Mississippi Center for Legal Services Corporation

2016 Report

Restoring Lives, Building Brighter Futures

Serving 43 Counties

Adams, Amite, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Holmes, Jackson, Jasper, Jones, Jefferson, Jefferson Davis, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lincoln, Madison, Marion, Neshoba, Newton, Noxubee, Pearl River, Perry, Pike, Rankin, Scott, Simpson, Smith, Stone, Walthall, Warren, Wayne, Wilkinson, Yazoo
In Memoriam

In 2016, the program lost a faithful warrior. Her dedication and commitment will be greatly missed.

MS. DONNA STAMPS
BOARD MEMBER 2005 - 2015
The above Chancellors entered orders waiving filing fees for all clients of MCLS as well as MVLP and Mission First who meet the United States Guidelines for low income persons.

The 2016 Equal Access to Justice Reception Sponsors:

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Mississippi Center for Legal Services is grateful to each of you for your support. A very special thank you to the Silver, Friend and Patron Sponsors for helping to make our Equal Access to Justice Reception a great success.

We could not begin to do our work without the funding from federal, state, public, private and other contributors. To each funder, we are grateful.

Legal Services Corporation (LSC), Washington, D.C.
Mississippi Bar Foundation-Interest on Lawyers Trust Account (IOLTA)
The Mississippi Supreme Court (Legislative Civil Legal Assistance Fund)
*$5 Filing fee add-on
*Fees from out of state attorneys to practice in Mississippi
Area Agency of Aging
Central Mississippi Planning and Development District
East Central Mississippi Planning and Development District
South Mississippi Planning and Development District
Bank of America Foreclosure Grant
Casey Family Programs (Administrative Office of the Courts)
State of Mississippi Department of Human Services-LIHEAP
Mississippi Gulf Coast Community College-TANF
Rust Consultant-Cy Pres Award

We provided assistance in all areas of our priorities: elder law, assistance to the disabled, domestic violence, education, predatory lending, housing counseling, and foreclosure defense, just to name a few. Unfortunately, the depth of our commitment was often exceeded by the depth of legal needs. Although we are committed to providing each person contacting us, with some level of service, too many persons are turned away for extended help, because of lack of staff and resources.

There is a misconception in the public that Legal Services programs receive all necessary funding from the federal government. This is simply not true. Funding from the government continues to decline. More than ever, the MCLS is dependent on support from the legal community, the judiciary, the State legislature, the business community and the religious community. Without that support, the consequences for MCLS will be dire.

MCLS must be more than a skeletal legal program, paying lip service to our purpose, but failing to deliver what is needed. We need the funding and community support that will allow MCLS to continue as an aggressive, active and forceful advocate for equal access to justice for all citizens.

In spite of the challenges faced by us and other civil legal aid organizations representing low income persons, we will continue to fight the good fight, until the fight is won. That fight, as always, is for Equal Justice for All. It will require and encompass a concerted effort from those who believe that the tired, poor and huddled masses, should also enjoy all the benefits this great country has to offer. This is not only basic, but right. If you have not joined the fight at this point, we invite and welcome your participation.

Our program as well as legal services programs throughout the United States must endure, because the Constitution also places a burden on those who are entrusted to protect the legal rights of the indigent. The board, attorneys and staff of the Mississippi Center for Legal Services must discharge our responsibility to the poor and low income citizens of the State of Mississippi by providing passionate, intense and effective legal representation and advocacy for our clients.

Sincerely,

Sam H. Buchanan, Jr., Executive Director of Administration
Michael Adelman, Board Chair
Why Legal Services Funding is Urgently Needed

Who We Are

Chartered on May 1, 2004, MCLS 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).

More Mississippians than ever before live in poverty. At least 812,860 persons are eligible for free civil legal aid. The provision of legal assistance and representation to these indigent citizens unable to afford private counsel is the goal of the Mississippi Center for Legal Services (MCLS). In fact, MCLS is the only provider of a full range of civil legal aid in many, if not most, of our state’s central and southern rural communities.

Presently, to serve MCLS’ 43 counties, there are five (5) service offices: Gulfport, Hattiesburg, Jackson, McComb and Meridian. Historically, MCLS (its predecessor programs) had 16 office locations. With the closures of 11 office locations, it is not uncommon that clients travel 90 miles to a service office. Many travel at least 60 miles one way.

Access to our courts threatened

When “minimum access” funding was reached in past years, MCLS employed approximately 56 attorneys. Presently, MCLS employs 16 attorneys in its service offices. Three (3) of its 16 attorneys provide counsel and advice through the Call Center and two (2) attorneys provide limited scope representation through special grants. There is 1 attorney for every 26,000 eligible persons. In contrast, the general public enjoys approximately 537 attorneys, for every person.

MCLS receives about 73% of its funding from the Legal Services Corporation, Washington, D.C. This funding has sharply declined from $3,205,135 in FY 2010 to $2,543,809 for 2017, provided no further cuts or eliminations.

For many years, MCLS’ second source of funding was IOLTA (Interest on Lawyers’ Trust Accounts). Its funding has also decreased drastically from $1,030,130 in 2008-2009 to $46,800 in 2016-2017.

Types of cases Not handled

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

Who is eligible?

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, 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. At 125% of poverty, income for a household of 4 is approximately $30,750.

Who we serve?

The MCLS attorneys help poor mothers obtain child support, provide defenseless children with access to education and health care, and protect the rights of the elderly and the vulnerable. The program solves critical and urgent legal problems for homeowners, victims of domestic violence, disaster victims, children with special needs, workers seeking fair treatment and countless others. In 2016, MCLS served approximately 10,272 persons. An additional 2,343 were helped through referrals and community outreach and education.

Our clients are as diverse as the State of Mississippi, inclusive of all races, ethnic groups and ages. They include the working poor, families with children, farmers, veterans, elderly and disabled. Many work minimum wage jobs of $7.25 per hour, and have incomes that do not exceed $15,080. Over one-half of those eligible for services must be turned away, due to a lack of resources.

To help, contact

Lindia P. Robinson, Esq.
Email: Lindiar@mslegalservices.org  Phone: 601-948-6752 ext. 2916  Website: www.mscenterforlegalservices.org
Devontae Washington
Community Education and Outreach Coordinator

is a native of Hattiesburg, MS. He is a graduate of the University of Southern Mississippi with a Bachelor of Science Degree in Business Administration Management. While at USM, he was inducted into Gamma Beta Sigma College of Business Honor Society, Alpha Lambda Delta Honor Society and Lambda Sigma Honor Society. He is a member of Kappa Alpha Psi Fraternity, Inc. He considers his strengths to be his capacity to develop rapport and trust, his passion to succeed, and his organizational skills.

Devontae is married to Kamiya Washington and they have two children, Kylan and Kayleigh. He enjoys working with people and serving the community as the Coordinator of Education and Outreach and as the Outreach Pastor at the Truth Church located in Hattiesburg, MS.

Devontae began his employment with MCLS in January 2016 and has conducted the workshop shown below.

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**2016 LEGAL WORKSHOPS**

**March 21, 2016**
Southwest MS Opportunity Office • Woodville, MS

**March 22, 2016**
Kearny Park Community Center • Flora, MS

**April 1, 2016**
Southwest MS Opportunity Office • Tylertown, MS

**April 15, 2016**
Clarke County Multi-Purpose Building • Quitman, MS

**May 3, 2016**
Pearl River Valley Opportunity • Poplarville, MS

**TOPICS**

CIVIL LEGAL MATTERS

FORECLOSURE ASSISTANCE

BIRTH CERTIFICATE CORRECTION

SOCIAL SECURITY & WILLS

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130 families were served during these workshops

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**Equal Access to Justice Reception**

On Thursday, August 11, 2016, the Mississippi Center for Legal Services (MCLS) held an Equal Access to Justice reception. MCLS was pleased to honor: Councilwoman Deborah Denard Delgado, Presiding Justice Jess H. Dickinson, State Senator Sollie B. Norwood, Thandi Wade, Esq., and Commissioner Gloria Williamson.

Spotlighting the evening were the passionate testimonials of clients. Ms. Robin Harrison thanked the program for helping her defeat an action to terminate her parental rights. Ms. Lisa Bass expressed gratitude for keeping her son in school. He had been expelled for an entire school year without due process for engaging in a minor incident where no weapons were present. MCLS was able to put Mr. Gus Lloyd, 81 years young, on the path to safe and secure housing.
The Jackson office: Brightening Lives of Seniors

REACHING OUT TO THE COMMUNITY

The Jackson office, which consists of three attorneys, a paralegal, two support staff, and two PAI attorneys, had a productive year in servicing the needs of our clients through litigation, outreach, one-on-one interviews and telephone interviews. Recognizing our elderly population needed to become more familiar with legal issues affecting their daily lives, during the year 2016, the Jackson office assisted many seniors in Hinds, Rankin, and Madison Counties. Staff attended five(5) workshops focused on wills, advanced health care directives, power of attorney, adult guardianship, conservatorship, name change/birth certification correction, social security, foreclosure prevention, housing related matters and other specific identified legal needs. At these events, our attorneys, paralegal and support staff assisted approximately 250 seniors with their legal issues. More than 1,000 informational brochures on various legal topics summarizing the law, were disseminated, including our program brochures which informed our clients of the services we provide and how to contact us for assistance.

A SENIOR'S STORY

Having moved from Mississippi at the age of twelve with his parents, Mr. Gus Lloyd grew up in Chicago, Illinois. He moved back to Mississippi in 1999, to care for his ill mother. Subsequently, when she died in 2014, at the age of 92, he remained in the home. What prompted Mr. Lloyd to call our local office was information received when he tried to obtain a loan from the USDA to make repairs to the home. Client’s home had leaks in several rooms due to an old roof that needed replacing and could possibly cave in. Due to the leaks, mold had started growing and spreading in some of the rooms. The mold ruined some of his clothes, and he was concerned that it was also contributing to his health issues. The foundation of the home had shifted, causing the floors to become unstable and preventing doors from properly closing. Lastly, the siding in several places had dry rotted and needed replacement. The USDA required that client own the property and the deed be placed in his name before he could obtain the necessary funds. Having heard about legal services, he contacted the Jackson office to get assistance with having the deed transferred to his name.

A muniment of title action was filed in Chancery Court, which resulted in an order being granted transferring the deed to his name. Subsequently, client completed an application for the loan to make the necessary repairs to his home. The loan was approved allowing Mr. Lloyd to live in a safe, decent, and affordable home.

HELPFUL TIPS TO HOMEOWNERS FACING DELINQUENCY OR FORECLOSURE

Chayah offers the following helpful hints!

1. One of the most important tips for a homeowner facing delinquency or foreclosure is to be PROACTIVE.
   a. Review the terms of your deed in trust/mortgage to see who is responsible for things such as payment of taxes and insurance during the event of delinquency or foreclosure.
   b. Stay in contact with the Mortgage Servicer to learn about any Loss Mitigation Options that may be available through their company.

2. A second and equally important tip is for homeowners to EDUCATION themselves. Seek out Foreclosure Counseling Resources. Call or Visit:
   i. MCLSC www.mstategalsservices.org (1-800-498-1804)
   ii. Mortgage Help (www.CFPB.gov)
   iii. Homeownership Preservation Foundation (www.995hope.org)
   iv. HUD Counseling Services (www.hud.gov) or (800) 569-4287
   v. NeighborWorks America (www.neighborworks.org) or (888) 995-HOPE (4673)
   vi. Fannie Mae Counselor Search (www.fanniemae.com/counselorsearch)
   vii. Credit Counseling Agencies Approved Pursuant to 11 U.S.C. § 111
   viii. (Approved by Department of Justice for bankruptcy filers) (www.doj.gov)
   ix. National Foundation for Credit Counseling (www.nfcc.org)

3. A third helpful tip for any homeowner facing delinquency or foreclosure is to TELL YOUR STORY.
   a. Begin documenting why you are delinquent, i.e. job loss, illness, extensive medical expenses, etc.
   b. Prepare a Budget
      Determine if there are any costs or expenses that can be cut or reduced to assist with any loss mitigation options such as loan modification, forbearance, refinancing, etc.

4. Fourth tip: Remain CALM. PANIC is not our friend!!!
   Foreclosures are stressful, but remain calm so that you can focus and think clearly.

5. A fifth and final tip is BEWARE of Foreclosure Prevention SCAMS!!
   a. This goes hand-in-hand with tip number four. If you are unable to remain calm during this process, you might become a victim of a foreclosure scam by organizations offering a quick fix solution to your mortgage problem by requiring you to pay a hefty fee for an alleged “guaranteed loan modification” or “sign over” your deed. No loan modification is guaranteed.
   b. Never sign any papers you do not fully understand.
   c. Consult with an attorney or if you cannot afford one, contact the Mississippi Center for Legal Services at 1-800-498-1804 to determine if you are eligible for our services and/or
   d. Contact a HUD approved housing counselor.

STOP FORECLOSURE! YOU HAVE OPTIONS!
Chayah is a native of Jackson, Mississippi. She attended Jackson State University where she received her Bachelor of Arts Degree in Political Science/Pre-Law. Subsequently she attended Vanderbilt University School of Law and received a Juris Doctorate in 1991. She clerked for the Honorable Fred Banks on the Mississippi Supreme Court after law school, and later served as a law clerk for the Honorable William J. Haynes, Federal Magistrate Court Judge, who was later appointed as a Federal District Court Judge in Nashville, Tennessee. Most of her law career has spanned around assisting the underserved of our community. She worked as a Health Care Attorney with the South Carolina Legal Services, Inc. working for ten years as a Social Security Disability Attorney with the Social Security Administration, Region IV, Atlanta, GA. She returned home to Mississippi in 2007 where she worked as an attorney in MCLS’ Call Center, followed by private practice. For the past seven (7) years, she has worked with attorneys and non-profits in Georgia assisting homeowners with foreclosure defense cases. She returned to Mississippi to work as the Foreclosure Prevention Counselor to continue her mission to provide assistance to the underserved communities who are at risk of losing their homes to the horrendous foreclosure epidemic. Among the many clients she has assisted is Ms. Mildred Roberts whose testimony follows:

My name is Mildred Roberts and I am totally disabled. I have several different illnesses that prevent me from being able to work. I am stage 3 acute renal failure. I have a brain tumor and cervical cancer. I am also a diabetic with high blood pressure. I have three children. Although I am married, I am going through a divorce, and I was facing a foreclosure. I didn’t know where to turn or what to do so I called the Mississippi Center for Legal Services and they put me in contact with Ms. Yisrael. I explained my situation to her, that I was three months behind on my mortgage and facing foreclosure and she told me not to worry about anything that she got it. She advised me from a legal stand point about the foreclosure process and options to stay in my home. Ms. Yisrael of the Mississippi Center for Legal Services came to my rescue with my housing issue.

We called the mortgage company to see if they would be willing to provide me a loan modification and they were not cooperative. She then tried to negotiate with them to arrange a payment assistance plan which they stated that because they had helped me in 2015 with a payment assistance they could not help me. Ms. Yisrael continued to be diligent with her discussions with the mortgage company regarding my hardship and eventual negotiations. He agreed and even did a written and notarized affidavit stating that he would help me and my son financially so that we would not lose our home. She contacted the mortgage company and advised them that my soon to be ex-husband was willing to help. The mortgage company would not agree to lower my monthly mortgage but Ms. Yisrael called around, got me the help that I needed. Ms. Yisrael then contacted Multi County Community Action Agency to get additional help for me with my delinquent house payment and utility bills. She also discussed the options with me concerning lowering my monthly bills so that I would be able to make monthly payments. She told me not to worry about anything because she knew that with my medical condition stress was not good. She made sure that everything worked out for me in my time of need. I couldn’t have asked for a better person. I feel that she was my guardian angel in this housing situation and in the end everything was settled successfully so that I could stay in my home.
The Meridian Office:

**Breaking Barriers and Building Bridges**

**Through Legal Education**

The Meridian office has the distinction of providing legal assistance to Members of the Mississippi Band of Choctaw Indians (MBCI). MCBI contains more than 35,000 acres of land situated throughout ten different counties with a population of approximately 10,000 residents. It is the only federally recognized Native American Tribe in the State of Mississippi. The Tribe has eight officially recognized Choctaw Communities: Bogue Chitto, Bogue Homa, Conehatta, Crystal Ridge, Pearl River, Red Water, Standing Pine, and Tucker.

The Court system on the Tribe, such as Adult Court, Juvenile Court, Teen Court and Peacemaker Court, provide unique opportunities for its members to resolve legal conflicts. However, the Meridian office in conjunction with program administration, has gone a step further, to help Tribal members understand their varying legal needs. We work collaboratively with Choctaw Legal Defense, to sponsor and host Choctaw Community Law Days. The law days are opportunities for members of the Tribe to come out and get valuable legal information on topics, that may be unique to the Tribal experience, such as blood quantum. Blood quantum determines whether or not an individual can receive financial assistance from the Tribe and often times makes the difference in making ends meet.

We believe that the Community Law Days enrich the lives of Tribal members by making them a less vulnerable population to persons who might otherwise take advantage of them. We also believe that Community Law Days are unique opportunities for members to interact with legal staff and vice versa and help creates greater understanding of our different cultures.

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The Gulfport Office:

**Reconciling Families: Maintaining Stability of Children**

Hannah Shirley

attended Brigham Young University and graduated with a Bachelor's Degree in Communications and a minor in Marriage, Family, and Human Development. She attended law school at the University of Mississippi and graduated in 2014. During her time there, she focused her energy on public interest practice and volunteered in the pro-bono housing and tax clinics. After graduating, she worked as a staff attorney at the Department of Human Services enforcing child support. She joined the Mississippi Center for Legal Services in October 2016 as the Harrison County youth court parent attorney.

During 2016, MCLS served 147 families in Harrison County youth court.

Mississippi is the only state in the nation which does not legally require court-appointed attorneys for indigent parents in neglect, abuse or termination of parental rights cases. Parental representation is vital because data shows that providing indigent parents with legal representation shortens the time that children are held in the system. Ultimately, it leads to more reunification of families. Most people agree that reuniting children with their parents and families should be and always is the goal, but often parents are left to fend for themselves during court proceedings.

Due to the generosity of the Annie E. Casey Foundation (AECF), Harrison County receives a grant to fund a full-time attorney for parents facing allegations of neglect and abuse in Youth Court. Ms. Shirley is responsible for advocating on behalf of these parents. She states: “Often, parents accused of abuse and neglect get no sympathy. It is my job to ensure that their side of the story is accurately portrayed and to reunite families as soon as possible. Legal representation ensures that the case doesn’t fall between the cracks, leaving children in foster care and other placements longer than needed. Sometimes, legal representation on behalf of parents can even avoid the necessity of removing the children.”

An example of the importance of the work Ms. Shirley does can be found in a case where two children were wrongfully removed from their mother. The children had never resided in or had contact with the county of removal. Therefore, the court of the county of removal lacked jurisdiction. Fortunately, Ms. Shirley was able to have the case dismissed and the children swiftly returned to their mother.
The McComb Office: Soldiering On

Michael T. Shareef

has served as Regional Managing Attorney since 1989. During 2016 and the preceding 2 years, due to reduced funding, he has been the only staff attorney to serve the Southwest Mississippi area. A diligent, aggressive, and skilled advocate, he has achieved significant accomplishments for his clients. The McComb office helped families maintain over $185,000 in essential income. Through their advocacy, an additional $31,000 of monthly income was recovered for clients.

Client gratitude has been overwhelming. The following are a few testimonials:

“If all attorneys were more like Mr. Shareef, trust would be restored to our legal system. A very good job by Attorney Shareef. Thanks.” — Without Mr. Shareef’s assistance with my case I wouldn’t have made such a satisfactory conclusion. He really cares. — D. Watkins

“Shareef was very accurate and sufficient when answering all of my questions. He always act in a professional manner and able to deliver in a timely manner.” — M. Harris

“I sincerely appreciate the services rendered, and pray God’s richest blessing on all parties involved. Thank you so very much.” — D.L. King

Family Removed from Domestic Abuse

Client, who had endured an abusive 10 year marriage, finally obtained a Protective Order after her husband put a gun to her head and threatened to kill her. The Protective Order specified that her husband was not to have any contact whatsoever with her and that he was required to keep at least 200 feet from her. Notwithstanding, client’s husband began to violate the Order causing Client to be in great fear. There were two (2) minor children of the marriage and she wanted her children and herself to live in peace without the fear of further abuse. Realizing that only a divorce could free her, client decided to end the marriage. Mr. Shareef obtained for her a divorce, custody of her children, monthly child support and alimony, and the husband was ordered to pay $3000 on medical bills incurred. No visitation with the children was granted. The Court placed an affirmative duty on the husband to file a separate petition for visitation to demonstrate that the Client and their minor children would no longer be in danger.

MCLS sponsored several educational workshops in 2016. We discussed various topics such as: the New Adoption Changes, Bankruptcy, Blood Quantum/Enrollment, Children and Family Services, Consumer Protection, Power of Attorney/Conservatorship, Probate of Wills, Expungements, Guardianships, Used Cars/Warranties and Foreclosure Prevention. There were approximately 390 Choctaw tribal members who attended these workshops. In addition to the workshops, MCLS has partnered with Choctaw Central High School to provide educational forums beneficial to the 11th and 12th grade students. We were able to provide and reiterate information on their local educational options and money for school by presenting the topic, “Curious About What’s Next?” We also partnered with Trustmark National Bank’s Community Development Coordinator, Jean Gross, to provide a forum on “Smart Money for You.”
**BUILDING BETTER FUTURES THROUGH SECURING THE RIGHT TO EDUCATION**

MCLS filed in the Chancery Court, a Petition for Emergency Temporary & Permanent Injunction, for client, Next of Friend of her son, who is a Compulsory School-Aged Child—being 15 years of age. The action maintained that the school age child was arbitrarily expelled for an entire school year, after engaging in a minor altercation that did not involve any type of weapon.

After the minor child was involved in the altercation with another student, he was immediately sent home by the Principal. His mother was called to pick him up. Upon arrival at the school, she was informed by the Principal that a disciplinary hearing would take place the next day. At the end of the next day hearing, client was told that her son would be expelled for one (1) calendar year. There were no other disciplinary hearings held after this, nor was the client informed of any constitutional rights that her son must be afforded before he could be expelled from school.

MCLS argued on behalf of client that her son’s constitutional rights were violated since the School District did not afford him his constitutional rights that have been delineated by the U.S. Supreme Court whenever a student is suspended for more than 10 days from school. MCLS maintained, among other things, the client’s son was denied these constitutional rights:

- Written notice of the charges against him;
- The right to be represented by an Attorney or an Advocate;
- Access to documented evidence prior to the hearing;
- The right to request that witnesses attend the hearing, and a prompt written decision that complies with law.

Further, MCLS argued that client’s son was a “Compulsory School-Aged Child” since he was only fifteen years of age and, therefore, she was required to comply with Section 37-13-91 of the Mississippi Code Annotated (2004) which provides, insofar as pertinent, the following:

> “A parent, guardian, or custodian of a compulsory school-age child in this state shall cause the child to enroll in and attend a public school or legitimate non-public school for the period of time that the child is of compulsory school age….”

Moreover, MCLS maintained the School District violated state law by not affording the student a proper Alternative School Program. Among the relief granted was that the school district was ordered to conduct an assessment of the minor child and transition him back into a regular classroom setting at the earliest possible date during the current academic school, as long as the minor child maintained good disciplinary status; the district was ordered to provide tutorial instruction to the minor child to ensure that student was able to cover all classroom instructions and subject-matters that he missed during the first 9 weeks of school; and District ordered to remove any notation of the expulsion from the official school records of the minor child. As the School District was not maintaining an Alternative School Program, they were forced to comply with the Mississippi Statutes and open and operate an Alternative School.

As a result of this case, there were four other similarly situated students who had been expelled at the same time as the minor child who was the subject of this civil action. MCLS’ Attorney was able to negotiate their readmission to the classroom as a result of this case since the Chanceller had informed the School Board Attorney and the Superintendent that if the other students appeared before him that he was going to readmit them.

The minor child who was represented by MCLS was subsequently transitioned back into the regular classroom and he passed without having to attend any summer school.

**RIGHTS OF PERSONS WITH DISABILITIES PROTECTED**

Client, a resident of Jackson, suffered from a disability within the meaning of the Americans with Disabilities Act (ADA). She sought MCLS’ assistance against a local municipality to enforce the statutory and regulatory provisions of Title 1 of the (ADA) regarding the City’s refusal to grant her a reasonable accommodation due to her disabilities.

In 2013, client requested a transfer to another department due to the toll that present position had taken on her health which had greatly deteriorated due to her impairment. Medical documentation of her condition was provided to her employer as required by law.

In addition to having a disability within the meaning of the ADA because her impairment substantially limited one or more life functions, client was a qualified individual within the meaning of the ADA for the position to which she requested a transfer because she could perform the essential functions of the position.

Client was informed that there was not a vacant position and there were no vacant part time positions. Shortly thereafter, another employee was assigned to the position.

Client filed her discrimination claim with EEOC in 2014, alleging denial of a reasonable accommodation and discrimination due to her disability in violation of the ADA.

In 2015, client requested a right to sue letter from EEOC and received it on October 23, 2015.

On January 20, 2016, MCLS filed its Complaint against the municipality alleging that it discriminated against client by not acknowledging that she had a disability, not engaging in the interactive process once she requested a reasonable accommodation, and not granting the reasonable accommodation despite the fact that she was a qualified individual who is able to perform the essential functions of the position in violation of the ADA.

A favorable negotiated settlement was reached.

**GOING THE DISTANCE IN A CRISIS**

In August of 2016, a young mother frantically contacted the MCLS. She allowed her two minor children to visit their father in another state for the summer. At the conclusion of the summer visit, the father refused to return the children to the care of the mother. He would not answer her phone calls or allow her to talk to her children. She traveled to the father’s home state numerous times to retrieve her children. She even contacted law enforcement for assistance only to be told they could not help because she did not have an order granting her custody of her children.

Her case was referred to MCLS’ private consultant, Attorney Kimberly Walker Nailor as an emergency because the children were not able to be enrolled in and attend school. Ms. Nailor immediately set an appointment for the mother who was traveling from the home state of the father and drove over ten (10) hours to meet with the attorney. The father signed the children’s birth certificates so establishing paternity was not an issue. Ms. Nailor drafted an emergency petition and rushed to get the papers filed and an emergency hearing set.

After the petition was filed, Ms. Nailor expedited setting the matter for court and having the summons issued. She mailed through overnight services the summons and complaint to a process server in the state of the father. He was served at work.

Approximately 7 days after father was served, Ms. Nailor presented client’s case to the Court. The Judge temporarily granted client physical custody of the children and ordered that the father was to immediately return the children to their mother. He did not grant the father any visitation with the minor children.

The mother was ecstatic. Ms. Nailor immediately contacted law enforcement in the state and county of the father to assist with having the children returned to their mother. The client drove over ten (10) hours to pick up her sons, called Ms. Nailor, crying and grateful that MCLS and Ms. Nailor helped her get her sons back.