

MISSISSIPPI CENTER FOR LEGAL SERVICES



A Message from the Chair

With the establishment of an Advisory Group, the Mississippi Center for Legal Services has embarked on a new course, embodying new strategies for its own survival.

Like legal services throughout the United States, the Mississippi Center for Legal Services is under financial assault. Since the beginning of 2011, the Mississippi Center for Legal Services has experienced a total funding loss in the amount of Six Hundred Thirty Thousand Eighty Hundred Sixty-Three Dollars (\$630,863.00).

Unfortunately, further funding losses loom on the horizon. MCLS is caught in a “perfect storm” for decreased funding. Because of low interest rates, the annual IOLTA contribution is down. Because of tort reform, *pro hac vice* contributions are down. Because of partisan politics, support from Congress is down. Without an independent funding source, separate from government funding, legal services will slowly evaporate. The promise of equal justice for all citizens in the civil arena will die on the vine.

In order to turn these dire consequences around, the Mississippi Center for Legal Services has sent out a clarion call to corporations, businesses, churches, other places of worship, law firms and the many individuals who support the concept of equal justice for all. Former Governor Ronnie Musgrove has agreed to serve as the Advisory Group Chair. This is a wonderful and thrilling development. The Advisory Group has, in turn, established four (4) action groups: federal and state funding to be chaired by Gloria Williamson; awareness campaign to be chaired by Jennifer Wilkerson, Esq.; churches and places of worship to be chaired by Dr. Michael T. Williams; and corporations and law firms to be chaired by Holmes Adams, Esq. Already, the chairpersons as well as the members of the committee have donated their time and energy to establishing an Advisory Group that will set up the mechanism to allow the Mississippi Center for Legal Services to survive. Three (3) members of the legislature, Rep. George Flaggs, Jr., Sen. Joey Fillingane and Rep. Percy Watson have agreed to participate and be members of the Advisory Group. Our goal for the year



2011 REPORT

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Chairman's Message

2012 is fairly modest: to raise a total of One Hundred Thirty-Five Thousand Dollars (\$135,000.00).

The good news is that Mississippi Center for Legal Services remains open for business. We are still fighting predatory lenders. We are still setting aside wrongful foreclosures and evictions. We are still fighting against unjust garnishments. We are still representing battered and abused mothers and children who do not receive adequate child support because of deadbeat dads. In short, we are still in the fight for economic justice and human dignity for those indigent individuals who, without legal services, cannot survive. With a strong Board commitment and a strong commitment by the new Advisory Group, we can maintain the struggle and ultimately begin to rebuild legal services in the State of Mississippi.

I realize this is new territory. Fundraising is never easy and perhaps never more difficult than in the present economic environment. But it must be done. If anyone is a recent convert, I am. When first exposed to the concept of fundraising, my response was immediate. **"It isn't in my job description."** However, I have now come to a different conclusion. If we really treasure legal services and want legal services to survive, we must give fundraising top priority. I pledge my wholehearted commitment to this endeavor. I ask others who value the need for legal services to join in.

Michael Adelman, MCLS Board Chair



Former Governor Ronnie Musgrove addresses Advisory Group as Board Chair, Michael Adelman listens



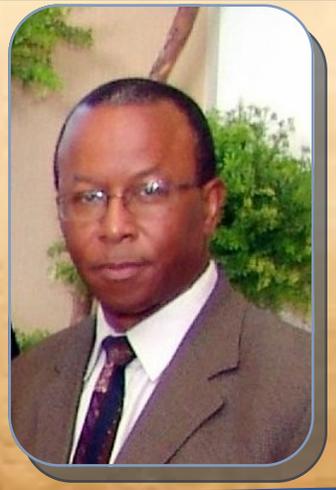
Churches/Places of Worship Chair, Dr. Michael Williams presents committee report. To his left are Beau Cole and John Hall.



Jennifer Wilkinson engages Advisory Group in discussion of public awareness.



from the Director's Desk



Sam H. Buchanan, Jr.

It is with great pleasure that I greet you again on behalf of Mississippi Center for Legal Services. In spite of ongoing funding and other challenges, we are still here fighting the good fight.

In 2011, we lost almost four percent of our federal funding. Since entering 2012, we have lost another fifteen percent of federal funding, while other funding sources steadily decline. As a consequence, our staff has decreased, resulting in our having to limit the extent of services that we can provide in some instances. However, we maintain all five of our office locations and still give priority to the most pressing legal needs within our service area.

We realize that in today's economy, our client community needs more services, not less, so limiting legal services to clients should be minimized at all costs. Therefore, in view of our circumstances, it has become an even greater resolve from our Board, staff, and partners, to find new and innovative ways to meet the legal needs of low income persons in Mississippi. In our efforts to do this, we have formed an Advisory Group to assist with resource development efforts. We are evaluating technology to better communicate and transfer information among our partners. We are also implementing plans to provide better access by the client community through online technology. Although two years removed from the Oil Spill, we are continuing collaborations with the Gulf Coast Consortium to provide assistance to low income persons with claims against BP Oil. For preventive and interventive measures, we continue to work with the Mississippi Department of Human Services and other agencies to provide education and outreach to vulnerable populations as a means to prevent the occurrence of legal issues. All and all, we are committed to provide the best services possible under difficult circumstances.

While we do not know what the future holds, we do know that regardless of what is around the bend, equal justice for all will be the primary focus of our Board, staff, and partnerships.

Thank you for your continuing support of our firm and low income persons.

"The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge..."

Dr. Martin Luther King, Jr.

MCLSC *Partners with DHS to Reach Community*

More Mississippians than ever before, 624,360 live in poverty. According to the latest United States Census, 21.8% live below the poverty level as compared to the national average of 14.3%.

In an effort to address topics affecting the elderly and disabled, many of whom live below the poverty guidelines, the Mississippi Department of Human Services (MDHS), awarded the Mississippi Center for Legal Services (MCLS) a \$30,000 grant with the ***Low Income Housing Energy Assistance Program (LIHEAP)***. Pursuant to the grant, MCLS hosted several workshops throughout our service area. Topics included information on service delivery, how to access services, Social Security Insurance benefits, birth certificates and will preparations. Program brochures and other educational materials were disseminated.

As part of the LIHEAP grant, MCLS, agreed to hire student interns to manage the public outreach and to assist in promoting LIHEAP workshops.

Hirees, Josiah Ball and Tacarra Toles, are wonderful assets and provide great leadership in managing their responsibilities. Their duties include creating and

developing flyers, brochures and other materials to be distributed for the workshops throughout the State. When required, they circuit-ride to outlying communities and conduct research. They exhibit excellent communication skills and established good working relationships with key community leaders. Josiah and Tocarra graduated from the University of Southern Mississippi in Hattiesburg. They both received a Bachelor of Science Degree in Psychology, in May, 2011 and 2009, respectively.

In FY 2011, workshops were held in Adams, Hancock, and Lamar counties where more than 130 people were in attendance.



*LIHEAP Grant. student interns attend workshop
(Pictured: Josiah Ball, left and Tacarra Toles, right)*



*Virginia Brown shares information on
Social Security Insurance benefits*



*Sam Buchanan provides participants with information on
MCLS' service delivery and how to access our services.*



*MCLS' staff looks on as American Red Cross Representative
shares important information with participants.*

Who We Are; What We Handle

The Mississippi Center for Legal Services Corporation (MCLSC) chartered on May 1, 2004, covers five (5) historic programs: Central Mississippi Legal Services (CMLS), Southwest Mississippi Legal Services (SWMLS), East Mississippi Legal Services (EMLS), South Mississippi Legal Services (SMLS) and Southeast Mississippi Legal Services (SEMLS).

The Administrative Office is located in Hattiesburg, MS with the State Initiatives Office located in Jackson, MS. There are five (5) service offices, located in Jackson, McComb, Hattiesburg, Meridian and Gulfport.

To enhance access to services, the program has established a **Call Center**.

Persons seeking assistance:

CALL 1-800-498-1804

Financial eligibility is based on income (total receipts before taxes) of all persons who are resident members of the household. Total receipts include money (wages and salaries, income before any deduction) and regular payments from public assistance (Social Security, SSI, TANF, etc.) of all persons who are resident members of and contribute to the support of the family unit. The threshold for eligibility is 125% of poverty. Given the economic crises, our financial eligibility guidelines have been increased so the program may accept cases for persons where household income does not exceed 200% of the federal poverty guidelines. At 125% of poverty, income for a household of 4 is approximately \$27,938; at 200% of poverty, income for a household of 4 is approximately \$44,700.

In 2012, MCLS will began on-line intake to provide greater access to clients

Populations with Special Vulnerabilities

- ◆ Elder Law Issues
- ◆ Disabled/ Handicapped Issues
- ◆ Domestic Violence
- ◆ Persons with language barriers

Support for Families

- ◆ Education
- ◆ Employment
- ◆ Divorce, Custody and Visitation
- ◆ Adoption & Guardianships

Maintaining Economic Stability

- ◆ Consumer Issues
- ◆ Public Entitlement Programs
- ◆ Oil Spill Claims

Housing and Property

- ◆ Evictions
- ◆ Foreclosure Prevention
- ◆ Mortgage Assistance
- ◆ Housing Counseling
- ◆ Deeds & Wills

Advice Counsel and Referral

Casehandlers may provide advice, counsel and referral pursuant to telephone intake procedures on all cases and matters not specifically prohibited by LSC or Congressional rules, policies, regulations and/or restrictions.

Community Education and Outreach

Provide workshops and seminars on topics of interest.

Restrictions

Types of cases NOT handled

Among prohibitions are certain fee-generating cases, legal assistance with respect to criminal proceedings, actions collaterally attacking criminal convictions, class actions, redistricting, representation in drug related evictions, litigation on behalf of prisoners, and representation of certain categories of aliens.



Virginia Hales Brown Champions Cause of Homeownership



I am blessed to currently serve in the capacity of a HUD housing counselor for the organization. When I was given the opportunity and responsibility of housing counselor at MCLS, it was my goal to meet the expectation of the organization. It was then that I felt I had come into my own and no longer viewed my employment at MCLS as “just a job.” It had become a career choice.

The grant under which I provide counseling is funded primarily by the Department of Housing and Urban Development (HUD). Under this grant, I coordinate with HUD, mortgage lenders, and public and private community organizations to maximize services to clients. The grant allows me to work with HUD and various mortgage companies to assist and counsel clients who are facing financial difficulty or in default on their mortgage, assist clients in locating suitable housing within the community and refer clients to other appropriate community services.

I have provided housing counseling and other housing assistance to 295 low and moderate income persons over the past 3 years. As a housing counselor, I am constantly challenged to exercise my creative skills and charisma to look beyond the obvious. The autonomy that I am able to exercise in handling my cases and negotiating workout options with mortgage companies keeps me engaged. My personal value system, work ethics and team attributes are respected and rewarded by MCLS. This is the foundation that enhances my ability to adequately perform my job duties.

Shortly after my father’s death, my mother built our 4BR/1BA home, sketched by me, from funds she had deposited into a savings account. By my mother’s example, homeownership was something I value and it motivates me to help others realize their dreams. I assist first-time home buyers with budgeting and planning to become a homeowner and weighing the advantages and disadvantages of homeownership.

Although, equally important, perhaps, the most challenging aspect of my job is working with borrowers who are experiencing mortgage delinquency due to unexpected life occurrences. I have successfully negotiated workout options with mortgage companies for clients to bring their mortgage accounts into good standing and retain home ownership.

I feel a great deal of satisfaction in knowing that I can make a positive difference in the lives of families in this tough economy. The following are just two examples of successful outcomes for our clients:

A client who was facing foreclosure on his home contacted our office for assistance. At the time, the client was 5 months behind in his mortgage payments due to a loss of income. After interviewing the client and assessing his household’s finances, I advised him to contact the Pearl River Valley Opportunity (PRVO) for financial assistance. The client applied for assistance through PRVO and received \$1000 towards the mortgage arrearage. Again, I met with client and placed a conference call with the mortgage company to discuss a workout plan to bring the account current. It was determined that \$3,515.43 was needed to cure the default on the loan. Since a previous modification of the account was terminated due to noncompliance, the



mortgage company was demanding full payment of \$3,515.43 and denied any workout option. After further discussion and expressing my client's desire to keep his home, the mortgage company agreed to put the foreclosure on hold. By the end of the call, we had negotiated a partial payment of \$1864.02 to be forwarded by overnight mail and the balance of \$1651.41 to be paid a month later. A month later, my client paid the outstanding balance, as agreed, and brought his mortgage account current.

Other clients have benefited from our services in obtaining modified interest rates and lower installment amounts. A USDA borrower who had received a foreclosure notice on her home received a lowered mortgage payment from \$365 to \$236 by negotiating a new payment subsidy agreement with a re-amortization of the loan. Experiences like these give me added confidence to push harder and work for more negotiations for borrowers requiring the need for counseling intervention.



“My employment with MCLS has truly been a rewarding experience. MCLS is committed to professional development and makes it possible for me to attend continuing education training seminars. I believe that the 27 years I have been with Legal Services have helped to shape me and enhanced my self worth. This experience has built the confidence that I need to provide the highest quality of service to our client community.”

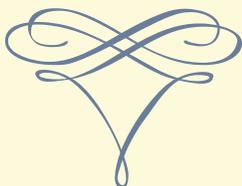
Virginia Brown



Client Becomes Legal Owner



MCLS represented client in a land matter where real estate which later became client's homestead was sold via a private real estate transaction. The initial sale included two parcels but client paid for only one parcel. Client agreed to pay the remaining amount due upon the seller signing and delivering the Deed for filing. After numerous requests from client to the seller, the seller failed to sign and file the Deed. Client made numerous repairs to the parcel purchased before she moved in but the Deed was never filed with the Chancery Clerk. A year later, when client went to pay the taxes for such property, she was informed by the Tax Assessor's Office that the property was not in her name. Client contacted MCLS, and the attorney negotiated a settlement whereby the Memorandum of Sale was amended to include the sale of one parcel (client's homestead) and the client became legal owner of the property after the Deed was filed.



Benefits Restored

Client, was working for a temp agency. When his job ended, he applied for and received unemployment compensation. The temp agency informed that he voluntarily quit because he was not calling in every day. His initial claim for unemployment was denied, which resulted in an overpayment in the amount of \$9,000.00. He appealed to the Mississippi Department of Employment Security Board of Review and subsequently to the Circuit Court. The Court remanded the claim back to the Mississippi Department of Employment Security (MDES). Meanwhile, his wages were being garnished. After this hearing, the decision was reversed and client was awarded the benefits he sought.

Notwithstanding the reversal, MDES continued to garnish his wages maintaining that the agency never received a copy of the decision from the Administrative Law Judge (ALJ).

After being unable to stop the garnishment, client sought the assistance of MCLS. Upon investigation by MCLS' advocate, it was determined that the ACJ's decision had not been entered into the computer due to a date code error. Inadvertently, the date of the decision was never entered into the system.

MDES filed a Motion to Dismiss which was granted by the Circuit Court, resulting in the client receiving a refund in the amount of \$6,000.00.

Client, the mother, gets Second Chance

Client was seeking to retain custody of infant minor female child born to couple who met over the internet. The father sued for custody but amended to alternatively terminate parental rights

Fatherhood Protected

Client, the natural father, sought custody of his minor child after the death of the child's mother. The maternal grandmother counterclaimed for custody. The Trial Court granted custody to grandmother although there was no evidence submitted by grandmother that the father had abandoned the child or that he was unfit. MCLS' attorney filed a timely appeal to the Mississippi Supreme Court. In remanding the case back to the Trial Court, the Supreme Court reaffirmed that in custody cases, a third party seeking custody against a natural parent has the burden of proof. Like so many, client could not have afforded a private attorney. Without MCLS, he would have had little to no chance of gaining custody of his child.

A Guardian Ad Litem was appointed; a two day hearing ensued over the course of several months.

At the hearing the Guardian Ad Litem admitted under oath that he was not certified. Nonetheless, judgment was for the father, terminating mother's parental rights. MCLS filed, on behalf of mother a motion for reconsideration of the termination of parental rights due to the noncertification of the Guardian Ad Litem. Following a hearing, the motion was granted, the Guardian Ad Litem was to be reappointed following his certification and the record was reopened for further proceedings.

The significance of this case is that not only did the client get a second chance at overcoming termination of parental rights, the Chancellor confirms the Guardian Ad Litem certification in all matters requiring a Guardian Ad Litem before Court.

Collection Practice Challenged

MCLS represented a senior adult who had been sued in County Court for an alleged credit card debt in the amount of \$1,600.00. The client owned her own modest home and was afraid that any judgment would result in a lien being placed on her property. The client informed MCLS' attorney that she had used the credit card in the past, but that she had purchased less than \$50 in merchandise using the card. The suit was filed against her by a Mississippi law firm that is known for purchasing unpaid third party debts and bringing collection actions. At a hearing on a Motion for Summary Judgment, the firm submitted an affidavit from its business manager stating that the debt was owed. The Court found that the affidavit was self serving and did not provide adequate proof of the original credit card debt. The law suit was dismissed with a strong warning from the Court. A review of the court docket showed that the Plaintiff had taken default judgments against similar defendants who had failed to file answers to collection actions filed by the firm.

Gulfport Office Responds to the Oil Spill

“Without Mr. Allen’s diligence and persistent efforts to follow the ever changing rules of the Gulf Coast Claims Facility (GCCF), I would have been more confused than normal. It was impossible for the lay person to follow Mr. Feinburg’s ever changing “methodology.” Thanks to Mr. Allen; he explained the facts to me in a clear and concise manner. I have nothing but praise for Mr. Allen.”

**Wayne Braun, Client*



Following the Spring time Oil Spill, a wave of lay offs swept the Coast. The gleam in his eye and his up beat attitude failed to shield Mr. Wayne Braun when his casino had to part with staff. “Seventy something” years young and the primary caregiver for his live in mother, he had bounced back from major Katrina damage and a low-ball insurance settlement. For eight months, he diligently sought work, having on his own, qualified for interim compensation with the GCCF. As he filed his summer 2011 claim, the coast GCCF office assured him that his status was unchanged. However, after 90 days of silence, the GCCF notified him that under new rules he was “assumed” to have been employed as of July 1, 2011 and retroactive to that date cut his compensation 90%.

On the brink financially and seeking answers, the local GCCF office referred him to our Gulfport office. MCLS’ attorney, Charles Allen, specializing in claims, explained the new rules used by GCCF. Mr. Braun’s

rights and options were analyzed. He was able to reach a final settlement of his claim.

For some clients, “Hard times come in threes”. After Hurricane Katrina visited client’s family home, she rebounded by becoming a skilled member of a Union. Hard times came again with a vehicular accident as she rode a company bus to a job site. After surgery, in the spring of 2010, she sought work near home for family reasons. Like a thief in the night, the third hard knock began quietly when companies promised a year of work cleaning up the Oil Spill. MCLS office assisted her in filing a dual claim for lost wages and bodily injury when that promised “year of work” vanished along with other opportunities for employment after the Spill. MCLS also assisted her in getting employment documents. She advised of a list of puzzling health symptoms: headaches, rashes, ear infections and problems with her stomach and eyes. The program researched how GCCF settles health claims.

Client was propelled to become a grass roots leader as other oil clean up workers began to tell similar stories and presented similar symptoms. The truth is: she educated the local community and her lawyer on the health impacts of their exposure. Battling financial pressure, her medical claim was documented with the GCCF. Eventually, with the BP Medical Settlement Agreement, Client strategically chose to be represented by private counsel. However, her friends at Legal Services wish her a speedy and full recovery.



Charles Allen grew up in Mendenhall, Simpson County, Mississippi. His father had great respect for the law, wanted to be a lawyer, and guided him to become one. He enjoys his role as “family historian.” A lover of the outdoors, he has worked as a River Guide/Climbing Instructor.

He is a 1978 graduate of the University of Mississippi Law school. He is a member of the Gulf Coast Oil Spill Consortium which was awarded the 2011 John Minor Award presented by the American Bar Association.

He proclaims, “I was volunteering at the Gulfport office of MCLS in January of 2011 when funding became available for “perhaps three months” of work handling BP Oil Spill Claims. Now a year and a half later the GCCF has come and gone. However, a second round of funding with the new opened Deepwater Horizon Settlement Program offers technical challenges such as filing new claims on line and human challenges in battling ongoing “client fatigue” of those who have been repeatedly denied. The potential of helping people get a new start makes this a rewarding job.”

Staff Engaging in Community

C. JOY HARKNESS

Regional Managing Attorney with the Meridian Office was appointed by Chief Justice James W. Smith, Jr. to serve on the Civil Model Jury Instruction Commission. The Committee worked until March, 2012 to rewrite the Civil Model Jury Instructions using plain language understandable by most in the general public.



Carshena L. Bailey

Managing Attorney for the Call Center, Carshena assumed reign as President of the Magnolia Bar Association in 2011. Carshena is a relentless believer in the George Santayana saying, *“those who cannot remember the past are condemned to repeat it.”* As a representative of a noble profession, she strives to remember from whence she came, and the struggle to move forward so that our children are not condemned to that bleak past. As President of the Magnolia Bar Association, Carshena worked to assure that the lives of not only Black Mississippians, but that all Mississippians who may not have a voice, are afforded the rights and privileges to which they are entitled.



In Memorium Holly Trudell



*Life is but a stopping place, A pause in what's to be,
A resting place along the road, to sweet eternity.
We all have different journeys, Different paths along the way,
We all were meant to learn some things,
but never meant to stay . . . Our destination is a place, Far greater than we know.
For some the journey's quicker, For some the journey's slow.
And when the journey finally ends, We'll claim a great reward,
And find an everlasting peace, Together with the Lord!*

Holly was born in Edinburgh, Scotland and earned her degree in Marketing and Management at Edinburgh University. She emigrated to the United States in February 19, 1994. She attended the University of Mississippi Law School, where she was a member of the Law Journal and graduated Magna Cum Laude, 2001.

Holly Trudell, was employed as a staff attorney in the Gulfport Office. She was a dedicated, energetic, compassionate, intelligent, highly motivated and hard-working individual. Holly possessed those characteristics that made a strong woman move ahead seeking challenges unknown, conquering situations that were placed before her. During her cancer treatments, when staff would call or visit, she would be returning calls, typing pleadings on her laptop, and instructing staff on what they needed to do for her clients. She truly exemplified our mission of providing competent legal representation.

Holly worked for MCLSC from January 5, 2010, until June 9, 2011. Not only was she a wonderful attorney, she was also a great mother, family member and friend.

Special Thanks

We could not begin to do our work without the funding from federal, state, public, private and other contributors. To all of our 2011 contributors, MCLS thanks you.

Legal Services Corporation (LSC), Washington, D.C.

Mississippi Bar Foundation-Interest on Lawyers Trust Account (IOLTA)

The Mississippi Supreme Court- Pro Hac Vice

(Fees from out of state attorneys to practice in Mississippi)

Mississippi Legislative Civil Legal Assistance Fund

(\$5 filing fee add-on)

West Tennessee Legal Services- Housing Urban Development Counseling (HUD)

Mississippi Department of Human Services (LIHEAP)

Area Agency on Aging

Central Mississippi Planning and Development District (CMPDD)

East Central Mississippi Planning and Development District (ECPDD)

South Mississippi Planning and Development District (SMPDD)

BP Oil Spill Consortium

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