

NORTH MISSISSIPPI RURAL LEGAL SERVICES

Defending the Rights of the Poor and Needy



2008 ANNUAL REPORT



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MESSAGE FROM THE EXECUTIVE DIRECTOR

Many issues affected the lives of our client community during 2008. The recession, rising unemployment and reduced work hours, the cost of health care-this all means that thousands more Mississippians, called the "New Poor," are now eligible for our services.

We are challenged, now more than ever, to respond to the increased need. To meet the challenge, we utilize a combination of funds and resources from our partners, many of whom you will read about in this report. The efforts of private lawyers who work with us through the Mississippi volunteer Lawyers Project has greatly enhanced our ability to deliver access to justice for all. They provided hundreds of hours of free and reduced fee work on



"...for every eligible client who receives our services, at least one is denied. "

cases for people who otherwise would not receive services because we simply can't keep up with the need. Still, for every client who receives our services, at least one is denied. The 15 NMRLS staff lawyers are obviously woefully inadequate to respond to the civil legal needs of the 220,000 eligible poor who live within our service area. In the general population in Mississippi, there is approximately one lawyer for every 424 persons, compared to one legal services lawyer for approximately 18,000 poor persons.

The recent dim economic conditions make it clear that adequate funding to meet the civil legal needs of the poor will not be achieved anytime soon. However, the Mississippi Supreme Court showed visionary leadership in creating the Access to Justice Commission which develops strategies to improve poor peoples' access to the civil courts. The Commission and other partners with a vital interest in assuring access to the courts are collectively working to expand and improve the current system through a comprehensive and coordinated approach.

A Herculean effort is needed by all. I thank our partners and the NMRLS board of directors, a constant beacon of hope, for their support as we try to effectively address the growing need. I also commend the NMRLS staff for their tenacious work on a daily basis on behalf of the most vulnerable of our society. Our vision for the future is to assure them access to justice - and that can only be achieved with access to a lawyer.

Ben Thomas Cole II, Executive Director,
North Mississippi Rural Legal Services

FROM THE DIRECTOR OF LITIGATION



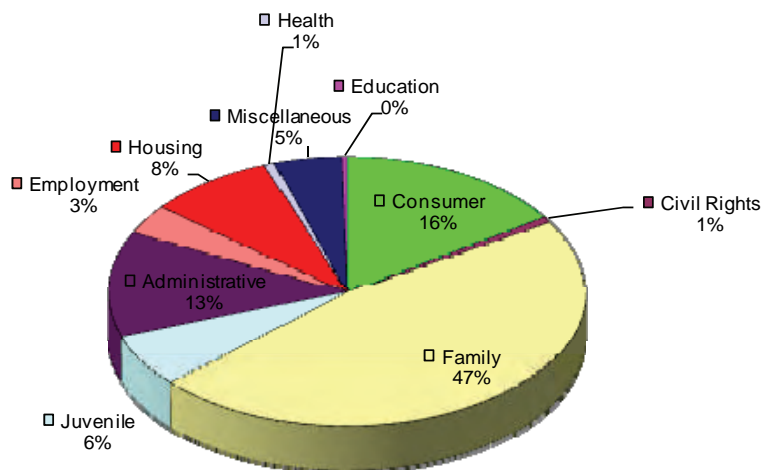
Ruby White, Director of Litigation

Founded in 1966 as a clinical program at the University Of Mississippi School Of Law, NMRLS is the oldest public interest law firm in North Mississippi. It is a non-profit 501c(3) corporation governed by a 25 member Board of Directors which consists of 15 lawyers and ten client representatives. Attorneys are appointed by the Mississippi Bar and Magnolia Bar. Client representatives are elected by local advisory committees.

Our primary function is to provide direct representation on civil legal needs to the poor in the 39 northern counties of Mississippi. Our case acceptance priorities are consumer/finance, education, employment, housing, family, and individual rights. In addition to direct representation, we provide community legal education and outreach from our branch offices located in Tupelo, Oxford, West Point, Clarksdale and Greenville. We also provide valuable legal information at www.mslegalservices.org.

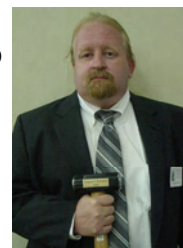
According to the 2000 census, approximately 219, 475 citizens resided within our service area whose income is below 125% of the federal poverty guidelines. These citizens rely on our services for access to justice. During 2008, NMRLS opened 3,989 cases and closed 3,792 helping over 25,500 individuals. Additionally, we recovered monetary benefits in excess of \$1,102,382 with accompanying recurring monthly benefits in excess of \$65,841 for our clients.

NORTH MISSISSIPPI RURAL LEGAL SERVICES CASES JANUARY-DECEMBER 2008



CLIENT SUCCESS STORIES

Alexander “Trace” Simpson of the Tupelo office was recognized with an Impact Award at the Legal Services Statewide Conference for his work on food stamp cases. Simpson was first involved through a client named Bobbie Pounds, a 39 year old diabetic who suffers from multiple other potentially life threatening medical problems. Ms. Pounds called the intake hotline and Simpson learned her story. She was under doctor’s orders to maintain a strict diet in an attempt to regulate her blood sugar levels. The Mississippi Department of Human Services (DHS) accused her of improper use of her Electronic Benefits Card. DHS was never able to tell Ms. Pounds exactly what she allegedly did wrong, but made an administrative finding that she was guilty of an “intentional program violation,” and disqualified her from further participation in the food stamp program for two years. Her sole sources of income are her disability payments and her food stamp benefits.



Trace Simpson

NMRLS appealed that decision to the Chancery Court. The Chancellor transferred the case to Circuit Court over counsel’s objection. During the time this case was being litigated, Ms. Pounds suffered from extreme stress, at times was unable to purchase food, and had to be hospitalized at least twice with blood sugar over 400. Finally, after extensive litigation, the Court reversed the administrative order and found that the DHS action was arbitrary and capricious and unsupported by the evidence. The Court restored Ms. Pounds’ food stamp benefits retroactive to the date of the DHS decision.

The Tupelo office filed several other similar cases which are expected to be tried in spring of 2009. NMRLS attorneys also engaged in administrative advocacy with the FNS division of the U.S. Department of Agriculture. As a result, DHS has been instructed by the FNS to revise its notice and hearing procedures to better protect the rights of food stamp recipients.



Alsee McDaniel

Alsee McDaniel of the Greenville office was also recognized with an Impact award for his work on a case that was appealed to the Mississippi Supreme Court. McDaniel’s client was the mother of a ten-year-old girl with custody pursuant to a temporary youth court order. After she sued the father for child support, the father sued for custody and was awarded custody by the chancellor. McDaniel filed an appeal on behalf of the mother, and the Court of Appeals ruled that the chancery court did not have jurisdiction to award custody of the child. The child was returned to her mother. This Appeals Court ruling clarified issues relating to the jurisdiction of chancery courts in custody cases where there is a prior proceeding in a youth court involving the child.

Esther Dupree of West Point contacted NMRLS after she received a Final Notice Before Foreclosure Review on her home from USDA Rural Development. Ms. Dupree fell behind in her payments after she became ill and could no longer work. Ms. Dupree struggled for months to save her home and, despite her worsening medical condition, resorted to picking and selling

pecans to raise money for her mortgage payment. Her son had been assisting her financially, but was now unable due to the shut down of one of West Point's largest employers, Sara Lee. She attempted to resolve the issue with Rural Development by requesting a moratorium, but was denied. NMRLS Staff Attorney Nebra Porter undertook Ms. Dupree's case, and although foreclosure was imminent, Ms. Porter successfully negotiated a workout agreement which allowed Ms. Dupree to keep her home.

*"Thank God for Legal Services being able to help me and other low income families who see no way out of a helpless situation"-
Esther Dupree*

During the representation Ms. Porter became aware that her client had not filed a claim with the Social Security Administration. She was encouraged to file a claim immediately and if she was denied, she should contact our office for further representation. Ms. Dupree was denied benefits on this initial application. She appealed and NMRLS-West Point represented her in

that appeal. Paralegal Lonnie Wraggs was successful in obtaining Social Security disability benefits for Ms. Dupree. At the hearing the ALJ issued a bench decision immediately awarding benefits and substantial lump sum for past due benefits.

"Thank God for Legal Services being able to help me and other low income families who see no way out of a helpless situation" said Ms. Dupree. The help could not have come at a better time, for Ms. Dupree's home was again facing foreclosure. But thanks to the efforts of Ms. Porter and Ms. Wraggs she was able to save her home, and now has a monthly income to live on.



The West Point Staff with Executive Director Ben Cole.

Justice in Action...

- ◆ An NMRLS client gave a car dealer a substantial deposit on a vehicle, but the dealership would not provide the necessary paperwork for the client to get a tag. She did not pay the first payment, and the dealer repossessed the car, but refused to return her deposit. NMRLS got the deposit back for the client by contacting the bonding agency for the car dealership.
- ◆ A man who worked for years doing heavy manual labor as a shipyard welder had an injured back and broken knee, but was denied disability because it was believed he could perform light work. NMRLS attorneys represented him and proved to a judge the extent of the client's disability. His benefits were approved retroactive, and he was awarded a lump sum check and monthly disability payments.
- ◆ NMRLS attorneys appealed in U.S. District Court on behalf of a child who was denied Child's Insurance Benefits and Supplemental Security Income Benefits, even though the client's health care providers reported extremely low IQ scores, schizophrenia, and found the child unable to perform work-related activities. The appeal was ruled in favor of the client, and the court directed that the Social Security Administration to follow the Fifth Circuit rule that the opinion of the treating physician must be given controlling weight unless good cause is shown. *Newton v. Apfel*, 209 F. 3rd 448 (5th Cir. 2000).

TELEPHONE INTAKE HOTLINE: ANSWERING THE CALL

NMRLS has a telephone intake hotline to provide improved access to civil legal services for its client community. Under the direction of Intake Unit Manager Nora Rasco, the Hotline currently operates Monday, Tuesday and Thursday from 9:30 to 11:30 A.M. and 1:30 to 3:30 P.M. Qualified applicants receive counsel and advice, referral, or an appointment for extended services, if needed. You may also access specific legal information by visiting our statewide website www.mslegalservices.org.



INTAKE HOTLINE NUMBER 1-800-498-1804

HOUSING COUNSELING: PRESERVING HOMES

NMRLS is approved by HUD as a housing counseling agency. The types of housing counseling include:

- ◆ Mortgage Delinquency and Default Resolution
- ◆ Mobility and Relocation Counseling
- ◆ Fair Housing Assistance and Homebuyer Education Programs
- ◆ Services for the Homeless and Loss Mitigation
- ◆ Money/Debt Management,
- ◆ Pre-and Post-Purchase and Renters Assistance.



LOW INCOME TAXPAYER CLINIC: JUSTICE FOR ALL



TAXPAYER CLINIC HOTLINE NUMBER 1-888-808-8049

Under the leadership of Director Amanda Glover Evans, in 2008, the Low Income Taxpayer Clinic, a Mississippi Taxpayer Assistance Project:

- ◆ Represents and educates low-income and English-as-a-Second Language taxpayers
- ◆ Is independent from the IRS and Miss. Dept. of Revenue
- ◆ Provides the help of tax professionals to low-income taxpayers who have a dispute with the IRS
- ◆ Helps taxpayers who cannot afford to pay for legal or tax assistance
- ◆ Handles cases only under \$50,000 in dispute per tax year
- ◆ Provides educational outreach programs and services.



LITC Director Amanda Glover Evans speaks at the 2008 Elder Law Confer-

ELDER LAW PROJECT: HELPING SENIORS IN NEED

The Elder Law Project ,directed by Catherine V. “Ginny” Kilgore, in 2008:

- ◆ Presented community education programs
- ◆ Made on-site and home visits to the infirmed
- ◆ Involved law students and volunteers
- ◆ Helped seniors identify and report Medicare and Medicaid fraud and abuse
- ◆ Worked in partnership with the Mississippi Department of Human Services’ Division of Aging, Area Agencies on Aging and Three Rivers Agency on Aging to protect and serve Mississippi’s elderly population



Elder Law Project director “Ginny” Kilgore presents an educational program for seniors

Elder Law Conference 2008

Helping Seniors Survive in Hard Times



“Bluesman” by Kenneth J. Franklin,
the 2008 Conference Poster.

Each August Ms. Kilgore organizes the Elder Law Conference, which is held at the University of Mississippi School of Law and includes topics of interest and legislative updates for lawyers, social workers, students, academicians, and those interested in elder care issues. This year’s topics and speakers included Barry K. Jones on Ethical Issues in Elder Law, and Judge Jacqueline Estes Mask, who spoke on elder law issues from the bench’s point of view. The conference is sponsored by NMRLS and the Three Rivers Area Agency on Aging, and offers CLE credit for members of the Mississippi Bar, as well as .78 hours social work credit.

OUTREACH

NMRLS continued to expand its outreach efforts in 2008 with public service announcements on radio and newspapers, speaking appearances by our staff attorneys, and distribution of educational flyers and brochures in both English and Spanish. Our services are readily available to those in domestic violence shelters, and our staff traveled thousands of miles to outlying service areas to present educational programs and to meet with clients who are unable to come into one of our branch offices. The NMRLS websites, www.nmrls.com and the statewide website www.mslegalservices.org, provides information on our services as well as legal information for the public. In 2008, over 170,000 pages were viewed on the website.

CIVIL LAW CLINICS: TRAINING THE NEXT GENERATION

Elder Law Clinic



Elder Clinic students visit the home bound to help take care of legal needs.

The University Of Mississippi School Of Law is in its fifth year of providing clinical instruction to law students through the Elder Law Clinic. Catherine V. “Ginny” Kilgore, the Elder Law Project Director of NMRLS, serves as the adjunct professor, supervising the Clinic students. A goal of the clinic is to expand the availability of lawyers to represent the low income and frail elderly people residing in North Mississippi beyond those provided by LSC and AOA programs. Students learn skills to assist them in providing for the legal needs of this population as they gain hands-on experience and see the special legal problems of the elderly and disabled.

The students represent elderly and disabled clients on Medicaid, Medicare and other health care issues; planning issues, such as wills, powers of attorney, and advance health care directives; pension matters; public benefits; and other legal issues. The students develop written materials and conduct community education activities to inform the public about current legal topics. Additionally, the students participate in exercises related to Elder Law and report their findings to the class. The students may visit a nursing home or an assisted living facility with a long-term care ombudsman, go on an outreach to complete a will for a home-bound frail elderly individual, or an interview with a service provider to the elderly concerning the services available in their community.



The Elder Law Conference has become an important and well-attended annual statewide

Street Law Clinic

The Street Clinic is supervised by Minnie Howard, Managing Attorney of the Oxford office of NMRLS. Students in Ms. Howard’s class respond to questions on public benefits, disability benefits, unemployment benefits, divorce, custody and child support, basic contract and property law, consumer law, landlord-tenant law, and other issues. In some cases, students follow cases through to full litigation. In others, they assist with brief services and advice. Students also conduct interviews at the Oxford Litigation Center of NMRLS and serve as assistant counsel on litigation cases.

Civil Legal Clinic

The University of Mississippi School of Law operates the Civil Legal Clinical Program (Clinic), directed by Ole Miss Law School Professor Deborah H. Bell. The Clinic provides second and third year law students with opportunities to learn practical skills and substantive law by representing low-income clients under faculty supervision. The Mississippi Taxpayer Assistance Project began working with the University of Mississippi School of Law Civil Legal Clinic in the Fall of 2007. The clinics' dual functions of education and public service are accomplished through a law firm model in a classroom setting. Students meet weekly in class to learn substantive law and practical skills and to discuss ethical issues in clinic cases. Students are closely supervised by their professor/supervising attorney during all phases of their clinical education within the Tax Clinic.

Public Interest Law Internship Program

The U of M School of Law Public Interest Internship Program combines classroom and field-based components designed to prepare law students for careers as attorneys. Third-year law students are placed with NMRLS as interns in order to enable them to gain practical experience and to obtain a sense of the need for pro bono assistance within our community. These students are sworn in under Mississippi's Limited Practice Act, which enables them to serve as the client's counsel with supervision of an attorney. Students assist in direct legal services to low-income individuals by conducting intake, performing client and witness interviews, completing legal analysis of cases, petition and document preparation, carrying out legal research and writing, and with court preparation and participation. Casework is in a variety of subject areas in civil law including: federal taxation, wills and estates, landlord/tenant, divorce, child custody, guardianships, housing, bankruptcy, unemployment, Social Security, etc. Additionally, students engage in community education by assisting in outreach, educating individuals about their legal rights and current legal issues.

Independent Study and Volunteer Law Students

Second and third year U of M School of Law students have the ability to work with NMRLS in order to obtain independent study hours. These students receive one credit hour for every 50 hours of service with NMRLS. These students obtain practical legal experience while they assist in the provision of direct legal services to low income clients in Mississippi. NMRLS also accepts U of M School of Law students that would like the opportunity to volunteer with our organization in order to obtain hands on legal experience. These volunteers assist in-house on projects and cases. Additionally, these students provide assistance with educational outreach events and legal clinics in a variety of civil legal subject areas.

PARTNERS IN JUSTICE



Created by Congress in 1974, Legal Services Corporation (LSC) promotes equal access to justice by funding local programs such as NMRLS to provide high quality legal assistance to low-income Americans. LSC awards grants through a competitive process that is based mainly on the number of people living in poverty in a given area. These grants are maximized by partnering with other supporters of civil legal aids, including state and local government and the philanthropic and business communities. Every year LSC-funded programs assist about a million people who otherwise could not afford legal representation.



The Mississippi Volunteer Lawyers Project (MVLP) is a joint venture of The Mississippi Bar Association and Mississippi Legal Services programs. Through MVLP, over 1,600 attorneys volunteer their time and skills to benefit low income people . MVLP assisted more than 5,000 people in 2008. MVLP identifies areas of legal need, develops projects to meet these needs, and recruits volunteer lawyers and law firms to provide the needed legal services. In 2008, MVLP, in cooperation with the Ms. Center for Justice, the Ms. Center for Legal Services and twelve Ms. Law firms, developed a comprehensive volunteer attorney practice manual. This manual provides direction for PAI and pro bono attorneys and is a central piece of our recruitment tool. This resource is available online at www.probono.net/ms. MVLP's other responsibilities include managing a conflicts program, administering a weekly neighborhood homeless legal clinic, an annual training program for legal services and pro bono attorneys, placement and training for volunteer law students, a divorce clinic for the indigent, and administering Legal Line, a legal advice hotline, weekdays from 12 p.m. to 2 p.m. at **1-800-682-6423**.

CIVIL LEGAL ASSISTANCE FUND

Mississippi Supreme Court Justice Ann H. Lamar delivered a check for \$42,825 from the Civil Legal Assistance Fund to NMRLS on February 15 at the Clarksdale office. In 2003 the Mississippi Legislature created the CLAF. The Supreme Court collects a \$200 fee from out-of-state attorneys who represent clients in state courts, and a \$5 fee for each civil case filed in circuit and chancery courts. Since the fund was created in 2003, \$1,364,663 has been distributed to the Legal services entities and the Volunteer Lawyers Project. No tax dollars are involved. Justice Lamar said, "It is a pleasure to personally deliver this check to NMRLS. These people have worked diligently through the years to provide legal services to people in north Mississippi who would otherwise be without access to our justice system."



Justice Ann Lamar presents Ben Cole, Latoya Cherry and Tonya Powell with a check.

IOLTA Grants Aid NMRLS Programs



North Mississippi Rural Legal Services was able to expand its services to the poor thanks to a \$700,000 grant from the Interest on Lawyers Trust Accounts (IOLTA) grant award from the Mississippi Bar Foundation in 2008. The grant money will be used for attorney salaries as well as staff the toll-free telephone hotline.

“These new monies will help tremendously with the need to provide services to our clients, many of whom are turned away because we simply haven’t had the money to hire attorneys,” NMRLS Executive Director Ben Cole said. “We are appreciative to the Mississippi Supreme Court and to the Mississippi Bar Foundation for their continued support of legal services.”

“These new monies will help tremendously with the need to provide services to our clients, many of whom are turned away because we simply haven’t had the money to hire attorneys,” -Ben Cole II

The Interest on Lawyer Trust Accounts program was established by Order of the Mississippi Supreme Court as a source of funding to provide legal aid to the poor, to provide law related public education programs to the public and to improve the administration of justice. Since its inception in 1984 the IOLTA program has awarded over \$10 million in grants. For more information on the Mississippi Bar Foundation or the IOLTA program visit www.msbar.org.

IRS GRANT FOR THE LOW INCOME TAXPAYER CLINIC

The Mississippi Taxpayer Assistance Project, a Low Income Taxpayer Clinic, was awarded a \$100,000 matching grant by the Internal Revenue Service to provide residents of the state with free tax-related education and legal services. Under the leadership of Oxford staff attorney Amanda Glover Evans, the LITC used the grant funds to expand its outreach services, develop educational displays and produce a set of educational brochures in both English and Spanish that were distributed statewide. Ms. Evans travelled thousands of miles in 2008, speaking all over the state to groups about various legal and budget issues, ranging from Budgeting Basics, to How to Avoid Tax Scams and Frauds and Preventing Foreclosure.



“The mission of the LITC is twofold—to help them in resolving tax controversies with the IRS when they cannot afford representation and, just as important, to educate Mississippi taxpayers about their tax rights and responsibilities,” said Evans. “We hope to prevent people from getting into a controversy with the IRS in the first place.”

Though the project receives a portion of its funding from the IRS, the Project operates completely independent of the IRS.

ACCESS TO JUSTICE PUBLIC HEARING

The Mississippi Access to Justice Commission conducted a public hearing about the unmet civil legal needs of poor people on Oct. 20, 2008 in Greenwood. The Mississippi Supreme Court created the Mississippi Access to Justice Commission in 2006 to develop a unified strategy to improve poor people's access to the civil courts. Their task is to evaluate, develop and recommend policies, programs and initiatives which will assist the judiciary in meeting needs for civil legal services to the poor.

Second District U.S. Congressman Bennie Thompson hosted the hearing and Mississippi Supreme Court Justice Jess H. Dickinson served as moderator.

“The needs of the poor and working poor in Mississippi are particularly acute when legal problems come along. The resources are so limited, and those without money for a lawyer really have nowhere to turn,” Dickinson said.



Access to Justice Commission Co-Chair Joy Phillips (right) receives testimony from the client panel.



L to R: Court reporter, Circuit Court Judge Janie Lewis, Chancery Court Judge Marie Wilson, Greenwood attorney Floyd Melton III, and Greenville attorney Susan Smith

The Commission invited 15 people from around the Mississippi Delta that included attorneys who provide legal services to the poor, people who have been assisted by legal services providers, bar leaders, representatives of non-profit organizations which serve the poor, a domestic violence shelter program representative, clergy, community leaders and judges.

Justice Dickinson questioned the speakers and 30 minutes was allowed for public comments and questions from the audience. A listening panel, including judges, attorneys and community leaders from the Delta, asked questions and discussed the testimony.

The Access to Justice Commission will use the testimony as part of the basis for recommendations to the Supreme Court, the Mississippi Legislature and the Mississippi Bar to increase the availability of legal assistance in civil matters.

“The needs of the poor and working poor in Mississippi are particularly acute when legal problems come along. The resources are so limited, and those without money for a lawyer really have nowhere to turn.”

-Justice Jess H. Dickinson

DONATION FORM

Contribution Levels

- ◇ Guardian of Justice \$5,000-\$9,999
- ◇ Benefactor \$3,000-\$4,999
- ◇ Patron \$1,000-\$2,999
- ◇ Supporter \$500-\$999
- ◇ Friend \$200-\$499
- ◇ Other _____

Enclosed is my check for \$ _____

Please make your check payable to North Mississippi Rural Legal Services. NMRLS is a 501©(3) organization. All donations are tax deductible to the fullest extent allowed by law.

Name (as you would like to be listed)

Contact Name

City

State

Zip Code

Phone

Fax

E-mail

Mission Statement

Through constant training, self analysis and community involvement, provide to poor people, the highest quality of legal and technical assistance, which improves the daily quality of life, while contributing to the attainment of social, economic, and political equality.

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