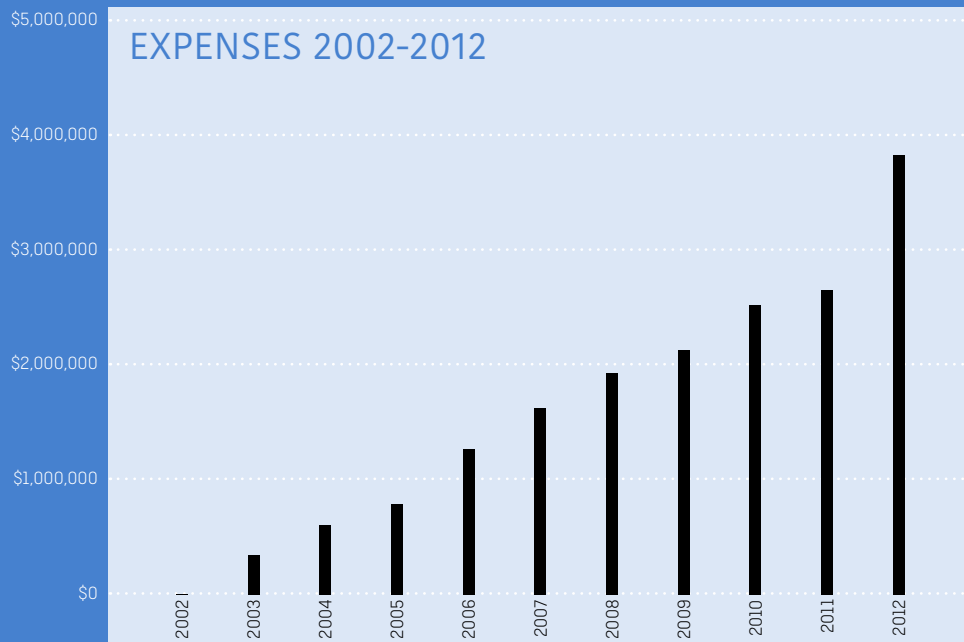
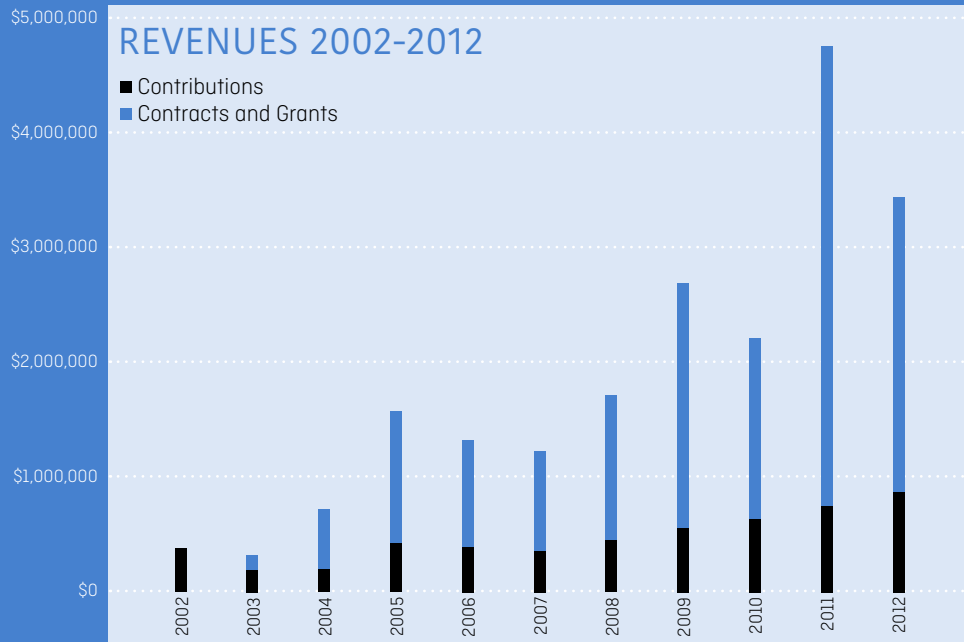
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 601-352-2269  
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## STATEMENTS OF ACTIVITIES

For the years ended December 31, 2012 and 2011

	2012	2011
<b>SUPPORT AND REVENUES</b>		
Contributions.....	\$ 845,305	724,178
In-kind Contributions.....	803,171	933,295
Grants .....	2,464,850	3,965,108
Interest and Dividends .....	236	2,375
Miscellaneous .....	541	37,886
Contract Services.....	140,703	94,447
<b>TOTAL SUPPORT AND REVENUES</b>	<b>4,254,806</b>	<b>5,757,289</b>
<b>EXPENSES</b>		
Program Services.....	4,194,712	3,221,805
Management and General .....	187,969	122,920
Fundraising .....	250,625	246,195
<b>TOTAL EXPENSES</b>	<b>4,633,306</b>	<b>3,590,920</b>
<b>INCREASE (DECREASE) IN NET ASSETS</b>	<b>(378,500)</b>	<b>2,166,369</b>
<b>NET ASSETS AT BEGINNING OF YEAR</b>	<b>3,219,080</b>	<b>1,052,711</b>
<b>NET ASSETS AT END OF YEAR</b>	<b>\$ 2,840,580</b>	<b>3,219,080</b>

## STATEMENTS OF FINANCIAL POSITION

For the years ended December 31, 2012 and 2011

	2012	2011
<b>ASSETS</b>		
<b>CURRENT ASSETS</b>		
Cash.....	\$ 1,594,560	2,192,356
Investments.....	33,293	-
Receivables .....	887,712	1,090,108
Prepaid Expenses .....	16,424	17,443
	<b>2,531,989</b>	<b>3,299,907</b>
<b>PROPERTY AND EQUIPMENT, net</b>	<b>529,696</b>	<b>118,290</b>
<b>OTHER ASSETS</b>		
Deposits .....	9,073	9,100
	<b>3,070,758</b>	<b>3,427,297</b>
<b>LIABILITIES AND NET ASSETS</b>		
<b>CURRENT LIABILITIES</b>		
Accounts Payable.....	5,888	22,334
Accrued Expenses.....	122,881	84,161
Payroll Liabilities.....	1,409	1,722
	<b>130,178</b>	<b>108,217</b>
<b>LONG TERM LIABILITIES</b>		
Notes Payable .....	100,000	100,000
<b>NET ASSETS</b>		
Unrestricted.....	1,092,040	129,148
Temporarily Restricted .....	1,748,540	3,089,932
	<b>2,840,580</b>	<b>3,219,080</b>
	<b>\$ 3,070,758</b>	<b>3,427,297</b>

The summarized financial data was taken from audited financial statements prepared by Matthews Cutrer and Lindsay, P.A.



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2003-2012

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child care center was one of many destroyed during Katrina. *(Left column bottom)* Happy child in a rebuilt child care center following Katrina. *(Right column, left)* MCJ attorney John Jopling helps Katrina victims Alma and Clemon Jimerson through the claims process. *(Right column, right)* MCJ attorney Reilly Morse, who lost his law office in the hurricane, opened the MCJ Biloxi office with Jopling.

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